

SCHEDULE 4

Amendments to and revocations of subordinate legislation

PART 3

Amendments relating to the introduction of statutory regulation of pharmacy technicians

Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003

28. In Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(1) (excepted professions, offices, employments, and occupations)—

(a) in Part 1 (professions), after paragraph 8 insert the following paragraph—

“**8A.** Registered pharmacy technician.”; and

(b) in Part 4 (interpretation), after the definition of “registered pharmacist” insert the following definition—

““registered pharmacy technician” means a person who is registered in the register maintained under article 21(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005

29. In article 5 of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005(2) (disclosure for medical purposes), in paragraph (2)(b)(iii), for “a pharmacist registered in Part 1 or 3 of the register maintained under article 10(1) of” substitute “a pharmacist or pharmacy technician registered in Part 1 or 3 of one of the registers maintained under articles 10(1) and 21(1) of”.

Amendment of the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007

30. In the Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007(3)—

(a) in rule 2 (interpretation), omit paragraph (2); and

(b) after rule 6, insert the following rule—

“Applications for registration in the Register of Pharmacy Technicians

6A.—(1) Subject to the following provisions of this rule, applicants for registration in Part 1 or 2 of the Register of Pharmacy Technicians shall apply using the relevant application form, which shall be in such form as the Council shall determine from time to time.

(2) The application form shall—

(a) require the applicant—

(1) [S.S.I. 2003/231](#); paragraph 8 in Part 1 was substituted by, and the definition of “registered pharmacist” in Part 4 was inserted by, [S.I. 2007/3101](#).

(2) [S.S.I. 2005/125](#).

(3) Scheduled to [S.I. 2007/441](#).

- (i) to specify the part of the register in which registration is sought, and if the applicant wishes to be registered in Part 2, to give the undertaking referred to in article 22(2) of the Order,
 - (ii) to provide the applicant's full home address and contact details (including a telephone number and electronic mail address, where possible),
 - (iii) to declare in terms that the applicant—
 - (aa) agrees, upon registration with the Society, to adhere to the standards, and
 - (bb) understands that, in the event that the applicant is found to have given false or misleading information in connection with the applicant's application for registration, the applicant may be removed from the register,
 - (iv) to provide any necessary supporting documentation, as mentioned in paragraph (3),
 - (v) to sign and date the application, and
 - (vi) in the case of persons who have qualified within Great Britain, to have the form countersigned and dated by a pharmacist who is registered in Part 1 of the Register of Pharmacists and who is in good standing with the Society;
 - (b) include a demand that the applicant pay any relevant prescribed fee; and
 - (c) request the applicant to provide information relating to the applicant's gender, ethnicity and any disability for monitoring purposes.
- (3) A person applying for registration in Part 1 or 2 of the Register of Pharmacy Technicians shall provide to the Registrar, together with the person's application form—
- (a) evidence of the person's identity in the form of—
 - (i) the person's passport (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist) or another document which is considered acceptable by the Registrar as proof of identity, and
 - (ii) a photograph which is signed and dated by a legal or health care professional, justice of the peace or person of standing in the community, who has known the person for at least two years and who certifies that the photograph is a true likeness of the person;
 - (b) where the person wishes to use a registered name which is different to the name given on the evidence of identity—
 - (i) the relevant marriage certificate or certificate of civil partnership (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist),
 - (ii) the relevant certificate of change of name (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist), or
 - (iii) evidence of the change of name in the form of a statutory declaration;
 - (c) evidence of the person's date of birth in the form of—
 - (i) the person's passport (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist) or the other document considered acceptable under paragraph (3)(a)(i), and
 - (ii) either—

- (aa) the person's birth certificate (or a true copy of it, certified by a notary or warranted to be a true copy by a registered pharmacist),
or
 - (bb) a statutory declaration;
- (d) sufficient evidence (in the opinion of the Registrar) that the person is appropriately qualified;
- (e) where the person is an exempt person who is an applicant for the purposes of Chapter 1 of Part 3 of the General Systems Regulations ("E"), sufficient evidence (in the opinion of the Registrar) of that fact;
- (f) in the case of E, sufficient information (in the opinion of the Registrar) about the person's knowledge and standards of practice, wherever acquired, to determine whether the person should be registered or be subject to a period of adaptation or aptitude test;
- (g) as regards the good physical and mental health of the person—
 - (i) in the case of E—
 - (aa) a document (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar), issued by the competent authorities in E's attesting State no more than three months prior to the date on which it is presented to the Registrar, which attests to E's good physical and mental health and which is required of a person who wishes to practise as a pharmacy technician in E's attesting State, or
 - (bb) if no such document is required, a certificate (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar) issued by the competent authorities in E's attesting State no more than three months prior to the date on which it is presented to the Registrar, which attests to E's good physical and mental health, or
 - (ii) in the case of any other person (or if E chooses to attest to their physical or mental health in this way) a self declaration, in the form determined by the Council from time to time, of the person's good physical and mental health, which is signed and dated by the person;
- (h) as regards the fitness to practise of the person, apart from their physical or mental health, in the case of E—
 - (i) any standard documentation (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar) that is made available by the competent authorities of E's attesting State to persons wishing to take up the profession of pharmacy technician in another State in order to demonstrate that E would be considered fit to practise a regulated profession in E's attesting State, and
 - (ii) if the competent authorities of E's attesting State do not make available certificates attesting to a person's good character or repute to persons wishing to take up the profession of pharmacy technician in another State, a declaration on oath or solemn declaration made by E before a competent judicial or administrative authority, notary or qualified professional body in E's attesting State attesting to E's good character or repute (which, if it is not in English, the Registrar may require to be translated by a professional translator acceptable to the Registrar),

which must be dated no more than three months prior to the date on which it is presented to the Registrar;

- (i) a self declaration in respect of the person’s fitness to practise, in the form determined by the Council from time to time, which is signed and dated by the person;
 - (j) except in the case of E, the additional information or documentation, where applicable, set out in paragraph (4); and
 - (k) such other documents, information or evidence as the Registrar may reasonably require for the purposes of verifying the information in, or determining, the application.
- (4) The additional information or documentation referred to in paragraph (3)(j) is—
- (a) a completed and signed application form and authorisation for the Registrar to obtain a certificate of enhanced disclosure from the Criminal Records Bureau;
 - (b) where the applicant has previously obtained a certificate of standard or enhanced disclosure from the Criminal Records Bureau for the purpose of applying to be entered on a list of performers or providers of pharmaceutical services as part of the health service, a true copy (certified by a notary or warranted to be a true copy by a registered pharmacist) of that certificate;
 - (c) where the applicant has been the subject of a determination by a regulatory body that the applicant’s fitness to practise is impaired, or a determination to the same effect, details of any investigations, the proceedings and the outcome;
 - (d) in the case of an applicant who has been registered and has practised as a pharmacist or pharmacy technician outside Great Britain, a certificate of good standing or current professional status issued no more than six months prior to the date of the application by the appropriate authority of every country in which the applicant has been registered and has practised as a pharmacist or pharmacy technician within the five years immediately preceding the date of the application.
- (5) Before deciding whether or not an applicant’s fitness to practise is impaired for reasons other than adverse physical or mental health, the Registrar may seek the advice of the Disciplinary Committee in respect of the application.
- (6) In making a decision about an applicant’s good character, the Registrar shall have regard to the matters set out in the Society’s Good Character Assessment Framework published by the Council under article 45(1) of the Order.
- (7) Before deciding whether or not an applicant’s fitness to practise is impaired because of adverse physical or mental health, the Registrar may seek the advice of the Health Committee in respect of the application.
- (8) The Registrar shall refuse the application if the applicant does not pay the relevant prescribed fee.
- (9) For the purposes of this rule, “attesting State” means the relevant European State in which E obtained their qualification as a pharmacy technician or, if different, the relevant European State from which E comes to Great Britain.”; and
- (c) in rule 12 (applications for restoration within twelve months of specified removals from the register), in paragraph (1)(a), after “article 17(2)(b)” insert “, 28(2)(b)”.

Amendment of the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Disqualification etc.) Rules 2007

31. In the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Disqualification etc.) Rules 2007(4), in rule 2 (interpretation), omit paragraph (3).

Amendment of the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Registration Appeals Committees and their Advisers) Rules 2007

32. In the Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Registration Appeals Committees and their Advisers) Rules 2007(5)—

- (a) in rule 2 (interpretation), omit paragraph (2); and
- (b) in rule 5 (appointments group), in paragraph (2)—
 - (i) in sub-paragraph (c), before “pharmacists” insert “registered”, and
 - (ii) in sub-paragraph (d), before “pharmacy technician” insert “registered”.

Amendment of the European Communities (Recognition of Professional Qualifications) Regulations 2007

33. In the European Communities (Recognition of Professional Qualifications) Regulations 2007(6)—

- (a) in Schedule 1 (regulated professions), in Part 1 (professions regulated by law or public authority)—
 - (i) in the column headed “profession”, after the entry for “Patent Attorney and Patent Agent” insert a new entry “Pharmacy Technician in Great Britain”, and
 - (ii) in the column headed “Competent Authority”, opposite “Pharmacy Technician in Great Britain” insert a new entry “The Royal Pharmaceutical Society of Great Britain”; and
- (b) in Schedule 2 (regulated professions having public health or safety implications), after “Paramedic” insert “Pharmacy Technician in Great Britain”.

(4) Scheduled to [S.I. 2007/442](#).

(5) Scheduled to [S.I. 2007/561](#).

(6) [S.I. 2007/2781](#).