
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Pharmacy Order 2010

PART 4

Registration

Pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists

21.—(1) For the purposes of article 20(1)(a)(i), a person (“P”) is “appropriately qualified” as a pharmacist if—

- (a) P has a qualification awarded in Great Britain which has been approved by the Council as attesting to a standard of proficiency for the safe and effective practice of pharmacy that, in the Council’s opinion, it is necessary for a person to achieve in order to be entered in Part 1 of the Register (and so is also a recognised pharmacy qualification within other relevant European States);
- (b) P is an exempt person and has a qualification which the Privy Council has by order designated as being an approved qualification for the purpose of entry in Part 1 of the Register;
- (c) P is an exempt person—
 - (i) whose case falls within regulation 3(9)(a) or (e) of the General Systems Regulations,
 - (ii) to whom regulations 20 to 26 of those Regulations apply by reason of the operation of regulation 3(4) of those Regulations, and
 - (iii) who is permitted to pursue the profession of pharmacist in Great Britain by virtue of Part 3 of those Regulations; or
- (d) subject to paragraph (2), P has, elsewhere than in Great Britain, undergone training as a pharmacist, and—
 - (i) holds a qualification which has been approved by the Council as attesting to a standard of proficiency for the safe and effective practice of pharmacy that, in the Council’s opinion, it is necessary for a person to achieve in order to be entered in Part 1 of the Register, or
 - (ii) holds a qualification which—
 - (aa) in the case where P is an exempt person who does not have a qualification referred to in sub-paragraph (b) and to whom sub-paragraph (c) does not apply, taken together with P’s additional education, training or experience acquired elsewhere than in Great Britain (but at least in part within the European mutual recognition area) indicates that P has met the standard of proficiency for the safe and effective practice of pharmacy that, in the Council’s opinion, it is necessary for a person to achieve in order to be entered in Part 1 of the Register, or

(bb) whether or not P is an exempt person, taken together with the additional education, training or experience that the Registrar requires P to undertake pursuant to article 20(1)(a)(iii), indicates that P has met the standard of proficiency for the safe and effective practice of pharmacy that, in the Council's opinion, it is necessary for a person to achieve in order to be entered in Part 1 of the Register.

(2) For the purposes of article 20(1)(a)(i), an exempt person who holds a qualification in pharmacy which—

- (a) was granted otherwise than in a relevant European State; and
- (b) has not previously been accepted by a relevant European State as qualifying that person to practise as a pharmacist in that State,

is “appropriately qualified” only if the qualification is evidence of training in pharmacy that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 44 of the Directive (training as a pharmacist).

(3) An order under paragraph (1)(b) may provide that a qualification is only to be considered an approved qualification in such circumstances, or subject to such conditions, as are specified in the order.

(4) For the purposes of an application for entry in Part 1 of the Register, the Registrar must not require any exempt person to whom paragraph (1)(b), (c) or (d)(ii)(aa) applies to meet any requirements as to additional education, training or experience unless—

- (a) the application is for restoration to the Register; and
- (b) in so doing, the Registrar is acting in a manner that is consistent with the requirements of the Treaties and the Directive.

(5) In formulating its opinion under paragraph (1)(d)(ii) in relation to P, where P is an exempt person, the Council must—

- (a) if P holds a qualification granted outside of the European mutual recognition area which has been accepted by another relevant European State as qualifying P to practise as a pharmacist in that State, take into account the acceptance of that qualification; and
- (b) take into account all of P's relevant qualifications, knowledge and experience, wherever acquired.

(6) For the purposes of article 20(1)(a)(iii), where P—

- (a) is a person to whom paragraph (1)(a) or (d)(i) or (ii)(bb) applies; and
- (b) is not an exempt person,

the Registrar may require P to meet requirements as to additional education which comprise or include reaching an adequate standard of proficiency in the knowledge and use of English.