
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Pharmacy Order 2010

PART 4

Registration

Form, manner and content of applications for entry or for renewal of an entry in the Register: pharmacists and pharmacy technicians

23.—(1) The Council may make such provision in rules as it considers appropriate in connection with applications for entry, or for the renewal of an entry, in Part 1 of the Register as a pharmacist or in Part 2 of the Register as a pharmacy technician and may, in particular, make provision with regard to—

- (a) the form and manner in which applications are to be made (and the rules may provide that applicants must apply using application forms and presenting certificates that are in such form as the Council may determine from time to time);
 - (b) the time prior to an entry ceasing to be valid by which an application for the renewal of the entry must have been received by the Registrar;
 - (c) the information to be provided by or in respect of the applicant, including—
 - (i) the name under which the applicant practises or intends to practise,
 - (ii) the applicant's home address,
 - (iii) where the applicant is a national of the United Kingdom who is not an exempt person, proof of nationality;
 - (iv) where the applicant is an exempt person—
 - (aa) proof of nationality of a relevant European State, or
 - (bb) if the applicant is not a national of a relevant European State, proof of the Community right by virtue of which the applicant is an exempt person, and
 - (v) the information to be provided for the purposes of determining whether the applicant's fitness to practise is impaired; and
 - (d) consultation about the application with the Fitness to Practise Committee or the Investigating Committee.
- (2) The Registrar may, in relation to an applicant—
- (a) refuse to enter the applicant in the Register; or
 - (b) refuse to renew the entry of the applicant in the Register,

if the applicant fails to comply with, or if in respect of the applicant there is a failure to comply with, rules made under paragraph (1).

(3) If a registrant fails to comply with rules made under paragraph (1) in respect of an application for the renewal of an entry relating to the registrant in the Register, the failure may also be treated as misconduct for the purposes of article 51(1)(a) and the Registrar must consider, in accordance with

article 52(1), whether or not to refer the matter to the Investigating Committee or (where rules under article 52(1) so provide) to the Fitness to Practise Committee.

(4) Paragraphs (5) to (8) apply to an exempt person (“E”)—

- (a) to whom article 21(1)(b) or (c) or article 22(1)(b) applies; and
- (b) who is making an application for entry in Part 1 or Part 2 of the Register.

(5) For the purpose of determining whether E’s fitness to practise is impaired, the Registrar must accept as sufficient evidence of E’s health a certificate which—

- (a) confirms that there is no problem with E’s physical or mental health that would impair E’s fitness to practise as a pharmacist or, as the case may be, a pharmacy technician; and
- (b) is required of a person who wishes to practise as a pharmacist or, as the case may be, a pharmacy technician in E’s attesting State.

(6) If no such certificate is required of such a person in E’s attesting State, the Registrar must, for the purpose of determining whether E’s fitness to practise is impaired, accept as sufficient evidence of E’s health a certificate which—

- (a) confirms that there is no problem with E’s physical or mental health that would impair E’s fitness to practise as a pharmacist or, as the case may be, a pharmacy technician; and
- (b) is issued by a competent authority in E’s attesting State.

(7) For the purpose of determining whether E’s fitness to practise is impaired, the Registrar must accept as sufficient evidence of E’s good character a certificate which—

- (a) attests to E’s good character or good repute; and
- (b) is issued by a competent authority in E’s attesting State.

(8) If no such certificate is issued by a competent authority in E’s attesting State, the Registrar must, for the purpose of determining whether E’s fitness to practise is impaired, accept as sufficient evidence of E’s good character a certificate (or certificates)—

- (a) attesting to the authenticity of a declaration on oath made by E—
 - (i) before a competent judicial or administrative authority, notary, or qualified professional body in E’s attesting State, and
 - (ii) attesting to E’s good character; and
- (b) issued by the authority, notary or body referred to in sub-paragraph (a)(i).

(9) In paragraphs (5) to (8) the “attesting State”, in relation to E, is—

- (a) the relevant European State in which E’s qualification in pharmacy was obtained; and
- (b) (if different), the relevant European State from which E comes to Great Britain.

(10) In paragraph (8)(a) “declaration on oath” includes a solemn declaration.

(11) The Registrar must not accept any certificate referred to in paragraph (5), (6), (7) or (8) if it is presented more than three months after the date on which it was issued.