

---

DRAFT STATUTORY INSTRUMENTS

---

**2010 No.**

**The Pharmacy Order 2010**

**PART 6**

Fitness to practise

**The taking effect of directions in respect of appealable fitness to practise decisions**

**59.**—(1) Where an appealable fitness to practise decision is taken in respect of a direction, that direction does not take effect—

- (a) until the period for bringing an appeal in respect of the direction has expired; or
- (b) where an appeal is brought within the period for bringing an appeal, until the date on which the appeal is finally disposed of, is abandoned or fails by reason of its non-prosecution.

(2) Where, by virtue of paragraph (3) of article 58, the time for bringing an appeal in respect of the direction has been extended by the relevant court in accordance with rules of court—

- (a) paragraph (1) applies to the direction as if the references to the period for bringing an appeal were references to that period as so extended; and
- (b) if the relevant court allows an appeal to be brought after the expiration of the period for bringing an appeal specified in paragraph (3) of article 58, the direction is deemed not to have taken effect on the expiration of that period.

(3) Where, within the period for bringing an appeal (which includes that period as extended by virtue of article 58(3)), an appeal is brought against an appealable fitness to practise decision in respect of a direction (“the later direction”) that extends, varies or replaces an earlier direction, the earlier direction continues to have effect until the date on which the appeal is finally disposed of, is abandoned or fails by reason of its non-prosecution.

(4) Where, as a result of an extension of an earlier direction pursuant to paragraph (3), a later direction takes effect on a date after it was due to take effect, the period for which the later direction was originally expressed to have effect (howsoever expressed) is treated as commencing—

- (a) on the date on which it was originally due to take effect; or
- (b) if this would mean that the later direction would in practice expire before it commences, on the date on which the appeal is finally disposed of, is abandoned or fails by reason of its non-prosecution.

(5) For the purposes of paragraphs (3) and (4), an appeal is finally disposed of once all rights in relation to the appeal have been exhausted.