
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Pharmacy Order 2010

PART 2

The Council and its Committees

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4.—(1) There is to be a body corporate known as the General Pharmaceutical Council (“the Council”).

(2) The Council is to be constituted as provided for by an order of the Privy Council made under this article subject to the provisions of Schedule 1 to this Order.

(3) The principal functions of the Council are—

- (a) to establish and maintain a register of pharmacists, pharmacy technicians and premises at which a retail pharmacy business is, or is to be, carried on;
- (b) to set and promote standards for the safe and effective practice of pharmacy at registered pharmacies;
- (c) to set requirements by reference to which registrants must demonstrate that their fitness to practise is not impaired;
- (d) to promote the safe and effective practice of pharmacy by registrants (including, for example, by reference to any code of conduct for, and ethics relating to, pharmacy);
- (e) to set standards and requirements in respect of the education, training, acquisition of experience and continuing professional development that it is necessary for pharmacists and pharmacy technicians to achieve in order to be entered in the Register or to receive an annotation in the Register and to maintain competence; and
- (f) to ensure the continued fitness to practise of registrants.

(4) The Council has the functions conferred on it by this Order and such other functions as may be conferred on it by the Privy Council by order.

(5) Before making an order under paragraph (4), the Privy Council must consult the Council.

(6) The Council must have the following committees—

- (a) the Investigating Committee;
- (b) the Fitness to Practise Committee; and
- (c) the Appeals Committee,

and each of those committees has the functions assigned to it by or under this Order.

(7) The Council may establish such other committees as it considers appropriate in connection with the discharge of its functions and may delegate any of its functions to them, except any power to make rules.

(8) Schedule 1 makes further provision about the Council, its committees, its staff, its publications and its accounts.

Standards and requirements: consultation and review

5.—(1) Before setting any standards or requirements under this Order, the Council must consult such persons as it considers appropriate including, where it considers appropriate, persons appearing to it to represent—

- (a) registrants;
- (b) employers of registrants;
- (c) professional bodies or organisations appearing to the Council to represent registrants;
- (d) users of the services of registrants;
- (e) persons or bodies commissioning or funding the services provided by registrants or at registered pharmacies;
- (f) persons carrying on a retail pharmacy business at a registered pharmacy; and
- (g) persons or bodies providing, assessing, regulating or funding education and training for registrants or prospective registrants.

(2) The Council must keep the standards and requirements set under this Order under review and may vary or withdraw any of those standards and requirements whenever it considers it appropriate to do so.

(3) Paragraph (1) applies to the variation or withdrawal of standards or requirements as it applies to the setting of standards or requirements.

The Council's general duties

6.—(1) The main objective of the Council (including its staff and committees) in exercising such of its functions as affect the health, safety or well-being of members of the public is to protect, promote and maintain the health, safety and well-being of members of the public, and in particular of those members of the public who use or need the services of registrants, or the services provided at a registered pharmacy, by ensuring that registrants, and those persons carrying on a retail pharmacy business at a registered pharmacy, adhere to such standards as the Council considers necessary for the safe and effective practice of pharmacy.

(2) In exercising its functions, the Council (including its staff and committees) must—

- (a) have proper regard to—
 - (i) the interests of persons using or needing the services of registrants in Great Britain,
 - (ii) the interests of all registrants and prospective registrants, and any differing interests of registered pharmacists and registered pharmacy technicians or groups within those professions, and
 - (iii) the interests of persons carrying on a retail pharmacy business at a registered pharmacy; and
- (b) co-operate, in so far as is appropriate and reasonably practicable, with persons concerned with—
 - (i) the employment (whether or not that employment is under a contract of service) of registrants,
 - (ii) the education or training of registrants, prospective registrants or other health or social care professionals,
 - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and
 - (v) the provision, supervision or management of health services.

(3) In carrying out its duty to co-operate under paragraph (2)(b), the Council must have regard to any differing considerations relating to practising as a pharmacist or as a pharmacy technician which apply in England, Scotland or Wales.

(4) In paragraph (2), “other health care professionals” means persons regulated by a body, other than the Council, mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002⁽¹⁾.

(1) 2002 c.17. Section 25(3) was amended by paragraph 17 of Schedule 10 to the Health and Social Care Act 2008 (c.14).