
STATUTORY INSTRUMENTS

1996 No. 1405

PHARMACISTS

**The Pharmaceutical Qualifications
(Recognition) Regulations 1996**

<i>Made</i>	- - - -	<i>29th May 1996</i>
<i>Laid before Parliament</i>		<i>6th June 1996</i>
<i>Coming into force</i>	- -	<i>28th June 1996</i>

The Secretary of State, being designated for the purposes of, and in exercise of the powers conferred on him by, section 2(2) of the European Communities Act 1972⁽¹⁾ and of all other powers so enabling him, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Pharmaceutical Qualifications (Recognition) Regulations 1996 and shall come into force on 28th June 1996.

Amendments of the Pharmacy Act 1954

2.—(1) Section 4A of the Pharmacy Act 1954⁽²⁾ (qualification for registration by appropriate European Diploma) shall be amended as follows.

(2) After subsection (1), there shall be inserted the following subsection:—

“(1A) Any person who—

(a) is not a national of a member State, but

(b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68⁽³⁾ or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of pharmacy, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1) above as if he were such a national.”.

(1) 1972 c. 68; S. I. 1995/3207 designates the Secretary of State for the purposes of section 2(2) in respect of measures relating to the access to, the training for, the pursuit of, and the award of qualifications in, among other professions, pharmacy.
(2) 1954 c. 61; section 4A and Schedule 1A were inserted by S. I. 1987/2202.
(3) OJ No. L 257, 19.10.68, p. 2 (OJ/SE 1968 II) p. 475 amended by Council Regulation (EEC) No. 312/76 (OJ No. L039, 14.02.76, p. 0002).

(3) In subsection (2), the word “and” at the end of paragraph (a) shall be omitted and after paragraph (b) there shall be added the following paragraph:—

“(c) any diploma in pharmacy which is not so specified but is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.”.

(4) In subsection (3)—

(a) in paragraph (a), from the word “guarantees” to the word “undergone” there shall be substituted the words “is evidence of”; and

(b) for paragraph (b), there shall be substituted the following paragraph—

“(b) in the case of any diploma falling within subsection (2) (b) of this section—

(i) the diploma is evidence of training which would satisfy the requirements of Article 2 of the Pharmacists Training Directive and is treated by the competent authorities of the member State in which it was awarded as equivalent to a diploma specified in Schedule 1A to this Act; or

(ii) the competent authorities of any member State have certified that the holder of the diploma has lawfully practised pharmacy for at least three consecutive years during the five years preceding the date of the certificate.”.

(5) After subsection (3), there shall be inserted the following subsection:—

“(3A) A diploma such as is mentioned in subsection (2)(c) of this section is not an appropriate European diploma for the purposes of this section unless—

(a) it entitles its holder to practise pharmacy throughout the territory of Germany on the same conditions as those applying to the holder of a diploma specified in paragraph 4(1) of Schedule 1A to this Act; and

(b) the competent authorities in Germany have certified that the holder of the diploma has lawfully practised pharmacy in Germany for at least three consecutive years during the five years preceding the date of the certificate.”.

(6) In subsection (4)—

(a) after paragraph (a), there shall be inserted the following paragraph—

“(aa) the satisfaction of the condition specified in paragraph (b)(i) of the said subsection (3), or paragraph (a) of subsection (3A), may be established by the production of a certificate of the competent authorities of the member State in which the diploma was awarded, or otherwise,”; and

(b) in paragraph (b), for the words “or (b)” there shall be inserted the words “or (b)(ii), or paragraph (b) of subsection (3A),”.

(7) in subsection (6), in the definition of “competent authorities” after “85/584/EEC”(4) there shall be inserted the words “and Community Council Directive 90/658/EEC(5)”;

3. In Schedule 1A to the Pharmacy Act 1954 (qualifying European diplomas), subparagraph (2) of paragraph 4 (Germany) shall be repealed.

(4) OJ No. L 732, 31.12.85, p. 42.

(5) OJ No. L 353, 17.12.90, p. 73.

29th May 1996

Stephen Dorrell
One of Her Majesty's Principal Secretaries of
State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pharmacy Act 1954 (“the 1954 Act”) which regulates the practice of pharmacy in Great Britain.

Regulation 2(2) amends section 4A to apply subsection (1) to persons who are not nationals of a member State so far as is necessary to enable a right under Article 11 of Regulation (EEC) No. 1612/68 (workers' families), or any other enforceable Community right, to be exercised.

Paragraphs (3) to (6) of regulation 2 amend section 4A of the 1954 Act by providing for further qualifications to be regarded as appropriate European diplomas for the purposes of that section. They implement Articles 6(2) and 6a of Directive 85/433/EEC, inserted by Article 7(2) and (3) of Directive 90/658/EEC. That Directive makes amendments consequent on the unification of Germany to Directives on the recognition of professional qualifications. It also provides for the recognition of other pharmaceutical qualifications awarded in member States.

Regulation 2(7) makes a minor amendment to the definition of “competent authorities” in section 4A(6).

Regulation 3 repeals part of the entry relating to Germany in Schedule 1A to the 1954 Act in implementation of Article 7(1) of Directive 90/658/EEC.