
STATUTORY INSTRUMENTS

2007 No. 3101

**The European Qualifications (Health and
Social Care Professions) Regulations 2007**

PART 5

**PHARMACISTS AND PHARMACY TECHNICIANS: THE
PHARMACISTS AND PHARMACY TECHNICIANS ORDER 2007**

Insertion of Schedules A1 and A2

97. Before Schedule 1 insert—

“SCHEDULE A1

Article 18A

VISITING PHARMACISTS FROM RELEVANT EUROPEAN STATES

Application and interpretation

1. This Schedule applies to an exempt person who is lawfully established as a pharmacist in a relevant European State other than the United Kingdom.

2. In this Schedule—

- (a) a “visiting practitioner” means an exempt person to whom this Schedule applies;
- (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established as a pharmacist; and
- (c) a reference to the provision of occasional pharmacy services is a reference to the provision of services as a pharmacist in Great Britain on a temporary and occasional basis.

Registration in respect of provision of occasional pharmacy services

3.—(1) A visiting practitioner is entitled to be registered in Part 3 of the Register of Pharmacists if the practitioner is entitled under paragraph 4 or 7 to provide occasional pharmacy services; and the Registrar shall give effect to the entitlement.

(2) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in Part 3 of the Register of Pharmacists, but who is not registered in that part of that register, shall be treated as registered in that part of that register.

(3) Sub-paragraph (4) applies where a person's entitlement under sub-paragraph (1) to be registered in Part 3 of the Register of Pharmacists ceases because, by reason of the operation of paragraph 8(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional pharmacy services.

(4) If the person's name is registered in Part 3 of the Register of Pharmacists, the Registrar may remove the person's name from that part of that register.

(5) Sub-paragraphs (1) to (4) are not to be taken to prejudice the application, in relation to persons registered in the Register of Pharmacists on the basis of entitlement under sub-paragraph (1), of any other provision of this Order under which a registered pharmacist's name may be removed from the Register of Pharmacists or under which a registered pharmacist's registration in that register may be suspended.

Entitlement to provide occasional pharmacy services: first year

4. A visiting practitioner is entitled to provide occasional pharmacy services if—
- (a) the practitioner has complied with the requirements of paragraph 5, and
 - (b) where the practitioner's case falls within regulation 3(9)(a) or (e) of the General Systems Regulations, the provision by the practitioner of occasional pharmacy services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),

but paragraph 8 contains provision about the duration of entitlement under this paragraph.

First provision of services: required documents

5.—(1) A visiting practitioner who proposes to provide occasional pharmacy services for the first time must, before providing any such services, send or produce to the Registrar the required documents.

- (2) The required documents are—
- (a) a written declaration that—
 - (i) states the practitioner's wish to provide occasional pharmacy services, and
 - (ii) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability;
 - (b) if the practitioner is a national of a relevant European State, proof of nationality;
 - (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
 - (d) evidence of qualifications in pharmacy (see paragraph 6); and
 - (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
 - (i) that the practitioner is lawfully established as a pharmacist in that State, and
 - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a pharmacist there.

(3) A declaration under sub-paragraph (2)(a) may be supplied by any means.

6.—(1) Subject to sub-paragraph (3), the evidence referred to in paragraph 5(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the pharmacy services that the practitioner proposes to provide in Great Britain on a temporary and occasional basis.

(2) This sub-paragraph applies to a visiting practitioner whose case falls within regulation 3(9)(a) or (e) of the General Systems Regulations (with the result that the

practitioner is not entitled to provide occasional pharmacy services unless their provision by the practitioner is in accordance with regulations 14 to 16 of those Regulations).

(3) If sub-paragraph (2) applies to a visiting practitioner, the evidence referred to in paragraph 5(2)(d) of the practitioner's qualifications in pharmacy is evidence of the qualifications which entitle the practitioner to practise as a pharmacist in his home State.

(4) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

Entitlement to provide occasional pharmacy services after first year: renewals

7.—(1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional pharmacy services.

(2) The visiting practitioner is entitled to continue to provide occasional pharmacy services, but paragraph 8 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Schedule to provide occasional pharmacy services;
- (b) who has been previously entitled under this Schedule to provide occasional pharmacy services; and
- (c) whose registration in Part 3 of the Register of Pharmacists is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional pharmacy services but, in a case where the practitioner's name is not in Part 3 of the Register of Pharmacists as a result of removal otherwise than under paragraph 3(4), only if the Registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed. Paragraph 8 contains provision about the duration of entitlement under this sub-paragraph.

(5) In relation to a visiting practitioner "the required renewal documents" are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph "renewal declaration", in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner's wish to provide occasional pharmacy services in a further year; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 5,
- (b) is not a declaration under paragraph 5(2)(a), and
- (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the registrar is an "evidence of change document" for the purposes of sub-paragraph (5)(b).

- (8) A renewal declaration supplied under this paragraph may be supplied by any means.

Duration of entitlement to provide occasional pharmacy services

8.—(1) Unless an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 7(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to provide occasional pharmacy services ceases if—

- (a) the visiting practitioner concerned becomes established as a pharmacist in the United Kingdom; or
- (b) a disqualifying decision is made against the visiting practitioner concerned.

(6) In sub-paragraph (5) “disqualifying decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner's home State that has the effect that the practitioner—

- (a) ceases in that State to be registered or otherwise officially recognised as a pharmacist; or
- (b) is prohibited (whether on a permanent or temporary basis) from practising as a pharmacist in that State.

(7) If in the case of a visiting practitioner—

- (a) the practitioner's registration in Part 3 of the Register of Pharmacists is suspended or the practitioner's name is removed from that part of that register, and
- (b) immediately before the time when the suspension or (as the case may be) removal takes effect, the practitioner is entitled under this Schedule to provide occasional pharmacy services,

that entitlement ceases at that time.

Conditions

9.—(1) Paragraph (2) applies if—

- (a) the establishment of a visiting practitioner in the practitioner's home State is subject to a condition relating to the practitioner's practice as a pharmacist;
- (b) the practitioner's name is registered in Part 3 of the Register of Pharmacists; and

(c) for any of the purposes of this Order it falls to be decided whether the practitioner's fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional pharmacy services that is, or would be if the condition applied in relation to practice as a pharmacist outside the practitioner's home State, a breach of the condition.

(3) In paragraphs (1) and (2) "condition" includes limitation.

SCHEDULE A2

Article 64A

DIRECTIVE 2005/36: FUNCTIONS OF THE SOCIETY UNDER ARTICLE 64A(2)

<i>Provision of Directive</i>	<i>Function of Society</i>
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established as pharmacists in Great Britain.
Article 8(1)	Receiving information from, or providing information to, other competent authorities in relation to— <ul style="list-style-type: none"> (a) the legality of a person's establishment as a pharmacist; (b) the good conduct of such a person; (c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing services as a pharmacist.
Article 23(1)	Issuing certificates of effective and lawful practice in Great Britain to pharmacists.
Article 23(6)	Issuing certificates stating that GB pharmacy qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.6.2 of Annex V to the Directive, certify successful completion of training in pharmacy that is in accordance with article 44 of the Directive or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 44 of the Directive.
Article 50(1) and paragraph 1(b) of Annex VII	Providing information to other competent authorities concerning the training in Great Britain of a pharmacist to whom Chapter 1 of Part 3 of the General Systems Regulations applies.
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of practice as a pharmacist, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that evidence of GB pharmacy qualifications is that covered by the Directive.

- Article 50(2) In cases of justified doubts—
- (a) requiring confirmation of the authenticity of non-UK pharmacy qualifications;
 - (b) requiring confirmation that holders of non-UK pharmacy qualifications satisfy the minimum training conditions set out in article 44 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions;
 - (c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's GB pharmacy qualifications;
 - (d) providing confirmation that holders of GB pharmacy qualifications satisfy the minimum training conditions set out in article 44 of the Directive or under article 22(a) of the Directive are to be treated as satisfying those conditions.
- Article 50(3) In cases of justified doubts—
- (a) verifying information provided in connection with non-UK pharmacy qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
 - (b) providing information in connection with a person's GB pharmacy qualifications awarded following training in another relevant European State.
- Article 56(1) Ensuring the confidentiality of information exchanged with other competent authorities.
- Article 56(2) Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for the practice of the profession of pharmacist.
- Where such information is received by the Society—
- (a) examining the veracity of the circumstances;
 - (b) deciding the nature and scope of any investigations that need to be carried out;
 - (c) informing other competent authorities of the Society's conclusions.”
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Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2007, Section 97.