

2021 No. 26

HEALTH CARE AND ASSOCIATED PROFESSIONS

PHARMACY

**The General Pharmaceutical Council (Coronavirus)
(Amendment) Rules Order of Council 2021**

<i>Made</i> - - - -	<i>12th January 2021</i>
<i>Laid before Parliament</i>	<i>14th January 2021</i>
<i>Laid before the Scottish Parliament</i>	<i>14th January 2021</i>
<i>Coming into force</i> - -	<i>4th March 2021</i>

At the Council Chamber, Whitehall, the 12th day of January 2021

By the Lords of Her Majesty's Most Honourable Privy Council

The General Pharmaceutical Council has made the General Pharmaceutical Council (Coronavirus) (Amendment) Rules 2021, which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 19(3), 61(1), (2)(a), (3)(a) and (6)(b), 66(1) of, and paragraph 5(1)(a) and (d) of Schedule 1 to, the Pharmacy Order 2010(a).

In accordance with article 66(3) of that Order, the General Pharmaceutical Council has consulted such persons or organisations as it considered appropriate.

By virtue of article 66(4) of that Order, such rules cannot come into force until approved by order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Pharmaceutical Council (Coronavirus) (Amendment) Rules Order of Council 2021 and comes into force on 4th March 2021.

Privy Council Approval

2. Their Lordships, having taken the Rules as set out in the Schedule to this Order into consideration, are pleased to, and do, approve them.

Richard Tillbrook
Clerk of the Privy Council

(a) S.I. 2010/231; relevant amending instruments are S.I. 2015/806 and 2016/372.

The General Pharmaceutical Council (Coronavirus) (Amendment) Rules 2021

The General Pharmaceutical Council makes these Rules, in exercise of the powers conferred by articles 19(3), 61(1), (2)(a), (3)(a) and (6)(b), 66(1) of, and paragraph 5(1)(a) and (d) of Schedule 1 to, the Pharmacy Order 2010(a).

In accordance with article 66(3) of that Order, the General Pharmaceutical Council has consulted such persons or organisations as it considered appropriate.

Citation and commencement

1.—(1) These Rules may be cited as the General Pharmaceutical Council (Coronavirus) (Amendment) Rules 2021 and come into force on 4th March 2021.

(2) Subject to paragraph (3), at the end of 1st May 2021—

- (a) the amendments made by these Rules expire, and
- (b) the provisions amended by these Rules, as they were in force immediately prior to the amendments made by these Rules, are revived.

(3) Rule 1(2) does not apply to the amendments made by rules 2(4), 3(4) and 5.

Amendment of the General Pharmaceutical Council (Appeals Committee) Rules 2010

2.—(1) The General Pharmaceutical Council (Appeals Committee) Rules 2010(b) are amended as follows.

(2) In rule 2 (Interpretation), after the definition of “appellant” insert—

““attend” means—

- (a) be physically present at a meeting or hearing, or
- (b) be present at a meeting or hearing by teleconference or video link;”.

(3) After rule 2, insert—

“Virtual meetings and hearings

2A. Meetings or hearings arranged under these Rules may be conducted by teleconference or video link.”.

(4) In rule 3(2) (Service of documents)—

- (a) for the words before “by electronic mail”, substitute “Notices or documents may be sent to a person under these Rules”, and
- (b) for “secretary”, substitute “Council”.

(5) In rule 6 (Notice of Hearing) for (a) substitute—

“(a) state—

- (i) the date, time and venue of the hearing, or
- (ii) if the hearing is to be conducted by teleconference or video link, the date and time of, and instructions on how to access, the hearing;”.

(6) In rule 12(2) (Procedure at hearings)—

(a) S.I. 2010/231; relevant amending instruments are S.I. 2015/806 and 2016/372.

(b) Rules as contained in the Schedule to the General Pharmaceutical Council (Appeals Committee Rules) Order of Council 2010 (S.I. 2010/1614).

- (a) in sub-paragraph (b), after “present” insert “(either physically or by teleconference or video link)”;
 - (b) in sub-paragraph (h), after “present” insert “, either physically or by teleconference or video link”.
- (7) After rule 16(4) (Attendance of the public at hearings), insert —
- “(5) Where a hearing is being held by teleconference or video link, the Committee may order that the hearing is to be held in private.”.

Amendment of the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010

3.—(1) The General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010(a) are amended as follows.

- (2) In rule 2 (Interpretation), after the definition of “applicant concerned” insert—
- ““attend” means—
- (a) be physically present at a meeting or hearing, or
 - (b) be present at a meeting or hearing by teleconference or video link;”.
- (3) After rule 2, insert—

“Virtual meetings and hearings

2A. Meetings and hearings arranged under these rules may be conducted by teleconference or video link.”.

- (4) In rule 3(1) (Service of documents), omit “, with the agreement of the person concerned,”.
- (5) In rule 16 (Notices of hearing other than interim order hearings) for rule (2)(a) substitute—
- “(a) state—
- (i) the date, time and venue of the hearing, or
 - (ii) if the hearing is to be conducted by teleconference or video link, the date and time of, and instructions on how to access, the hearing;”.
- (6) In rule 17 (Interim Order Notices and court referrals), for rule (2)(a) substitute—
- “(a) state—
- (i) the date, time and venue of the hearing, or
 - (ii) if the hearing is to be conducted by teleconference or video link, the date and time of, and instructions on how to access, the hearing;”.
- (7) In rule 25 (Absence of the person concerned), for “is neither present nor”, substitute “neither attends nor is”.
- (8) After rule 39(4) (Attendance of the public at hearings), insert—
- “(5) Where a hearing is being held by teleconference or video link, the Committee may order that the hearing is to be held in private.”.

Amendment of the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010

4.—(1) The General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010(b) are amended as follows.

(a) Rules as contained in the Schedule to the General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010 (S.I. 2010/1615).

(b) Rules as contained in the Schedule to the General Pharmaceutical Council (Statutory Committees and their Advisers Rules) Order of Council 2010 (S.I. 2010/1616).

- (2) In rule 18(a) (Composition of statutory committees: general)—
- (a) in paragraph (1), after “Subject to” insert “paragraph (5) and”;
 - (b) in paragraph (2), for “The members” substitute “Subject to paragraph (5), the members”;
 - (c) in paragraph (3), for “At” substitute “Subject to paragraph (5), at”;
 - (d) after paragraph (4), insert—
 - “(5) In cases where it is not possible to comply with the quorum requirements of paragraph (1), the quorum for a hearing or meeting (other than a case management meeting) is two members who must consist of—
 - (a) the chair or a deputy chair,
 - (b) and a lay member.”.
- (3) In rule 18A(b) (Composition of Fitness to Practise Committee: further provision)—
- (a) in paragraph (2), for “Where”, substitute “Subject to paragraph (4), where”;
 - (b) after paragraph (3), insert—
 - “(4) In cases where it is not possible to comply with the requirements of paragraph (2)(b), the chair must ensure that the quorum for a meeting or hearing is not less than two.”.
- (4) In rule 18B(c) (Composition of appeals committee: further provision)—
- (a) in paragraph (2), for “Where”, substitute “Subject to paragraph (3), where”;
 - (b) after paragraph (2), insert—
 - “(3) In cases where it is not possible to comply with the requirements of paragraph (2)(b), the chair must ensure that the quorum for a meeting or hearing is not less than two.”.

Amendment of the General Pharmaceutical Council (Registration) Rules 2010

5. In rule 3(1) (Service of documents) of the General Pharmaceutical Council (Registration) Rules 2010(d) omit “, with the agreement of the person concerned,”.

Given under the common seal of the General Pharmaceutical Council this 8th day of January 2021.



Nigel Clarke
Chair

Duncan Rudkin
Chief Executive and Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the General Pharmaceutical (Appeals Committee) Rules (contained in the Schedule to S.I. 2010/1614) (“the Appeals Committee Rules”), the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules (contained in the schedule to S.I.

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- (a) Rule 18 was substituted by paragraph 15 of the Schedule to S.I. 2012/3171.
 - (b) Rule 18A was inserted by paragraph 16 of the Schedule to S.I. 2012/3171.
 - (c) Rule 18B was inserted by paragraph 16 of the Schedule to S.I. 2012/3171; there are other amending instruments, but none are relevant.
 - (d) Rules as contained in the Schedule to the General Pharmaceutical Council (Registration Rules) Order of Council 2010 (S.I. 2010/1617).

2010/1615) (“the Fitness to Practise Rules”), the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules (contained in the Schedule to S.I. 2010/1616) (“the Statutory Committees Rules”) and the General Pharmaceutical Council (Registration Rules) Rules (contained in Schedule to the S.I. 2010/1617) (“the Registration Rules”).

Rule 2 of the Schedule amends the Appeals Committee Rules. The amendments—

- include that the word “attend” may mean, by teleconference or video link;
- insert a new rule to provide the power for hearings and meetings to be conducted by teleconference or video link;
- allow that the Committee may direct that meetings or hearings conducted remotely may take place in private;
- ensure that a Notice of Hearing must provide details of how to access any hearing which is being held using teleconference or video link;
- allow for the electronic service of documents by email to a party where that party has provided an email address to the council for communication.

Rule 3 of the Schedule amends the Fitness to Practise Rules. The amendments—

- provide that the word “attend” may mean, by teleconference or video link;
- insert a new rule to provide the power for hearings and meetings to be conducted by teleconference or video link;
- allow that the Committee may direct that meetings or hearings conducted remotely may take place in private;
- provide that a Notice of Hearing (including an interim order notice) must inform the person concerned of the details of how to access any hearing held by teleconference or video link;
- provide that where a registrant is neither present at the hearing or takes part remotely, and the Committee is satisfied service has been properly effected, the Committee may proceed to consider and determine the matter or allegation;
- allow for the electronic service of documents by email to a party where that party has provided an email address to the council for communication.

Rule 4 of the Schedule amends the Statutory Committee Rules so that rules 18, 18A and 18B provide for fewer committee panel members for fitness to practise, appeals, and statutory committees to be present for those committees to be quorate, where it is not possible.

Rule 5 of the Schedule amends the Registration Rules to allow for the electronic service of documents by email to a party where that party has provided an email address to the council for communication.

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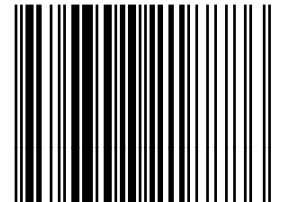
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