

SCHEDULE 1

Article 67

AMENDMENTS, REPEALS AND REVOCATIONS

PART 1

Primary legislation

Repeal of the Pharmacy Act 1954

1. The Pharmacy Act 1954(1) is repealed.

Amendment of the Medicines Act 1968

- 2.—(1) The Medicines Act 1968(2) is amended as follows.

(2) In section 40(3) (medicated animal feeding stuffs), in subsection (12), for the definition of “the registrar” substitute the following definition—

““the registrar” means the person appointed under article 9(1) of the Pharmacists and Pharmacy Technicians Order 2007 as Registrar for the purposes of that Order.”

(3) In section 57(4) (power to extend or modify exemptions), in subsection (2D), for the definition of “the registrar” substitute the following definition—

““the registrar” means the person appointed under article 9(1) of the Pharmacists and Pharmacy Technicians Order 2007 as Registrar for the purposes of that Order.”

- (4) In section 69(5) (general provisions for Part 4), in subsection (3)—

(a) in the definition of “the registrar”, for “appointed under section 1 of the Pharmacy Act 1954 as registrar for the purposes of that Act,” substitute “appointed under article 9(1) of the Pharmacists and Pharmacy Technicians Order 2007 as Registrar for the purposes of that Order,”;

- (b) after the definition of “the registrar” insert the following definitions—

““the relevant disciplinary committee” means—

- (a) in relation to Great Britain, the Disciplinary Committee established under article 7(1)(b) of the Pharmacists and Pharmacy Technicians Order 2007; and
- (b) in relation to Northern Ireland, the Statutory Committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976(6);

“relevant European State” means either an EEA State other than the United Kingdom or Switzerland.”; and

- (c) omit the definition of “the Statutory Committee”.

(5) In section 70(7) (business carried on by individual pharmacist or by partners), as it has effect before its substitution by section 27 of the Health Act 2006—

(1) 1954 c.61.

(2) 1968 c.67.

(3) Section 40 was substituted by the Animal Health and Welfare Act 1984 (c.40), section 13(1).

(4) Section 57(2D) was inserted by the Animal Health and Welfare Act 1984, section 14.

(5) Section 69(3) has been amended by the Statute Law Repeals Act 1993 (c.50), Schedule 1, Part 12, and by S.I. 1976/1213.

(6) S.I. 1976/1212 (N.I. 22).

(7) In section 70, subsection (1) has been amended by S.I. 1987/2202 and subsection (3) by S.I. 1976/1213, and is to be substituted by section 27 of the Health Act 2006 (c.28) on a date to be appointed.

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

- (a) in subsection (1) for “section 4A of the Pharmacy Act 1954 (qualification by European diploma), or any corresponding provision applying to Northern Ireland,” substitute “a qualification in pharmacy awarded in a relevant European State,”; and
 - (b) in subsection (3), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”.
- (6) In section 70, as it has effect after its substitution by section 27 of the Health Act 2006—
- (a) in subsection (3)(b), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”; and
 - (b) in subsection (5) for “section 4A of the Pharmacy Act 1954 (qualification by European diploma), or any corresponding provision applying to Northern Ireland” substitute “a qualification in pharmacy awarded in a relevant European State”.
- (7) In section 71(8) (bodies corporate) as it has effect before its substitution by section 28 of the Health Act 2006, in subsection (1), for “section 4A of the Pharmacy Act 1954, or any corresponding provision applying to Northern Ireland,” substitute “a qualification in pharmacy awarded in a relevant European State,”.
- (8) In section 71 (business carried on by a body corporate) as it has effect after its substitution by section 28 of the Health Act 2006—
- (a) in subsection (3)(b), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”; and
 - (b) in subsection (5) for “section 4A of the Pharmacy Act 1954 (qualification by European diploma), or any corresponding provision applying to Northern Ireland” substitute “a qualification in pharmacy awarded in a relevant European State”.
- (9) In section 72 (representative of pharmacist in case of death or disability)—
- (a) in subsection (2B)(9), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”; and
 - (b) in subsection (3)(10), for “the Statutory Committee” substitute “the relevant disciplinary committee”.
- (10) In section 72B(11) (section 72A: supplementary), in subsection (1)—
- (a) for “section 8 of the Pharmacy Act 1954” substitute “article 48(1)(a) of the Pharmacists and Pharmacy Technicians Order 2007”, and
 - (b) for “Statutory Committee” substitute “the relevant disciplinary committee”.
- (11) In section 78(12) (restrictions on use of titles, descriptions and emblems), in subsection (5), for “not a pharmacist” substitute “neither a pharmacist nor registered in Part 2 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.
- (12) In section 80(13) (power for Statutory Committee to disqualify and direct removal from register)—
- (a) in subsections (1) (twice), (2) (twice), (3) and (4) (twice), for “the Statutory Committee” substitute “the relevant disciplinary committee”; and

(8) Section 71(1) has been amended by [S.I. 1987/2202](#) and is to be substituted by section 28 of the Health Act 2006 on a date to be appointed.

(9) To be inserted by section 29 of the Health Act 2006 on a date to be appointed.

(10) Section 72(3) has been amended by the [Adults with Incapacity \(Scotland\) Act 2000 \(asp.4\)](#), Schedule 5, paragraph 12(b), and Schedule 6.

(11) To be inserted by section 30(1) of the Health Act 2006 on a date to be appointed.

(12) Section 78(5) has been amended by the Statute Law (Repeals) Act 1993 (c.50), Schedule 1, Part 12.

(13) Section 80(5) has been amended by the Misuse of Drugs Act 1971 (c.38), section 12(7), and by [S.I. 1976/1213](#).

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

(b) in subsection (5), after “the Pharmacy Act 1954,” insert “the Pharmacists and Pharmacy Technicians Order 2007,”,
and in the heading of that section, for “Statutory Committee” substitute “relevant disciplinary committee”.

(13) In section 81 (grounds for disqualification in certain cases), in subsection (1)—

(a) for “the Statutory Committee” substitute “the relevant disciplinary committee”; and

(b) for “the Committee” (twice) substitute “the committee”.

(14) In section 82(14) (procedure relating to disqualification), in subsections (1) and (5), for “the Statutory Committee” substitute “the relevant disciplinary committee”.

(15) In section 83(15) (revocation of disqualification)—

(a) in subsections (1) and (2), for “the Statutory Committee” substitute “the relevant disciplinary committee”; and

(b) in subsection (2), for “the Committee” substitute “the committee”.

(16) In section 132(16) (general interpretation provisions), in subsection (1), in the definition of “pharmacist” for “the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of section 2(1) of the Pharmacy Act 1954,” substitute “Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,”.

Amendment of the Poisons Act 1972

3.—(1) The Poisons Act 1972(17) is amended as follows.

(2) In section 9(18) (inspection and enforcement)—

(a) in subsection (1)—

(i) in paragraph (a), for “subsections (2) and (3) of section 20 of the Pharmacy Act 1954 (offences relating to certificates)” substitute “articles 20 and 29 of the Pharmacists and Pharmacy Technicians Order 2007 (offences relating to the Register of Pharmacists and the Register of Pharmacy Technicians)”, and

(ii) for “such number of inspectors as the Privy Council may direct” substitute “inspectors”;

(b) in subsection (2), omit “, and every such appointment shall be subject to the approval of the Privy Council”;

(c) in subsection (3) omit “with the approval of the Privy Council”; and

(d) in subsection (4)(a), for the words “subsections (2) and (3) of section 20 of the Pharmacy Act 1954” substitute “articles 20 and 29 of the Pharmacists and Pharmacy Technicians Order 2007”.

(3) In section 11(19) (interpretation), in subsection (2), for the definition of “pharmacist” substitute the following definition—

(14) There are no relevant amendments to section 82.

(15) There are no relevant amendments to section 83.

(16) Section 132(1) has been amended by: the National Health Reorganisation Act 1973 (c.32), Schedule 4, paragraph 128(3); the National Health Service Act 1977 (c.49), Schedule 15, paragraph 50; the Medical Act 1983 (c.54), Schedule 5, paragraph 5; the Dentists Act 1984 (c.24), Schedule 5, paragraph 2; the Animal Health and Welfare Act 1984, section 13(3); the Food Safety Act 1990 (c.16), Schedule 3, paragraph 11, and Schedule 5; and by S.I. 1976/1213, 1992/3271, 1996/1496, 2002/236, 2003/232 and 2004/1031.

(17) 1972 c.66.

(18) There are no relevant amendments to section 9.

(19) Section 11(2) has been amended by: the Local Government (Scotland) Act 1973 (c.65), Schedule 24, paragraph 47; the Medical Act 1983, Schedule 5, paragraph 12; the Dentists Act 1984, Schedule 5, paragraph 4; the Local Government (Wales)

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

““pharmacist” means a person registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the National Health Service (Scotland) Act 1978

4.—(1) The National Health Service (Scotland) Act 1978(20) is amended as follows.

(2) In section 27(21) (arrangements for the provision of pharmaceutical services), in subsection (4)(ba), for “under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland,”

(3) In section 28(22) (persons authorised to provide pharmaceutical services), after subsection (2B) insert the following subsection—

“(2C) Where—

- (a) arrangements have been made under this Part with a registered pharmacist; and
- (b) his registration is suspended by virtue of any direction or order under the Pharmacists and Pharmacy Technicians Order 2007,

he shall not provide any services under those arrangements during the period of the suspension.”

(4) In section 108(23) (interpretation and construction), for the definition of “registered pharmacist” substitute the following definition—

““registered pharmacist” means a pharmacist registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Value Added Tax Act 1994

5.—(1) The Value Added Tax Act 1994(24) is amended as follows.

(2) In Part 2 of Schedule 8 (zero rating – the Groups: drugs, medicines, aids for the handicapped), in item 1 in Group 12, for “the register of pharmaceutical chemists kept under the Pharmacy Act 1954 or” substitute “the Register of Pharmacists maintained under the Pharmacists and Pharmacy Technicians Order 2007 or in the register of pharmaceutical chemists kept under”.

(3) In Part 2 of Schedule 9 (exemptions – the Groups: health and welfare), in item 3 in Group 7, for “the register of pharmaceutical chemists kept under the Pharmacy Act 1954 or” substitute “the Register of Pharmacists maintained under the Pharmacists and Pharmacy Technicians Order 2007 or in the register of pharmaceutical chemists kept under”.

Repeal of the Pharmacists (Fitness to Practise) Act 1997

6. The Pharmacists (Fitness to Practise) Act 1997(25) is repealed.

Act 1994 (c.19), Schedule 16, paragraph 39; the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 89; and S.I. 1996/1496.

(20) 1978 c.29.

(21) Section 27(4) has been amended by S.I. 1987/2022.

(22) Subsection (2B) was inserted by the National Health Service (Primary Care) Act 1977 (c.46), section 29(2).

(23) There are no relevant amendments to section 108(1).

(24) 1994 c.23; item 1 in Group 12 in Part 2 of Schedule 8 has been amended by S.I. 1997/2744 and 2006/1914.

(25) 1997 c.19; this Act has never been brought into force.

Amendment of the Data Protection Act 1998

7. In section 69 of the Data Protection Act 1998⁽²⁶⁾ (meaning of “health professional”), in subsection (1)(d), for “a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954” substitute “a registered pharmacist or registered pharmacy technician within the meaning of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the National Health Service Reform and Health Care Professions Act 2002

8.—(1) The National Health Service Reform and Health Care Professions Act 2002⁽²⁷⁾ is amended as follows.

(2) In section 26 (powers and duties of the Council for the Regulation of Health Care Professionals: general), in subsection (5)—

- (a) for “or an officer or committee of the Society”, where it first appears, substitute “a member of its staff or one of its committees”;
- (b) for paragraph (a) substitute the following paragraph—
 - “(a) conferred on the Society (or its Council, a member of its staff or one of its committees) by or by virtue of the Pharmacists and Pharmacy Technicians Order 2007.”;
- (c) in paragraph (b), for “an Order in Council” substitute “another Order in Council”; and
- (d) for paragraph (c) substitute the following paragraph—
 - “(c) otherwise conferred as mentioned in paragraph (a) and relate to the regulation of the professions regulated by the Pharmacists and Pharmacy Technicians Order 2007.”

(3) In section 29⁽²⁸⁾ (references of disciplinary cases by Council to court), in subsection (1), for paragraph (a) substitute the following paragraph—

- “(a) a direction of the Disciplinary Committee of the Royal Pharmaceutical Society of Great Britain under article 52 of the Pharmacists and Pharmacy Technicians Order 2007 (which gives the Disciplinary Committee powers to direct suspension of registration, the attachment of conditions to registration or removal from the registers) or section 80 of the Medicines Act 1968 (power to disqualify and direct removal from register).”

Amendment of the Income Tax (Earnings and Pensions) Act 2003

9. In section 343 of the Income Tax (Earnings and Pensions) Act 2003⁽²⁹⁾ (deduction for professional membership fees), in the Table in subsection (2), in paragraph 1 (health professionals) for sub-paragraph (l) substitute the following sub-paragraphs—

- “(l) the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,
- (m) the Register of Pharmacy Technicians maintained under 21(1) of the Pharmacists and Pharmacy Technicians Order 2007,
- (n) the register of pharmaceutical chemists kept under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976.”

⁽²⁶⁾ 1998 c.29; section 69(1) has been amended by S.I. 2002/253 and 254, 2003/1590 and 2005/848.

⁽²⁷⁾ 2002 c.17.

⁽²⁸⁾ Section 29(1) has been amended by S.I. 2002/3135, 2004/1771 and 2005/848 and 2011.

⁽²⁹⁾ 2003 c.1; section 343(2) has been amended by S.I. 2003/1652, 2004/1360 and 2005/1091 and 2011.

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

Amendment of the National Health Service Act 2006

10.—(1) The National Health Service Act 2006(**30**) is amended as follows.

(2) In section 129 (regulations as to pharmaceutical services), in subsection (6)(c), for “under the Pharmacy Act 1954 (c. 61) by virtue of section 4A of that Act (qualification by European diploma)” substitute “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland,”.

(3) In section 132 (persons authorised to provide pharmaceutical services)—

(a) in subsection (8), for paragraph (b) substitute the following paragraph—

“(b) his registration is suspended by virtue of any direction or order under the Pharmacists and Pharmacy Technicians Order 2007,”; and

(b) omit subsection (9).

(4) In section 275 (interpretation), in subsection (1), for the definition of “registered pharmacist” substitute the following definition—

““registered pharmacist” means a pharmacist registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the National Health Service (Wales) Act 2006

11.—(1) The National Health Service (Wales) Act 2006(**31**) is amended as follows.

(2) In section 83 (regulations as to pharmaceutical services), in subsection (6)(c), for “under the Pharmacy Act 1954 (c. 61) by virtue of section 4A of that Act (qualification by European diploma)” substitute “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland,”.

(3) In section 86 (persons authorised to provide pharmaceutical services)—

(a) in subsection (8), for paragraph (b) substitute the following paragraph—

“(b) his registration is suspended by virtue of any direction or order under the Pharmacists and Pharmacy Technicians Order 2007,”; and

(b) omit subsection (9).

(4) In section 206 (interpretation), in subsection (1), for the definition of “registered pharmacist” substitute the following definition—

““registered pharmacist” means a pharmacist registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

PART 2

Secondary legislation

Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

12. In Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**32**) (excepted professions, offices, employments, work and occupations)—

(30) 2006 c. 41.

(31) 2006 c. 42.

(32) S.I. 1975/1023; a relevant amendment was made by the Osteopaths Act 1993 (c.21), section 39(4).

- (a) in Part 1 (professions), for paragraph 8 substitute the following paragraphs—
- “8. Registered pharmacist.
 - 8A. Registered pharmacy technician.”; and
- (b) in Part 4 (interpretation), after the definition of “registered osteopath” insert the following definitions—
- ““registered pharmacist” means a person who is registered in the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;
 - “registered pharmacy technician” means a person who is registered in the register maintained under article 21(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980

13. In regulation 1 of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(33) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the Medicines (Pharmacy and General Sale – Exemption) Order 1980

14. In regulation 1 of the Medicines (Pharmacy and General Sale – Exemption) Order 1980(34) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the Pharmaceutical Qualifications (EEC Recognition) Order 1987

15. Omit article 2 of the Pharmaceutical Qualifications (EEC Recognition) Order 1987(35) (amendment of the Pharmacy Act 1954).

Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992

16. In the National Health Service (Pharmaceutical Services) Regulations 1992(36)—
- (a) in regulation 2 (interpretation), in paragraph (1)—
- (i) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 (the registers and registration)” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”, and
 - (ii) in the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—
 - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;” and

(33) S.I. 1980/1923; the definition of “relevant register” was inserted by S.I. 2003/698.

(34) S.I. 1980/1924; the definition of “relevant register” was inserted by S.I. 2004/1.

(35) S.I. 1987/2202.

(36) S.I. 1992/662. These Regulations have been revoked in relation to England and now only apply in relation to Wales: see S.I. 2005/641. Relevant amendments have been made by S.I. 2005/916 and 1013.

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

- (b) in regulation 4 (pharmaceutical lists), in paragraph (5), for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland.”.

Amendment of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994

17. In regulation 1 of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994(37) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the National Health Service (Pharmaceutical Services) (Scotland) 1995

18. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(38)—
- (a) in regulation 2 (interpretation), in paragraph (1)—
 - (i) in the definition of “supplementary prescriber”, for paragraph (b) substitute the following paragraph—
 - “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”; and
 - (b) in regulation 5 (pharmaceutical lists), in paragraph (13), for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland.”.

Revocation of the Pharmaceutical Qualifications (Recognition) Regulations 1996

19. The Pharmaceutical Qualifications (Recognition) Regulations 1996(39) are hereby revoked.

Amendment of the Prescription Only Medicines (Human Use) Order 1997

20. In article 1 of the Prescription Only Medicines (Human Use) Order 1997(40) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999

21. In the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999(41) (functions transferred from the Lord Advocate to the Secretary of State), omit “Pharmacy Act 1954 (c.61), Schedule 1C, paragraph 3;”.

(37) S.I. 1994/3144; the definition of “relevant register” was inserted by S.I. 2005/768.

(38) S.I. 1995/414; the relevant amending instruments are S.I. 1996/840 and 1504, 1997/696, and 1998/2224 and 3031, and S.S.I. 1999/57, 2001/70, 2002/111 and 153, 2003/296, 2004/39 and 212, 2005/327 and 618 and 2006/143 and 245.

(39) S.I. 1996/1405.

(40) S.I. 1997/1830; the definition of “relevant register” was inserted by S.I. 2003/696 and has been amended by S.I. 2004/1189 and 1771 and 2005/765.

(41) S.I. 1999/678; a relevant amendment was made by S.I. 2002/3135.

Amendment of the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999

22. In Schedule 1 to the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999(42) (functions exercisable in or as regards Scotland: general), omit paragraph 2 (Pharmacy Act 1954 (c.61)).

Amendment of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999

23. In Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999(43) (enactments conferring functions transferred to the Scottish Ministers)—

- (a) in column 1 (enactment), omit “The Pharmacy Act 1954 (c.61), Schedule 1C, paragraph 3(4)(b)”; and
- (b) in column 2 (restrictions and requirements), opposite the entry to be omitted by virtue of sub-paragraph (a), omit “Functions of the Secretary of State only.”.

Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 2000

24. In regulation 2 of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(44) (interpretation)—

- (a) in sub-paragraph (a) of the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (b) in sub-paragraph (a) of the definition of “supplementary prescriber” in paragraph (1), for paragraph (ii) substitute the following paragraph—
 - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001

25. In regulation 2 of the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(45) (interpretation), in the definition of “supplementary prescriber” in paragraph (1), for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007; or”.

Amendment of the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001

26. In the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001(46)—

- (a) in regulation 2 (interpretation), for the definition of “registered pharmaceutical chemist” substitute the following definition—

(42) S.I. 1999/1748; there are no relevant amending instruments.

(43) S.I. 1999/1750; there are no relevant amending instruments.

(44) S.I. 2000/620; the definition of “supplementary prescriber” is as substituted by S.I. 2005/578.

(45) S.I. 2001/1358; the definition of “supplementary prescriber” is as substituted by S.I. 2004/1771.

(46) S.S.I. 2001/78; amended by S.S.I. 2005/445 and 631.

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

““registered pharmacist” means a person registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”;

- (b) in the Schedule (classes of persons who may countersign an application under section 26 of the Act), for “Registered pharmaceutical chemists” substitute “Registered pharmacists”.

Amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001

27. In regulation 2 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(47) (interpretation), in the definition of “supplementary prescriber” in paragraph (1), for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the Council for the Regulation of Health Care Professionals (Appointment etc.) Regulations 2002

28. In regulation 4 of the Council for the Regulation of Health Care Professionals (Appointment etc.) Regulations 2002(48) (conditions of appointment applicable to certain appointments), in paragraph (2)(b), for “the Pharmacy Act 1954” substitute “the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

29. In Part 1 of Schedule 2 to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(49) (regulated professions – professions regulated by law or public authority)—

- (a) in the column headed “Profession”, after “licensed lighterman” insert “pharmacy technician”; and
- (b) in the column headed “Designated Authority”, opposite “pharmacy technician” in the column headed “Profession” insert “Royal Pharmaceutical Society of Great Britain”.

Amendment of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002

30. In regulation 3 of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002(50) (membership of the Committee) for “registered pharmaceutical chemist defined by section 24(1) of the Pharmacy Act 1954” substitute “pharmacist registered in Part 1 of one of the registers maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003

31. In Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003(51) (excepted professions, offices, employments, and occupations)—

- (a) in Part 1 (professions), for paragraph 8 substitute the following paragraph—

(47) S.S.I. 2001/430; the relevant amending instruments are S.S.I. 2003/295, 2004/212, 2005/617 and 2006/246.

(48) S.I. 2002/2376.

(49) S.I. 2002/2934; the relevant amending instruments are S.I. 2004/1771 and 2033.

(50) S.S.I. 2002/190; the relevant amending instrument is S.I. 2003/1590.

(51) S.S.I. 2003/231; there are no relevant amending instruments.

- “8. Registered pharmacist.”; and
- (b) in Part 4 (interpretation), after the definition of “registered osteopath” insert the following definition—
- ““registered pharmacist” means a person who is registered in the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

Amendment of the European Qualifications (Health Care Professions) Regulations 2003

- 32.** In the European Qualifications (Health Care Professions) Regulations 2003(**52**)—
- (a) in regulation 1 (citation, commencement, interpretation and extent), in paragraph (2), omit the definition of “the Pharmacy Act”; and
- (b) omit regulation 8 (Pharmacy Act) and Schedule 3 (pharmacists).

Amendment of the Medicines (Child Safety) Regulations 2003

33. In regulation 1 of the Medicines (Child Safety) Regulations 2003(**53**) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the National Health Service (General Medical Services Contracts) Regulations 2004

- 34.** In regulation 2 of the National Health Service (General Medical Services Contracts) Regulations 2004(**54**) (interpretation), in paragraph (1)—
- (a) in the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (b) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (c) in sub-paragraph (b) of the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—
- “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”.

Amendment of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

- 35.** In regulation 2 of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**55**) (interpretation), in paragraph (1)—
- (a) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and

(52) [S.I. 2003/3148](#).

(53) [S.I. 2003/2317](#); the definition of “relevant register” has been amended by [S.I. 2004/1771](#) and [2005/1520](#).

(54) [S.I. 2004/291](#); relevant amendments were made by [S.I. 2005/893](#) and [2006/1501](#).

(55) [S.I. 2004/478](#); there are no relevant amending instruments.

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

- (b) in sub-paragraph (b) of the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—

“(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007, or”.

Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2004

36. In regulation 2 of the National Health Service (Personal Medical Services Agreements) Regulations 2004~~(56)~~ (interpretation), in paragraph (1)—

- (a) in the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”;
- (b) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 (the registers and registration)” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (c) in sub-paragraph (b) of the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—

“(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”.

Amendment of the Medicines for Human Use (Clinical Trials) Regulations 2004

37. In regulation 2 of the Medicines for Human Use (Clinical Trials) Regulations 2004~~(57)~~ (interpretation), in paragraph (1), for sub-paragraph (a) of the definition of “pharmacist” substitute the following sub-paragraph—

- “(a) in relation to Great Britain, a person registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007, and”.

Amendment of the European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004

38. Omit regulation 13 of the European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004~~(58)~~ (Pharmacy Act 1954).

Amendment of the Cosmetic Products (Safety) Regulations 2004

39. In regulation 9 of the Cosmetic Products (Safety) Regulations 2004~~(59)~~ (product information), in paragraph (5), for sub-paragraph (a) substitute the following sub-paragraph—

- “(a) subject to paragraph (6) below, a person who is “appropriately qualified” within the meaning of article 11(1)(a)(i) of the Pharmacists and Pharmacy Technicians Order 2007 or any other person who has the right, granted by a competent authority of a Member State, to take up and pursue the activities of a pharmacist;”.

~~(56)~~ S.I. 2004/627; relevant amendments were made by S.I. 2005/893 and 2006/1501.

~~(57)~~ S.I. 2004/1031; there are no relevant amending instruments.

~~(58)~~ S.I. 2004/1947.

~~(59)~~ S.I. 2004/2152; there are no relevant amending instruments.

Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

40. In regulation 2 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(**60**) (interpretation)—

(a) in the definition of “relevant register”, for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and

(b) for sub-paragraph (b) of the definition of “supplementary prescriber” substitute the following sub-paragraph—

“(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”

Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

41. In regulation 2 of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(**61**) (interpretation)—

(a) in the definition of “relevant register”, for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and

(b) for sub-paragraph (b) of the definition of “supplementary prescriber” substitute the following sub-paragraph—

“(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”

Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005

42. In the National Health Service (Pharmaceutical Services) Regulations 2005(**62**)—

(a) in regulation 2 (interpretation), in paragraph (1)—

(i) in the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”,

(ii) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 (the registers and registration)” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”, and

(iii) in the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—

“(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”;

(b) in regulation 11 (refusal: general provisions), in paragraph (1), for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland.”; and

(60) S.S.I. 2004/115. Relevant amendments were made by S.S.I. 2004/215, 2005/337 and 2006/247.

(61) S.S.I. 2004/116. Relevant amendments were made by S.S.I. 2004/217, 2005/336 and 2006/248.

(62) S.I. 2005/641. Relevant amendments were made by S.I. 2006/913.

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

- (c) in paragraph (6) of regulation 54 (temporary provision of services during a period of suspension) for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A (qualification by appropriate European diploma for registration) of that Act” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland.”.

Amendment of the Medicines for Human Use (Prescribing) Order 2005

43. In article 1 of the Medicines for Human Use (Prescribing) Order 2005(63) (citation, commencement, extent and interpretation), in the definition of “relevant register” in paragraph (4), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005

44. In article 5 of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005(64) (disclosure for medical purposes), in paragraph (3)(c), for “a registered pharmaceutical chemist within the meaning of section 24(1) of the Pharmacy Act 1954” substitute “a pharmacist or pharmacy technician registered in Part 1 of one of the registers maintained under articles 10(1) and 21(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005

45. In article 5 of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005(65) (disclosure for medical purposes), in paragraph (2)(b)(iii), for “a registered pharmaceutical chemist within the meaning of section 24(1) of the Pharmacy Act 1954” substitute “a pharmacist registered in Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

SCHEDULE 2

Article 68(1)

TRANSITIONAL PROVISIONS

PART 1

General

Interpretation of this Schedule and construction of old legislation

- 1.—(1) In this Schedule—
- “appointed day” means—
- (a) except in Part 3, the day specified under article 1 for the coming into force of article 10; and
 - (b) in Part 3, the day specified under article 1 for the coming into force of article 21;

(63) [S.I. 2005/765](#).

(64) [S.I. 2005/916](#).

(65) [S.S.I. 2005/125](#).

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

“Infringements Committee” means the Infringements Committee established under the Charter, as it continues in being by virtue of paragraph 3(a);

“old committees” means the Statutory Committee and the Infringements Committee;

“the old rules” means the regulations and rules made by the Council and the old committees in respect of the old committees’ procedures, in particular—

- (a) the Regulations scheduled to the Pharmaceutical Society (Statutory Committee) Order of Council 1978⁽⁶⁶⁾; and
- (b) the Royal Pharmaceutical Society of Great Britain Infringements Committee (Procedure) Rules 2005,

as they had effect immediately before the appointed day, but subject to the modifications in sub-paragraphs (2) and (3) and such other modifications as the Council considers appropriate in the circumstances of a case;

“Register of Pharmacists” means, as the context requires, either the register maintained under article 10(1) or the register maintained under section 2(1) of the 1954 Act;

“relevant court” has the meaning given in section 4B(2) of the 1954 Act⁽⁶⁷⁾;

“specified period” has the meaning given in section 2(2C) of the 1954 Act⁽⁶⁸⁾;

“Statutory Committee” means the Statutory Committee established under section 7 of the 1954 Act, as it continues in being by virtue of paragraph 3(b); and

“voluntary register” means the voluntary register of pharmacy technicians maintained by the Society before the coming into force of article 21.

(2) Where, by virtue of this Schedule, the Disciplinary Committee is to dispose of a case in accordance with the old rules and the 1954 Act, references in those rules—

- (a) to the Statutory Committee shall be construed, as appropriate, as references to the Disciplinary Committee; and
- (b) to the secretary or chairman of the Statutory Committee shall be construed, as appropriate, as references to the secretary or chair of the Disciplinary Committee.

(3) Where, by virtue of this Schedule, the Disciplinary Committee or the Statutory Committee is to dispose of a case in accordance with the Regulations scheduled to the Pharmaceutical Society (Statutory Committee) Order of Council 1978, those Regulations shall apply as if they included provision—

- (a) enabling the Committee to award costs or expenses (to be assessed in such manner as the Committee considers just, but the award may not take into account costs or expenses incurred before the appointed day); and
- (b) allowing the award of—
 - (i) costs which, by leave of the High Court, are to be enforced in the same manner as an order of the High Court to the same effect, and
 - (ii) expenses which, by leave of the Court of Session, are to be enforced in the same manner as a decree of the Court of Session to the same effect.

(4) Where provision is made in this Schedule for appeals to be disposed of in accordance with sections 10 and 11 of the 1954 Act—

- (a) those sections shall continue to apply for the purposes of disposing of those appeals, except that section 11 shall apply as if subsection (2) of that section were omitted; and

⁽⁶⁶⁾ S.I. 1978/20.

⁽⁶⁷⁾ Section 4B was inserted by S.I. 2003/3148.

⁽⁶⁸⁾ Section 2(2C) was inserted by S.I. 2003/3148.

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

- (b) if the appeal is from the Disciplinary Committee, the reference in section 10(1) to the Statutory Committee shall be construed as a reference to the Disciplinary Committee.

Continuation in office of the Registrar and Deputy Registrar

2.—(1) Any person kept appointed as Registrar under section 1 of the 1954 Act (appointment of registrar and other officers) immediately before article 9(1) comes into force shall be regarded as having been appointed under article 9(1).

(2) Any person kept appointed as Deputy Registrar under section 1 of the 1954 Act immediately before article 9(2) comes into force shall be regarded as having been appointed under article 9(2).

Continuation of the old committees

3. On and after the appointed day—

- (a) the Infringements Committee shall continue in being for the purposes of exercising the functions it retains by virtue of this Schedule; and
- (b) the Statutory Committee shall continue in being for the purposes of exercising the functions it retains by virtue of this Schedule, and while it continues in being, Schedule 1 of the 1954 Act shall continue to have effect in relation to it.

The Society's byelaws

4.—(1) Notwithstanding the repeal of section 16 of the 1954 Act, byelaws under that section shall continue in force until they are superseded by rules made under this Order, but the Council may, pursuant to this paragraph, make byelaws amending or revoking any provision of those byelaws where it considers it necessary or expedient to do so for the purpose of dealing with any matter arising out of or related to the coming into force of any provision of this Order.

(2) No byelaws under sub-paragraph (1) shall come into force until approved by order of the Privy Council.

PART 2

Registration of pharmacy technicians

Entry in the Register of Pharmacy Technicians: persons on the voluntary register

5.—(1) Subject to sub-paragraph (3), if on the day before the appointed day a person's name is included in—

- (a) Part 1 of the voluntary register, he shall be registered in Part 1 of the Register of Pharmacy Technicians with effect from the appointed day; or
- (b) Part 2 of the voluntary register, he shall be registered in Part 2 of the Register of Pharmacy Technicians with effect from the appointed day.

(2) If on the appointed day there is an outstanding application for a person's name to be entered in the voluntary register (including an application for restoration to that register), the Council—

- (a) may determine that his name is to be entered in the Register of Pharmacy Technicians; and
- (b) shall dispose of the matter in such manner as it considers just.

(3) If on the appointed day a person's name is included in the voluntary register but his registration is suspended (whether temporarily or permanently) or he is the subject of proceedings which, but for

the closure of the voluntary register, could have led to his removal or suspension from the voluntary register, the Council—

- (a) may determine that his name is not to be entered in the Register of Pharmacy Technicians; and
- (b) shall dispose of the matter (including any proceedings) in such manner as it considers just.

Transitional arrangements in respect of persons practising as pharmacy technicians before the statutory register is opened

6.—(1) This paragraph applies to a person who does not meet the requirements of article 22(1)(a)(i) and (iii) but who applies to be registered in the Register of Pharmacy Technicians within two years of the appointed day.

(2) The Registrar may register a person to whom this paragraph applies in the Register of Pharmacy Technicians, where he has—

- (a) undergone education or training which has provided him with a reasonable (in the opinion of the Registrar) foundation for future employment as a pharmacy technician; and
- (b) demonstrated to the satisfaction of the Registrar that he possesses the knowledge, skill and experience requisite for practising as a registered pharmacy technician in England and Wales,

provided that, in doing so, he is acting in a manner which is consistent with the requirements of the Second General System Directive and the Second General System Regulations.

(3) The Society shall establish and publish from time to time in such manner as it sees fit criteria to which the Registrar is to have regard for the purposes of determining—

- (a) whether or not particular education or training provides a person with a reasonable foundation for future employment as a pharmacy technician for the purposes of subparagraph (2)(a); and
- (b) whether or not a person possesses the knowledge, skill and experience requisite for practising as a registered pharmacy technician in Great Britain for the purposes of subparagraph (2)(b).

PART 3

Outstanding registration cases

Outstanding referrals to, and cases before, the Statutory Committee where no direction has been given

7.—(1) Where—

- (a) before the appointed day, an application for registration in or restoration to the Register of Pharmacists has been referred to the Statutory Committee;
- (b) immediately before the appointed day there was no direction of the Statutory Committee in force in relation to the applicant; and
- (c) an inquiry has not already opened in respect of the application,

the Statutory Committee shall refer the application to the Registrar (together with such advice on the application as the Committee considers appropriate) for him to dispose of it in accordance with the provisions of and rules under Parts 2 and 4 of this Order.

(2) Where—

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

- (a) before the appointed day, an application for registration in or restoration to the Register of Pharmacists has been referred to the Statutory Committee;
- (b) immediately before the appointed day there was no direction of the Statutory Committee in force in relation to the applicant; and
- (c) an inquiry has already opened in respect of the application (including where a decision on the application has been postponed),

the Statutory Committee shall dispose of the matter in accordance with the old rules and the provisions of the 1954 Act, and any appeal shall be disposed of in accordance with sections 10 and 11 of that Act.

(3) Where a person's name has been removed from the Register of Pharmacists under section 12(1) of the 1954 Act and immediately before the appointed day there was no direction of the Statutory Committee in force in relation to that person, if he applies to be restored to the register within one year of the appointed day, the Registrar—

- (a) may, in such cases as he considers it appropriate to do so, determine the application in accordance with section 12(2) of the 1954 Act; and
- (b) shall in any event dispose of the matter in such manner as he considers just.

Outstanding appeals to the Council

8.—(1) Where, before the appointed day, a person was entitled, by virtue of section 2(2) or (2B) of the 1954 Act⁽⁶⁹⁾, to appeal to the Council against a decision of the Registrar that he is not qualified to have his name registered in the Register of Pharmacists, or against the failure of the Registrar to give notice of a decision on his application within the specified period—

- (a) whether or not he has appealed to the Council before the appointed day, he may appeal to the Council against that decision or failure to give notice, provided he does so within the specified period for bringing an appeal; and
- (b) on the appeal, the Council—
 - (i) may determine that his name is to be entered in the Register of Pharmacists, and
 - (ii) shall in any event dispose of the matter in such manner as it considers just.

(2) A person whose appeal is determined by the Council in accordance with sub-paragraph (1) and is dismissed may appeal to the relevant court, provided that he does so (subject to any rules of the relevant court in respect of the admissibility of applications to it) within 28 days beginning with the date on which the Council notified him of the decision against which he is appealing.

(3) Section 4B(2) and (3) of the 1954 Act⁽⁷⁰⁾ shall apply to an appeal under sub-paragraph (2) as they apply to an appeal under section 4B(1) of that Act.

Outstanding appeals to the county court or the sheriff

9. Where an appeal has been brought under section 4B(1) of the 1954 Act before the appointed day, the relevant court shall dispose of that appeal in accordance with section 4B(2) and (3) of that Act.

⁽⁶⁹⁾ Subsection (2) was amended by S.I. 1987/2202 and subsection (2B) was inserted by S.I. 2003/3148.

⁽⁷⁰⁾ Section 4B was inserted by S.I. 2003/3148.

PART 4

Fitness to practise

Outstanding fitness to practise proceedings

10.—(1) Subject to the following provisions of this Order, where, as regards the registration of a person in the Register of Pharmacists, before the appointed day—

- (a) a case of alleged misconduct has been referred by the Infringements Committee to the Statutory Committee—
 - (i) if a day has been appointed for holding an inquiry (including cases where an inquiry has been postponed or adjourned), the Statutory Committee (and its secretary and chairman) shall dispose of the case in accordance with the old rules and the 1954 Act, or
 - (ii) if a day has not been appointed for holding an inquiry, the Disciplinary Committee (and its secretary and chair) shall dispose of the case in accordance with the old rules and the 1954 Act,

but other allegations of misconduct that have been brought to the attention of the Society shall be dealt with in accordance with, and with rules under, Parts 5 and 6 of this Order; or

- (b) information about a conviction for a criminal offence has been submitted to the Chairman of the Statutory Committee by the Secretary of the Committee—
 - (i) if a day has been appointed for holding an inquiry (including cases where an inquiry has been postponed or adjourned), the Statutory Committee (and its secretary and chairman) shall dispose of the matter in accordance with the old rules and the 1954 Act, or
 - (ii) if a day has not been appointed for holding an inquiry, the Disciplinary Committee (and its secretary and chair) shall dispose of the case in accordance with the old rules and the 1954 Act,

but other information about a conviction for a criminal offence that has been brought to the attention of the Society shall be dealt with in accordance with, and with rules under, Parts 5 and 6 of this Order,

and any appeal shall be disposed of in accordance with sections 10 and 11 of the 1954 Act.

(2) Where, by virtue of sub-paragraph (1), the chair or the secretary of the Disciplinary Committee acquires functions with regard to a case, if the chairman or the secretary of the Statutory Committee has already taken steps with regard to that case, those steps shall, for the purposes of disposing of the case, be treated as steps taken by the chair or the secretary of the Disciplinary Committee.

(3) Where, by virtue of this Schedule—

- (a) a case of alleged misconduct or in respect of a conviction for a criminal offence is before the Statutory Committee or the Disciplinary Committee; and
- (b) the Statutory Committee or the Disciplinary Committee determines (whether or not it has already decided that the conviction or misconduct is proved) that the fitness to practise of the person who is the subject of the case may be impaired by reason of adverse physical or mental health,

the Committee may refer the matter to the Health Committee for it to dispose of the matter in accordance with, and with rules under, Parts 5 and 6 of this Order.

(4) Where a matter is referred to the Health Committee under sub-paragraph (3), the Health Committee shall deal with it in the same way as it would deal with a case referred to it by the

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

Investigating Committee, except that its rules of procedure shall apply subject to such modifications as it considers appropriate to the circumstances of the case.

Applicants for registration or restoration who are subject to directions given under the 1954 Act

11.—(1) Where the Statutory Committee has given a direction in relation to a case falling within section 8(1)(a) of the 1954 Act, if the person in respect of whom the direction was given (“the person concerned”) makes or before the appointed day has made a further application for registration in the Register of Pharmacists—

- (a) the application shall be determined by the Registrar, even if it has already been referred to the Statutory Committee; and
- (b) the Registrar shall determine the application in accordance with the provisions of and rules under Part 4 of this Order, except that the application may not be granted unless—
 - (i) if the Statutory Committee has given a direction that an application for registration from the person concerned shall not be entertained until the expiration of a specified period, that period has expired,
 - (ii) if the Statutory Committee has given a direction that an application for registration from the person concerned shall not be entertained until specified conditions have been fulfilled, those conditions have been fulfilled, and
 - (iii) the Disciplinary Committee has been consulted and it has advised the Registrar that the person concerned’s fitness to practise is not or is no longer impaired.

(2) Where the Statutory Committee (or, pursuant to this Schedule, the Disciplinary Committee) has given a direction in relation to a case falling within section 8(1)(b) or (c) of the 1954 Act, if the person in respect of whom the direction was given (“the person concerned”) makes or before the appointed day has made an application (or in relation to a case falling within section 8(1)(c) a further application) for restoration to the Register of Pharmacists—

- (a) the application shall be referred by the Registrar to the Disciplinary Committee, even if it has already been referred to the Statutory Committee; and
- (b) the Disciplinary Committee shall dispose of the case in accordance with the provisions of and rules under article 55, except that—
 - (i) if it is the first application that the person concerned has made which is to be disposed of in accordance with the provisions of and rules under article 55, paragraph (2) of article 55 shall not apply, but if the Statutory Committee (or, pursuant to this Schedule, the Disciplinary Committee) has given a direction that an application for restoration from the person concerned shall not be entertained until the expiration of a specified period, that period must have expired, and
 - (ii) if the Statutory Committee (or, pursuant to this Schedule, the Disciplinary Committee) has given a direction that an application for restoration from the person concerned shall not be entertained until specified conditions have been fulfilled, those conditions must have been fulfilled.

Outstanding appeals to the courts against directions of the Statutory Committee

12. Where, as regards a direction given by the Statutory Committee before the appointed day—

- (a) an appeal has been brought under section 10(1) of the 1954 Act against the direction; or
- (b) after the appointed day an appeal is brought against the direction, in accordance with section 10(1) of that Act (which continues to apply for the purposes of bringing such appeals),

the appeal shall be disposed of in accordance with sections 10 and 11 of that Act.

PART 5

Transfer of responsibilities under the Medicines Act 1968

Referral of outstanding business and premises cases from the Statutory Committee to the Disciplinary Committee

13.—(1) Subject to the arrangements set out in sub-paragraph (6), where, before the appointed day, in proceedings under Part 4 of the Medicines Act 1968 which relate to alleged misconduct, the matter has been referred by the Infringements Committee to the Statutory Committee, if—

(a) a day has been appointed for holding an inquiry (including cases where an inquiry has been postponed or adjourned)—

(i) the Statutory Committee (and its secretary and chairman) shall dispose of the matter, and

(ii) any appeal shall be disposed of,

in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968 as they had effect immediately before the appointed day, or

(b) a day has not been appointed for holding an inquiry—

(i) the Disciplinary Committee (and its secretary and chair) shall dispose of the matter, and

(ii) any appeal shall be disposed of,

in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968; or

(2) Subject to the arrangements set out in sub-paragraph (6), where, before the appointed day, in proceedings under Part 4 of the Medicines Act 1968 which relate to a conviction for a criminal offence, information about the conviction has been submitted to the Chairman of the Statutory Committee by the Secretary of the Committee, if—

(a) a day has been appointed for holding an inquiry (including cases where an inquiry has been postponed or adjourned)—

(i) the Statutory Committee (and its secretary and chairman) shall dispose of the matter, and

(ii) any appeal shall be disposed of,

in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968 as they had effect immediately before the appointed day, or

(b) a day has not been appointed for holding an inquiry—

(i) the Disciplinary Committee (and its secretary and chairman) shall dispose of the matter, and

(ii) any appeal shall be disposed of,

in accordance with the old rules and with the provisions of Part 4 of the Medicines Act 1968.

(3) Where, before the appointed day, proceedings in respect of a matter have begun under Part 4 of the Medicines Act 1968, but—

(a) in proceedings which relate to alleged misconduct, the matter has not been referred by the Infringements Committee to the Statutory Committee; or

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

- (b) in proceedings which relate to a conviction for a criminal offence, information about the conviction has not been submitted to the Chairman of the Statutory Committee by the Secretary of the Committee,

the matter shall be referred to the Disciplinary Committee for it to dispose of the matter in accordance with any relevant rules under this Order and with Part 4 of the Medicines Act 1968.

(4) Where, by virtue of sub-paragraph (1) or (2), the chair or the secretary of the Disciplinary Committee acquires functions with regard to a case, if the chairman or the secretary of the Statutory Committee has already taken steps with regard to that case, those steps shall, for the purposes of disposing of the case, be treated as steps taken by the chair or the secretary of the Disciplinary Committee.

(5) Sub-paragraph (6) applies to a case where—

- (a) there are related proceedings against a body corporate and an individual pharmacist;
- (b) those proceedings were, before the appointed day, dealt with by the same Committee; and
- (c) those proceedings would, by virtue of paragraph 10 and sub-paragraphs (1) and (2), be dealt with by different Committees.

(6) In a case to which this sub-paragraph applies—

- (a) the Registrar shall, if he considers it appropriate to do so, assign the case against the body corporate to the Committee that is dealing with the related case; and
- (b) that Committee shall dispose of the matter in accordance with whichever of the statutory procedures (that is, the old rules or any relevant rules under this Order, together with Part 4 of the Medicines Act 1968) it considers to be the most appropriate in the particular circumstances of the case.

(7) Except in connection with the bringing and disposing of an appeal by virtue of sub-paragraph (1)(a)(ii) or (2)(a)(ii), any direction of the Statutory Committee that has been given under Part 4 of the Medicines Act 1968 shall, once given, be treated for all purposes as a direction of the Disciplinary Committee.