

SCHEDULE 1

Article 4(2) and (8)

Constitution of the General Pharmaceutical Council

Membership: general

1.—(1) The Council is to consist of—

- (a) registrant members, that is members who are entered in the Register as a pharmacist or as a pharmacy technician; and
- (b) lay members, that is members who—
 - (i) are not and never have been entered in the register of any regulatory body, and
 - (ii) do not hold qualifications which would entitle them to apply for registration under this Order.

(2) The members of the Council are to be appointed by the Privy Council.

(3) The Privy Council must ensure that, at any time, at least one of the members of the Council lives or works wholly or mainly in each of England, Scotland and Wales.

(4) Subject to sub-paragraph (5), before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006⁽¹⁾ to exercise any function of the Privy Council relating to the appointment of members of the Council, the Privy Council must consult the Council.

(5) The requirement to consult the Council in sub-paragraph (4) does not apply in respect of any direction given to the Appointments Commission by the Privy Council under section 60(1) of the Health Act 2006 to exercise a function of the Privy Council relating to the initial appointment of the first members of the Council.

Matters for the order of the Privy Council under article 4(2)

2.—(1) An order under article 4(2) must include provision with regard to—

- (a) the number of registrant members and lay members of the Council;
- (b) the terms of office for which members of the Council are appointed and the order may provide that these are to be determined by the Privy Council, on appointment;
- (c) the grounds on which persons are to be disqualified for appointment as registrant or lay members of the Council;
- (d) the appointment (from among the members of the Council) of a chair of the Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
- (e) deputising arrangements in respect of the chair;
- (f) the appointment of the first Chief Executive Officer of the Council;
- (g) the quorum of the Council;
- (h) the circumstances in which members cease to hold office or may be removed or suspended from office.

(2) An order under article 4(2) may include provision with regard to—

- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;

(1) 2006 c.28.

Status: This is the original version (as it was originally made).

- (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
- (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders and for those standing orders to provide for—
 - (i) education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
- (d) the attendance of members of the Council at meetings of the Council.

(3) An order under article 4(2) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

Powers of the Council

3.—(1) Subject to the following provisions of this Schedule, the Council has power to do anything which is calculated to facilitate the discharge of its functions or which is incidental or conducive to the discharge of its functions.

(2) The Council has, in particular, power—

- (a) to borrow;
- (b) to institute criminal prosecutions under any enactment;
- (c) to appoint such staff (including, subject to paragraph 2(1)(f), a Chief Executive Officer) as it may determine;
- (d) to establish such sub-committees of any of its committees as it may determine;
- (e) subject to any provision made by or under this Order, to regulate the procedure of any of its committees or their sub-committees;
- (f) to abolish any of its committees, other than a statutory committee, or to abolish any sub-committee of any of its committees;
- (g) to pay its members such remuneration, pensions, allowances, expenses or gratuities, or make such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the Privy Council on appointment;
- (h) to pay the members of its statutory committees (including co-opted members), the members of any of its other committees and the members of the sub-committees of any of its committees such remuneration, pensions, allowances, expenses or gratuities, or make such contributions or payments towards provision for such pensions, allowances or gratuities, as it may reasonably determine;
- (i) to pay its staff (including the Registrar and any Deputy Registrar) such remuneration, pensions, allowances, expenses or gratuities, or make such contributions or payments towards provision for such pensions, allowances or gratuities, as it may reasonably determine;
- (j) to pay such remuneration, allowances or expenses as it may reasonably determine to advisers advising the Council or one of its committees on issues falling within the advisers' speciality which are under consideration by the Council or committee, including legal advisers appointed under article 63 and clinical and other specialist advisers appointed under article 64.

(3) The powers of the Council may be exercised even though there is a vacancy among its members.

(4) No proceedings of the Council are to be invalidated by any defect in the appointment of a member.

(5) Subject to any provision made by or under this Order, the Council may regulate its own procedure.

Registration of members' private interests

4.—(1) The Council must establish and maintain a system for the declaration and registration of private interests of its members.

(2) The Council must publish in such manner as it sees fit entries recorded in its register of members' private interests.

The statutory committees

5.—(1) The Council must by rules, as regards each of the statutory committees, make provision with regard to—

- (a) its size and composition (which may vary according to the functions the committee is performing), but the number of members of the committee who are registrants must not exceed the number of other members on the committee by more than one;
- (b) the appointment, performance, suspension and removal from office of its members;
- (c) the appointment, performance, suspension and removal from office of its chair (who is to be one of its members);
- (d) the quorum at its meetings; and
- (e) its procedures, including deputising arrangements with regard to its chair.

(2) The provisions with regard to size, composition and procedures of a statutory committee may, except in relation to the Investigating Committee, provide for the chair of the committee to have the power to determine a particular size and composition for the committee for a particular hearing or inquiry before the committee and, in particular, to determine—

- (a) that only specified members of the full committee are entitled to sit at the hearing or inquiry and decide the matter to which the hearing or inquiry relates (but the chair or a deputy chair must be one of the specified members); and
- (b) a different quorum for the hearing or inquiry and the related meetings of the committee than would otherwise be the case (which must not be less than three),

but where the chair does determine a particular size and composition of the committee for a particular hearing or inquiry, the chair must ensure that the number of registrants who are members of that formation of the committee does not exceed the number of other members by more than one.

(3) Rules under this paragraph may in addition include provision with regard to—

- (a) the education and training of members of a statutory committee, and the rules may provide that members are to meet competencies that the Council may determine from time to time;
- (b) the attendance of members of a statutory committee;
- (c) requiring a statutory committee to—
 - (i) establish and maintain a system for the declaration and registration of private interests of its members, and
 - (ii) publish in such manner as it sees fit entries recorded in its register of members' private interests; and
- (d) the functions to be performed by a statutory committee and how it is to perform them.

(4) Rules under this paragraph must provide that—

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- (a) no person may be both a member of the Council and of the Appeals Committee or the Fitness to Practise Committee;
 - (b) no person may be both a member of the Investigating Committee and of the Fitness to Practise Committee;
 - (c) no person who is a member of the Fitness to Practise Committee that has made an interim order under article 56 in proceedings in any case may sit as a member of the Committee in subsequent proceedings in that case, unless the subsequent proceedings relate solely to measures under article 56; and
 - (d) the appointment, suspension and removal of members, chairs and deputy chairs of the statutory committees must be by the Council, except that the rules may provide for the Council to enter into arrangements with another person, body or committee (including a committee of the Council that is not one of the statutory committees) to carry out all or any of these functions on the Council's behalf.
- (5) Rules under this paragraph may provide for a statutory committee to—
- (a) have more than one deputy chair;
 - (b) co-opt members onto the committee in such circumstances as may be specified in the rules; and
 - (c) discharge, in such circumstances and subject to such conditions as may be specified in the rules, functions of the Council.
- (6) The powers of a statutory committee may be exercised even though there is a vacancy among its members.
- (7) No proceedings of a statutory committee are to be invalidated by any defect in the appointment of a member.

The Council's duties in respect of publications

6.—(1) The Council must from time to time publish or provide in such manner as it sees fit information about the regulation of pharmacists, pharmacy technicians and registered pharmacies.

(2) The Council may from time to time publish or provide in such manner as it sees fit guidance to registrants, employers and such other persons as it considers appropriate in respect of the standards for the education, training, supervision and performance of persons who are not registrants but who provide services in connection with those provided by registrants.

Accounts

- 7.—(1)** The Council must—
- (a) keep accounts, which must be in such form as the Privy Council may determine; and
 - (b) prepare annual accounts in respect of each financial year, which must be in such form and must be prepared by such date as the Privy Council determines.
- (2) In sub-paragraph (1), “financial year” means—
- (a) the period beginning with the day on which the Council is established and ending with the next 31 March following that day, and
 - (b) each successive period of 12 months ending with 31 March.
- (3) The Council must ensure that a person eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006(2) (statutory auditors) audits the Council's annual accounts.

(2) 2006 c.46.

(4) As soon as is reasonably practicable after those accounts have been audited, the Council must—

- (a) cause them to be published together with any report made on them by the auditors appointed under sub-paragraph (3); and
- (b) send a copy of those annual accounts and of any such report to the Privy Council,

and the Privy Council must lay before each House of Parliament and before the Scottish Parliament a copy of those annual accounts and of any report on the accounts made by the auditors appointed under sub-paragraph (3).

Annual reports, statistical information and strategic plans

8.—(1) The Council must publish, by such date in each calendar year as the Privy Council may determine—

- (a) a report on the exercise of its functions which includes a description of the arrangements that the Council has put in place to ensure that it adheres to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006⁽³⁾ (equality and diversity));
- (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the Council has put in place to protect members of the public from registrants whose fitness to practise is impaired, together with the Council’s observations on the report; and
- (c) a strategic plan for the Council in respect of such number of years as the Council determines.

(2) The Council must submit copies of the reports and the plan published under sub-paragraph (1) to the Privy Council and the Privy Council must lay copies of the reports and the plan before each House of Parliament and before the Scottish Parliament.

(3) 2006 c.3.