Background:
The existing legislative base for regulation of the profession of Pharmacy dates back to 1875. The Pharmacy Review Group, 2001, recommended the removal, following the introduction of new Pharmacy Legislation, of the restriction on pharmacists educated in other EU or EEA countries from owning, managing or supervising a pharmacy in Ireland that is less than three years old — the derogation under Article 2.2 of Council Directive 85/433/EEC.

The preparation of this Bill was informed by the recommendations of the PRG, which included proposals on a number of, for example, a stronger statutory basis for the Pharmaceutical Society of Ireland, including the governance of the PSI, wider non-pharmacist representation on its Council, updating regulations with respect to the registration of pharmacists including non-EU and EEA graduates, and some matters concerning the delivery of pharmaceutical services in a community setting, such as linguistic and forensic competence, and experience for supervisory pharmacists.

Purpose of Bill:
The Bill makes new provision for the regulation of pharmacy, including provision for the dissolution of the Pharmaceutical Society of Ireland and the setting up of a new Pharmaceutical Society of Ireland, for the establishment, constitution and functions of the new Society’s Council, for a new system of registration of qualified pharmacists, druggists and pharmaceutical assistants and of pharmacies and for the setting up of new procedures to ensure that pharmacists, and pharmacy businesses, are, and continue to be, fit to practise; and to provide for related matters.

Principal Elements of the Bill:
• Part 1 — deals with the standard provisions of Short title and commencement, Interpretation, Expenses and Repeals and revocations.

• Part 2 — This Part deals with the dissolution of the old Pharmaceutical Society of Ireland and the establishment of the new Society. It also outlines the functions of the Society. It provides that the Society must do all things necessary and reasonable for or incidental to the performance of its functions in the public interest. There is no definition of the functions of the Society in the current legislation. In line with best practice in relation to the governance of regulatory bodies this Part defines the functions of the Society in the context of protecting the public by promoting high standards
of professional conduct and professional education, training and competence among pharmacists.

• Part 3 — This Part outlines the composition of the Council of the Society, its functions and provisions to have the Competition Authority consulted in respect of the competition aspects of any code of conduct drawn up by the Council.

In particular Section 10 outlines the composition of a Council to govern the affairs of the Society, including allowing for general public interest representation. Currently the Council’s membership stands at 21, all pharmacists. In line with current policy dealing with regulatory bodies, the Bill will increase to a majority, non-pharmacist representation on the Council.

• Part 4 — deals with Registration of Pharmacists and Pharmacies and contains sections dealing with the establishment and maintenance of Registers, covering pharmacists and pharmacies. A modern and robust registration system, one which allows for the removal of registrants if deemed necessary and proper, is considered essential.

The revised registration system will also allow for updating of the registration process for EU/EEA and overseas pharmacists.

The regime proposed in the Bill will allow not just for the registration of the individual pharmacist but also, for the first time, the registration of pharmacies. The inclusion of a registration system for pharmacies is desirable and necessary as the regulation of the business of pharmacy is the last link in the chain of medicinal product control.

• Part 5 — This Part deals with what constitutes the carrying on of a retail pharmacy business and creates offences for acting other than in accordance with the provisions.

• Part 6 — deals with Fitness to Practice provisions for pharmacists and registered retail pharmacy businesses — ranging from disciplinary committees, the grounds for complaints, the procedures for dealing with complaints, the options open to the disciplinary committees, the steps to be taken if sanctions are deemed necessary (and the sanctions available) and an appeals mechanism.

In light of the interaction of the corporate ownership and professionals in running pharmacies, the registration process and the fitness to practice regimes need to be linked so that remedies and sanctions can be applied evenly across those responsible for the provision of the service and not just the individual pharmacist.

• Part 7 — This Part of the Bill gives an authorised officer of the Council of the Pharmaceutical Society the power to investigate, by way of entry, search or seizure, if any offence under this Bill, or any breach of a code of conduct or any professional misconduct has been committed. It also outlines the functions of the Council on receipt of the report of an investigation by an authorised officer. Finally, this Part provides for penalties for offences committed under this Bill.

• Part 8 — Section 70 provides that certain powers conferred by the Apothecaries Act 1791 shall cease to be exercisable. Sections 22 to 31 of that Act are repealed. Section 71 provides for amendments to the Poisons Act 1961. Section 73 provides that the Minister shall
ensure that a code of conduct drawn up by the Society, and regulations made regarding the registration of pharmacies are laid before each House of the Oireachtas as soon as practicable.

Schedule 1 — deals with the Council, its members and the Society’s employees in matters concerning the term of office of the Council, disqualification from office, conditions of office, the President and Vice-President, casual vacancies, meetings and procedures, committees of the Council and other related procedural and staff issues.

Schedule 2 — This Schedule provides for the Council to be the competent authority in the State to demand and receive and to issue diplomas, certificates and other documents concerning education for, qualifications in and the practice of pharmacy.

Schedule 3 — Is the certificate to be used when reporting on any test, examination or analysis under Section 66 of this Bill.

Schedule 4 — Details Enactments to be repealed.

Provisions of Bill

PART 1 PRELIMINARY AND GENERAL

Section 1. Short title and commencement.
This section provides for the short title and commencement of the Act on the making of an order or orders by the Minister setting the day or days on which provisions of the Act will come into operation.

Section 2. Interpretation
Defines certain words and terms used in the Bill.

Section 3. Expenses.
This Section provides that expenses incurred by the Minister in administering the Bill will be paid out of money provided by the Oireachtas, as sanctioned by the Minister for Finance.

Section 4. Repeals and revocations.
This section provides that the enactments specified in Schedule 4 are repealed.

PART 2

THE PHARMACEUTICAL SOCIETY OF IRELAND

Section 5. Dissolution of old and establishment and membership of new Pharmaceutical Society of Ireland.
This section provides that the old Pharmaceutical Society of Ireland shall be dissolved and a new body to be known as “The Pharmaceutical Society of Ireland” shall be established. All rights, property and liabilities of the old Society will be transferred to the new Society. The Society will perform the functions and exercise the powers assigned to it by this Bill.

This section provides that the Society is a body corporate with perpetual succession and an official seal.

Section 7. Functions of the Society.
This section provides that the Society must do all things necessary and reasonable for or incidental to the performance of its functions in the public interest. In line with best practice in relation to the
governance of regulatory bodies this section defines the functions of the Society in the context of protecting the public by promoting high standards of professional conduct and professional education, training and competence among pharmacists.

**Section 8. Additional functions.**
This section provides that the Minister may confer additional functions on the Society, where necessary or appropriate.

**Section 9. Ancillary powers.**
This section provides that the Society shall have the necessary powers to carry out its functions.

**PART 3**

**The Council of the Society**

**Section 10. The Council of the Society.**
This section outlines the composition of a Council to govern the affairs of the Society, including allowing for general public interest representation. The Council shall consist of 21 persons appointed by the Minister.

Of those 21—

(a) 11 shall be persons who, in the opinion of the Minister, are representative of the public interest, in the manner as follows:

a) 1 person to be nominated by the Irish Medicines Board,

b) 1 person to be nominated by the Health Service Executive,

c) 1 person to be nominated with an interest in continuing professional development education,

d) 5 persons, who have not and never have been, registered pharmacists in the State or another jurisdiction and who are representative of the public interest,

e) 3 persons who have such qualifications, expertise, interests and experience as, in the opinion of the Minister, would enable them to make a substantial contribution to the performance of the Council’s functions.

(b) 9 shall be members of the Society who have been selected by its members, and

(c) one shall be a member of the Society who has been selected as a representative of third level education establishments carrying out education, training or research in pharmacy, by—

(i) the deans of the pharmacy faculties of those establishments, and

(ii) the heads of those establishments.

(2) *Schedule 1* shall apply in relation to the Council and its members and the employees of the Society.

**Section 11. Functions of the Council and their delegation.**
This section provides for the Council to have the power to make
such provision as it thinks fit for facilitating the performance of its functions under the Act, subject to the consent of the Minister.

**Section 12. Codes of conduct: reference to Competition Authority and ministerial consent.**
This section provides that the Council must submit draft codes of conduct for practitioners to the Competition Authority and take cognisance of the Authority’s opinion.

**PART 4**

**PHARMACEUTICAL REGISTRATION SYSTEM**

**Section 13. Registers.**
This section sets out the procedures for the setting up and maintenance of registers for pharmacists, druggists, pharmaceutical assistants and pharmacies.

**Section 14. Procedure and criteria for registration of pharmacists.**
This section provides for the registration of persons entitled to practice pharmacy in the appropriate register.

**Section 15. Registration of persons registered or entitled to be registered under repealed legislation.**
This section makes provision for persons registered before the Bill is enacted.

**Section 16. Qualifications for practice.**
This section sets out the criteria necessary for qualification to practice.

**Section 17. Procedure and criteria for registration of retail pharmacy businesses.**
This section allows for the registration of retail pharmacy businesses.

**Section 18. Regulation of retail pharmacy businesses**
This section allows the Minister, for the purposes of the health, safety and convenience of the public, make regulations about all or any of a number of matters in respect of retail pharmacy businesses.

**Section 19. Inspection of premises of retail pharmacy businesses for the purposes of section 18.**
This section allows the Council, where it considers it appropriate, to have an authorised officer inspect the premises of a retail pharmacy business, at the time of registration or renewal of registration, to ascertain if they comply with any regulations made by the Minister under section 18. The authorised office will furnish a written report to the Council and the applicant.

**Section 20. Certificate of registration.**
Provides for the issuing of a certificate of registration to a pharmacist or pharmacy owner. The period of the certificate to be 12 months.

**Section 21. Refusal to register: notification and appeal.**
This section sets out the requirement for notification when an application for registration is refused, and the process of appeal by the applicant.

**Section 22. Maintenance and correction of registers.**
This section sets out the requirement of the Council to maintain up-to-date registers.
Section 23. Evidence as to the registers.
This section stipulates what constitutes evidence of registration with the Society in any legal proceedings.

Section 24. Roll of pharmacy students.
This section provides that the Council may set up and maintain a roll of persons studying pharmacy and that no fee will be chargeable in respect of enrolment.

PART 5

Offences

Section 25. Interpretation of Part 5.
This section sets out the definitions of “3 year minimum post-registration experience” and “representative”.

This section sets out the conditions for the running of a pharmacy business by a natural person, a partnership, a corporate body or a representative of a registered pharmacist. Anyone carrying on a retail pharmacy business otherwise than in accordance with this section commits an offence.

Section 27. Carrying on of retail pharmacy business by a natural person or partnership.
This section outlines the conditions for the running of a retail pharmacy business under section 26 as it refers to a natural person or partnership doing so.

Section 28. Carrying on of retail pharmacy business a corporate body.
This section outlines the conditions for the running of a retail pharmacy business under section 26 as it refers to a corporate body doing so.

Section 29. Carrying on of retail pharmacy business by representative.
This section outlines the conditions for the running of a retail pharmacy business under section 26 as it refers to a representative doing so.

Section 30. Saving for temporary cover by pharmaceutical assistant.
The section provides for a registered pharmaceutical assistant to act on behalf of a registered pharmacist in his/her temporary absence.

Section 31. Offence of providing skilled pharmaceutical assistance by unregistered person.
The section stipulates that a registered pharmacist or registered druggist who accepts skilled assistance from an unregistered person is guilty of an offence unless the assistance is part of the training or education of the person.

Section 32. Offence of holding oneself out as registered pharmacist or registered druggist.
This section creates an offence when a person holds themselves out to be a registered pharmacist or registered druggist, or uses a symbol, device or description to infer that they are so registered.
PART 6

COMPLAINTS, INQUIRIES AND DISCIPLINE

Section 33. Interpretation of Part 6
This section sets out the definitions of “committee of inquiry”, “complaint”, “disciplinary committee”, “disciplinary sanction”, “health committee”, “poor professional performance”, “preliminary proceedings committee”, “professional conduct committee”, “professional misconduct”.

Section 34. Disciplinary committees.
This section requires the Council to establish a preliminary proceedings committee, a professional conduct committee and a health committee to perform functions and exercise powers in regard to complaints, inquiries and discipline, and sets out membership of such committees. The section provides that the Council shall appoint a registered medical practitioner with relevant expertise to advise a health committee in relation to each complaint referred to that committee.

Section 35. Complaints about registered pharmacists.
This section outlines the grounds under which a complaint may be made against a registered pharmacist.

Section 36. Complaints about registered pharmacy businesses.
This section outlines the grounds under which a complaint may be made against a registered retail pharmacy business.

Section 37. Mediation of complaints.
This section provides that the Council may develop guidelines for resolving complaints by mediation with the consent of the complainant and the registered pharmacist or pharmacy owner against whom the complaint was made.

Section 38. Reference of complaints to preliminary proceedings committee for advice.
This section provides for a complaint to be referred to a preliminary proceedings committee for its advice on whether there is sufficient cause to warrant further action being taken.

Section 39. Action by Council on advice for no further action.
This section provides for the Council to decide whether no further action be taken in relation to a complaint. The Council must inform the registered pharmacy or pharmacy owner, the preliminary proceedings committee and the complainant accordingly.

Section 40. Procedure following recommendation for, or decision to take, further action.
This section outlines the steps which the preliminary proceedings committee may take if it advises, or the Council decides that there is sufficient cause to warrant further action.

Section 41. Notification of referral of complaint to committee of inquiry and of hearing.
This section provides that, as soon as practicable after a complaint is referred to a committee of inquiry, the committee shall notify the registered pharmacist or pharmacy owner of the referral of the complaint to the committee, the subject matter of the complaint, and the entitlement of the registered pharmacist or pharmacy owner or his or her representative, to be present and be heard at the hearing before the committee of inquiry. Not later than 30 days before the
date of the hearing, the committee must notify the registered pharmacist or pharmacy owner and the complainant of the date, time and place of the hearing.

Section 42. Hearings: procedure
This section provides for the conduct of a hearing.

— A hearing before a professional conduct committee will generally be held in public.

— A hearing before a health committee will generally be held in private.

— At a hearing before a committee of inquiry, any person, with leave of the committee may lead the evidence in support of the complaint, testimony of witnesses is given on oath and there is a full right to cross examine witnesses and to call evidence in defence and reply.

This section also provides that a committee of inquiry to which a complaint is referred may transfer the complaint to another committee of inquiry but only if it is satisfied that it is appropriate to do so and that the registered pharmacist or pharmacy owner will not be prejudiced by doing so.

Section 43. Hearings: evidence, powers, immunities, offences etc.
This section provides that each committee of inquiry has the powers, rights and privileges vested in the Court relating to enforcing the attendance of witnesses, examining witnesses on oath and compelling the production of records. This section also lays down the means by which a committee may receive evidence, and entitles a witness to the same immunities and privileges as a witness before the Court. In addition, this section makes it an offence to fail to comply with a summons or to refuse to cooperate with the committee.

Section 44. Procedure following withdrawal of complaint.
This section provides for the committee to decide to take no further action if a complaint is withdrawn or to proceed as if the complaint had not been withdrawn.

Section 45. Interim suspension of registration.
This section enables the Court, on application by the Council, to suspend the registration of a registered pharmacist or pharmacy owner pending the completion of an inquiry, if it considers that the action is necessary to protect the health and safety of the public. The person must be notified of the Council’s intention to apply for an order of suspension.

Section 46. Undertaking and consents.
This section provides for a committee of inquiry requesting a registered pharmacist or pharmacy owner to undertake such action as it deems appropriate.

Section 47. Committee’s inquiry report.
This section requires that, on completion of an inquiry, a committee of inquiry must submit its findings in writing to the Council and specifies the items that must be included in the report.

Section 48. Action by Council on report by disciplinary committee.
This section provides that, within 30 days after considering the report by the disciplinary committee, the Council shall:
— dismiss the complaint if it has not been substantiated or

— impose one or more of the following disciplinary sanctions on the registered pharmacist or pharmacy owner if the complaint has been substantiated:

(a) an admonishment or a censure;

(b) the attachment of conditions to the registration, which may include restrictions on practice or, on the conduct of the pharmacy;

(c) the suspension of the registration for a specified period;

(d) the cancellation of the registration;

(e) a prohibition for a specified period on applying for restoration to the register.

Section 49. Notification of imposition of disciplinary sanction.

This section provides that as soon as practicable after deciding to impose a disciplinary sanction, the Council shall notify the registered pharmacist or pharmacy owner and the complainant of:

— the disciplinary sanction imposed;

— the reasons for the imposition of the sanction;

— the date of the decision.

If the Council has imposed a disciplinary sanction other than an admonishment or censure, the following information must also be provided:

— the time allowed to the registered pharmacist or pharmacy owner for bringing an application to Court for cancellation of the decision;

— the time within which the Council may apply to the Court for confirmation of the decision.

Section 50. Disciplinary sanction to be confirmed by High Court.

This section provides that a decision given by the Council to impose a disciplinary sanction (other than an admonishment or censure) does not take effect unless the direction is confirmed by the Court.

Section 51. High Court's power to cancel etc. disciplinary sanction.

This section provides that a registered pharmacist or pharmacy owner on whom the Council has imposed a disciplinary sanction (other than an admonishment or censure), may apply to the Court within 30 days of receipt of the decision, for an order cancelling the decision. After consideration of the evidence, the Court may make an order confirming or modifying the decision or give the Council direction.

Section 52. Confirmation by High Court of disciplinary sanction.

This section provides that the Council may, within 60 days after the registered pharmacist or pharmacy owner was notified of a disciplinary sanction, apply to the Court for an order confirming the sanction (other than an admonishment or censure) if the registered pharmacist or pharmacy owner does not, within the 30 days allowed, apply to the Court for an order cancelling the disciplinary sanction.
Section 53. Expert evidence on poor professional performance and professional misconduct.

This section provides for the Court to hear evidence from any person of good standing within the profession of pharmacy as to what constitutes poor professional performance or professional misconduct in that profession or occupation.

Section 54. Finality of decision of High Court.

This section provides for an appeal to the Supreme Court by the Council or the registered pharmacist or pharmacy owner against a decision of the High Court on a specified question of law of public importance.

Section 55. Notification of decision of High Court.

This section provides for notification in writing by the Council to the registered pharmacist or pharmacy owner, of the effect of the decision of the Court under section 51 or 52.

Section 56. Notification of sanctions etc. to Minister.

This section provides that the Council shall notify the Minister and employer, if known, as soon as practicable after any of the following measures take effect:

— the cancellation of a registration;
— the restoration of a registration;
— the suspension of a registration;
— the expiry of a suspension;
— the attachment of conditions to a registration;
— the removal of conditions from a registration;
— the prohibition for a specified period of a registered pharmacist or pharmacy owner from applying for restoration to the register;
— the admonishment or censure of a registered pharmacist or pharmacy owner;

This section also provides that if it comes to the Council’s attention that, under the law of the a state other than the State, the Council becomes aware of any corresponding action taken in relation to a registered pharmacist or pharmacy owner, it shall notify the Minister of the fact.

Section 57. Public notice of sanctions etc.

This section provides that the Council may, if it is satisfied that it is in the public interest to do so, advise the public when any of the above measures take effect.

Section 58. Absolute privilege for disciplinary proceedings etc.

This section provides that the proceedings, reports and communications of a preliminary proceedings committee or of a committee of inquiry or of the Council in relation to disciplinary proceedings are absolutely privileged in any action for defamation.

Section 59. Cancellation of registration on request.

This section provides for the Council to cancel a registration if the person to whom it relates applies for its cancellation, pays the
prescribed fee, and is not, at the time of applying, the subject of a complaint under Part 6 of the Bill.

**Section 60. Cancellation of registration on failure to pay fee.**
This section provides for the Council to cancel a registration if the person to whom it relates has failed to pay a retention fee or a fee for recording a change in the register; and having been notified at least twice by the Council of that failure continues so to fail to pay the fee.

**Section 61. Restoration of registration.**
This section provides that the Council may restore a registration cancelled under section 59 if the person to whom it related applies for its restoration, pays the prescribed fee, and undertakes to comply with such conditions, if any, as the Council may stipulate. The section also provides for the Council to restore a registration cancelled under section 60.

**Section 62. Removal of conditions imposed under this Part.**
This section provides for the Council to remove a condition attached to a registration if the registered pharmacist or pharmacy owner applies for its removal, and pays the prescribed fee. Prior to arriving at its decision, the Council must give the registered pharmacist or pharmacy owner an opportunity of making oral or written submissions.

**PART 7**

**Powers of Investigation**

**Section 63. Definitions**
This section sets out definitions for this part of the Bill.

**Section 64. Powers of entry, search, seizure etc.**
This section allows for appointment of authorised officers for the purposes of this Bill and outlines what the authorised officer may do to ascertain whether any offence, breach of code of conduct or profession a misconduct has been committed.

**Section 65. Samples**
This section sets out the procedures for taking of samples by an authorised officer in the course of an investigation.

**Section 66. Evidence**
Allows for the production of a certificate outlining the result of any test, examination or analysis undertaken in relation to the investigation of a matter under the Bill.

**Section 67. Indemnification of authorised officers**
This section provides for the Council to indemnify an authorised officer of the Council against all actions or claims arising in respect of the discharge by them of their duties if satisfied they acted in good faith.

**Section 68. Functions of Council on receipt of report of investigation by authorised officer**
This section provides that the Council shall consider a written report from an authorised officer as soon as practicable after receipt of it and shall take whatever actions that it considers appropriate.

**Section 69. Penalties for offences**
This section provides for the imposition of penalties for any offences committed under the Bill.
PART 8

MISCELLANEOUS AND GENERAL

Section 70. Restriction of Apothecaries Act 1791.

This section provides that the powers conferred by the Apothecaries Act 1791 shall cease to be exercisable in relation to:

— inspection and direction of chemical and compound preparations and experiments;

— composition of medicines; and

— examination of apprentices and journeymen for the purposes of their learning and transacting the business of apothecaries and to certifying them as qualified for those purposes.

Sections 22 to 31 of that Act are repealed.

Section 71. Amendment of the Poisons Act 1961.

In order to regularise the position with respect to the sale of poisons the Poisons Act 1961 is amended in line with this section.

Section 72. Interpretation of references to pharmaceutical chemists, persons keeping open shop etc.

This section provides for the interpretation of references to pharmaceutical chemists, or dispensing chemists and druggists in prior enactments to be construed as references to registered pharmacists, and that references, in prior enactments, to persons keeping open shop will be construed as referring to retail pharmacy businesses or a representative of registered pharmacist.

Section 73. Codes, rules and regulations.

This section provides that the Minister shall ensure that a code of conduct drawn up by the Society, and regulations made regarding the registration of pharmacies are laid before each House of the Oireachtas as soon as practicable. Either House of the Oireachtas may, by resolution passed within 21 sitting days after the day on which the code of conduct or regulations are laid before it, annul the code or, as the case may be, the regulations.

SCHEDULE 1

THE COUNCIL AND ITS MEMBERS AND THE SOCIETY’S EMPLOYEES

1. Term of office

This paragraph provides that:

— members of the Council shall hold office for a term of 4 years from the date of his or her appointment;

— but 6 of the members first appointed by virtue of section 10(3)(a) and 5 of those first appointed by virtue of section 10(3)(b) and (c) shall hold office for a term of 2 years from the date of appointment;

— the members making up these numbers shall be determined by lot to be drawn in the manner fixed by the Minister.
2. Disqualification from Office
This paragraph outlines the circumstances under which a person shall be deemed not to be qualified for office or a member shall cease to be so qualified and shall cease to hold office. It also outlines the circumstances under which the Minister may remove a member from office.

3. Conditions of office
This paragraph provides that subject to the other provisions of this Act, a member shall hold office upon such terms and conditions as are determined by the Minister with the consent of the Minister for Finance.

4. President and Vice-President
This paragraph provides that the Council shall elect from among its members a President and a Vice-President, shall each hold office for one year. No person may hold the office of President or Vice-President for more than 2 consecutive years.

5. Casual Vacancies
This paragraph provides that the Minister may appoint a person to fill a casual vacancy in the event that a member dies, resigns, or ceases to hold office or is removed from office. The new member shall hold office for the period of office of the former member that remained unexpired at the date of the new member’s appointment and shall be eligible for reappointment on the expiry of that period.

6. Meetings and Procedure of the Council
This paragraph provides that the Council shall hold 4 meetings in each period of 12 months and may hold such other meetings as are necessary for the performance of its functions. A meeting shall be chaired by the President, or in his or her absence, the Vice-President, or in both their absences, a member chosen by the members present.

Every question at a meeting shall be determined by a majority of the votes of the members present and voting and, in the case of an equal division of votes, the chair shall have a casting vote.

The quorum for a meeting shall be, unless the Minister otherwise directs, 11 members. Subject to the quorum requirement being met, the Council may act notwithstanding one or more vacancies in its membership.

The Council shall arrange for the recording of the business done at its meetings and those of its committees and, subject to that and the other provisions of this Act, shall regulate its procedure and that of its committees by rules and otherwise as it sees fit.

7. Committees of the Council
This paragraph provides that in addition to the disciplinary committees which the Council must set up under section 34, it may establish committees to advise it in relation to the performance of its functions and may determine their terms of reference. It may also dissolve an advisory committee.

In relation to both the disciplinary committees and advisory committees:

— a committee may include persons who are not members of the Council;
— a member of a committee may be removed from it by the Council;
— the Council shall appoint a member of a committee to chair it;
— the Council shall fix the quorum of a committee.

8. Membership of either House of the Oireachtas or European Parliament by a Member of the Council or Staff of the Society

This paragraph provides that a person shall cease to be a member of the Council if:

— nominated as a member of Seanad Éireann;
— elected as a member of either House of the Oireachtas or the European Parliament; or
— regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament.

An employee of the Society shall stand seconded from employment by the Society if:

— nominated as a member of Seanad Éireann;
— elected as a member of either House of the Oireachtas or the European Parliament; or
— regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,

An employee so seconded shall not be paid by, or entitled to receive from the Society any remuneration or allowances in respect of the period of secondment, and this period shall not, for the purposes of any superannuation benefit, be reckoned as service with the Society.

9. Disclosure of certain interests

This paragraph provides for disclosure of material interests by members of the Council or its committees and sets out the procedure for those members with material interests in absenting themselves from discussions at meetings where a matter arises in which that member has a material interest.

10. Disclosure by employees of certain interests

This paragraph provides for disclosure of material interests by employees of the Society and sets out the procedure for those employees with material interests in refraining from dealing with any matter in which those employees have a material interest.

11. Prohibition of unauthorised disclosure of confidential information

This paragraph provides that a person who discloses confidential information obtained as a result of involvement with the Society, shall be guilty of an offence.
12. Application of surpluses

This paragraph provides that any surplus funds left over after the Council has met its expenses may be spent, as it sees fit, on the development of education, research or other public purpose connected with the profession of pharmacy.

13. Registrar

This paragraph provides that the Council may appoint a chief officer, to be known as the Registrar of the Pharmaceutical Society of Ireland, to carry on and manage and control generally the administration and business of the Council.

14. Staff of the Pharmaceutical Society of Ireland

This paragraph provides that the Council may determine the number, grade and conditions of staff (including conditions relating to remuneration and allowances) subject to the approval of the Minister with the consent of the Minister for Finance.

15. Superannuation

This paragraph provides for the Council to establish a superannuation scheme for the payment of superannuation benefits to or in respect of such of its employees (including the registrar) as the Council considers appropriate.

16. Accounts and audit

This paragraph provides for the maintenance of proper accounts by the Council.

17. Annual report

This paragraph provides for the Council to submit an annual report on its activities to the Minister and for the Minister to lay copies of the report before each House of the Oireachtas. As soon as practicable after the report has been so submitted, the Council shall have it printed, published and put on sale.

18. Council’s exercise of Society’s borrowing power

This paragraph lays down the requirements for borrowing of money by the Society.

19. Acceptance of gifts by the Council

This paragraph provides that the Council may accept gifts of land, money or other property, but only if any trusts or conditions specified by the donor are consistent with the Society’s functions.

20. Power to charge and recover fees

This paragraph provides that the Society may charge and recover fees.

21. Failure of Council to perform a function

This paragraph provides for the Minister to direct the Council to perform any of its functions in the event of the Council failing to do so, and if the Council does not comply with the direction, the Minister may remove from office any or all of the Council’s members and perform the function himself.
Recognition of Professional Qualifications in Pharmacy

1. This paragraph sets out that the Council shall determine an application for registration as soon as possible after receiving all relevant documents, or within 3 months after such receipt.

2. This paragraph provides that the Council may require of the competent authorities of the home relevant State, confirmation of the authenticity of diplomas, certificates and other evidence of formal qualifications in pharmacy issued in that State, and confirmation that a person proferring such qualifications has fulfilled minimum training requirements.

3. This paragraph provides for the Council to be the competent authority in the State to demand and receive and to issue diplomas, certificates and other documents concerning education for, qualifications in and the practice of pharmacy.

4. This paragraph provides that the Council shall ensure the confidentiality of information received under Article 50.1 of the Professional Qualifications Directive.

5. This paragraph sets down the provisions for the giving of information by the Council to relevant States.

6. This paragraph provides for the Council, when registering a person qualified in a third country, to impose a condition requiring the person to indicate by whom their academic title was conferred or awarded, and for them to do so in a manner specified or otherwise directed by the Council.

7. This paragraph provides for the Council to suspend the registration of a person for a specified period or to cancel the registration in the case of a person who does not comply with a condition imposed by the Council.

8. Sections 49 to 52 shall apply in respect of a condition or sanction imposed under this Schedule as they apply in respect of one imposed under Part 6.

9. This paragraph provides for the Council, when considering an application for registration for a person qualified in a third country, to take into account any relevant training undergone or experience gained in a third country.

10. This paragraph sets out the definition for “home relevant state” in relation to a pharmacist, as meaning the relevant State in which the pharmacist acquired his/her diploma, certificate or other qualifications in pharmacy or in which s/he is registered as a pharmacist;

SCHEDULE 3

CERTIFICATE STATING RESULTS OF TEST, EXAMINATION OR ANALYSIS

This section sets out the format of the form to used for stating the results of any test, examination or analysis undertaken in relation to provisions of this Bill.
This section sets out the enactments repealed:

<table>
<thead>
<tr>
<th>Year and number</th>
<th>Short Title</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1875 c. 57</td>
<td>The Pharmacy Act (Ireland) 1875</td>
<td>The whole Act</td>
</tr>
<tr>
<td>1890 c. 48</td>
<td>The Pharmacy Act (Ireland) 1875 Amendment Act 1890</td>
<td>The whole Act</td>
</tr>
<tr>
<td>1951 No. 30</td>
<td>The Pharmacy Act 1951</td>
<td>The whole Act</td>
</tr>
<tr>
<td>1962 No. 14</td>
<td>The Pharmacy Act 1962</td>
<td>The whole Act</td>
</tr>
<tr>
<td>1977 No. 12</td>
<td>The Misuse of Drugs Act 1977</td>
<td>Section 32</td>
</tr>
</tbody>
</table>

Financial Implications:
There are no financial implications arising from this Bill.

An Roinn Sláinte agus Leanaí,  