

DRAFT

S.I. No. _____ of 2014

Pharmaceutical Society of Ireland (Fees) Rules 2014

The Council of the Pharmaceutical Society of Ireland, in exercise of the functions conferred on the said Society by section 11 of the Pharmacy Act 2007 (*No. 20 of 2007*), hereby makes the following rules.

Dated this _____ day of _____ 2014

President

Registrar

I, in exercise of the powers conferred on the Minister for Health by section 11(5) of the Pharmacy Act 2007, which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order 2012 (*S.I. No. 553 of 2012*), consent to the making of these Rules.

Dated this _____ day of _____ 2014

Minister of State at the Department of Health

S.I. No. _____ of 2014

Pharmaceutical Society of Ireland (Fees) Rules 2014

ARRANGEMENT OF RULES

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4. Setting of fees.
5. Non-refundable nature of certain fees and discretions available to the Council in respect of other fees.
6. Revocation of 2008 Fee Rules

SCHEDULE

Fees payable in respect of applications, notifications and services provided.

Pharmaceutical Society of Ireland (Fees) Rules 2014

The Council of the Pharmaceutical Society of Ireland, in exercise of the functions conferred on the said Society by section 11 of the Pharmacy Act 2007 (*No. 20 of 2007*), hereby makes the following rules:-

Citation

1. These Rules may be cited as the Pharmaceutical Society of Ireland (Fees) Rules 2014.

Commencement

2. (1) These Rules shall come into force on 1 September 2014.

Interpretation

3. (1) In these Rules –

‘*Act*’ means the Pharmacy Act 2007 (*No. 20 of 2007*) as amended by the European Communities (Recognition of Professional Qualifications relating to the Profession of Pharmacist) (No. 2) Regulations 2008 (*S.I. No. 489 of 2008*), European Union (Recognition of Professional Qualifications relating to the Profession of Pharmacist) Regulations 2012 (*S.I. No. 235 of 2012*) and by the European Union (Recognition of Professional Qualifications relating to the Profession of Pharmacist) Regulations 2013 (*S.I. No. 377 of 2013*);

‘*adaptation period*’ has the same meaning as in subsections (8) and (10) of section 16 of the Act;

‘*aptitude test*’ has the meaning assigned to it in section 24A(11) of the Act;

‘*certificate of registration*’ means a certificate of registration which is for the time being in force and which has been issued under section 20(1) of the Act or, in the case of a pharmaceutical assistant, under Rule 14(1) of the Registration Rules. Such certificate includes a certificate of continued registration issued under section 20(2) of the Act, or as the case may be, under Rule 14(2) of the Registration Rules;

‘*change in the ownership of a pharmacy*’ has the meaning assigned to it in section 17(6) of the Act;

‘*Education and Training Rules*’ means the Pharmaceutical Society of Ireland (Education and Training) Rules 2008 (*S.I. No. 493 of 2008*);

‘*in-service practical training programme*’ has the meaning assigned to it in Part 4 of the Education and Training Rules;

‘*personal registers*’ has the meaning assigned to it in section 13(1)(b) of the Act;

‘Professional Registration Examination’ means the examination conducted in accordance with Part 5 of the Education and Training Rules;

‘Register of Pharmacists’, *‘Register of Pharmaceutical Assistants’* and *‘Register of Retail Pharmacy Businesses’* mean the respective registers established under section 13(1) of the Act;

‘registered pharmacist’ means a person whose name is entered in the Register of Pharmacists;

‘registered pharmaceutical assistant’ means a person whose name is entered in the Register of Pharmaceutical Assistants;

‘Registration Rules’ means the Pharmaceutical Society of Ireland (Registration) Rules 2008 (S.I. No.494 of 2008);

‘Retail Pharmacy Businesses Rules’ means the Retail Pharmacy Businesses (Registration) Rules 2008 (S.I. No.495 of 2008);

‘relevant state’ means –

- (a) a Member State,
- (b) a state that is a contracting state to the EEA agreement within the meaning given by the European Communities (Amendment) Act 1993 (other than a member state or the State),
- (c) the Swiss Confederation;

‘superintendent pharmacist’ means a registered pharmacist acting in the capacity specified in section 27(b), 28(a) or 29(b) of the Act, who is in personal control of the management and administration of the sale and supply of medicinal products, either where such control is exercised in respect of a single retail pharmacy business or in respect of a number of such businesses;

‘supervising pharmacist’ means a registered pharmacist acting in the capacity specified in section 27(c), 28(b) or 29(c) of the Act and who is in whole-time charge of carrying on the retail pharmacy business at the premises of the said business;

‘tutor pharmacist’ means a registered pharmacist who has been recognised by the Council under Rule 19 of the Education and Training Rules.

- (2) In these Rules, unless the context otherwise requires, any reference to a Rule or Schedule shall be construed as a reference to a Rule or Schedule contained in these Rules, and any reference in a Rule or in a Schedule to a paragraph shall be construed as a reference to a paragraph in that Rule or Schedule.

Setting of fees

4. The fees payable to the Society for the various purposes of paragraph 20 of Schedule 1 to the Act, shall be the amounts indicated in Column 3 of the Schedule opposite the description of the fee in Column 2 of the said Schedule.

Non-refundable nature of certain fees and discretions available to the Council in respect of other fees

5. (1) Any fee paid under these Rules in connection with a valid application for registration, or for restoration, to a register kept under section 13 of the Act, shall be non-refundable.

(2) Except in the case of those fees referred to in paragraph (1), the Council may, in circumstances where it considers it appropriate to do so, waive, remit or refund, either in whole or in part, any other fee that would otherwise be payable to it under these Rules.

Revocation of 2008 Fee Rules

6. The Pharmaceutical Society of Ireland (Fees) Rules 2008 (*S.I. No. 496 of 2008*) are hereby revoked.

SCHEDULE

FEES PAYABLE IN RESPECT OF APPLICATIONS, NOTIFICATIONS AND SERVICES PROVIDED

COLUMN 1	COLUMN 2	COLUMN 3
Paragraph	Description of fee	Amount of fee
<i>Fees in respect of applications for registration in the Register of Pharmacists</i>		
1.	Fee payable under Rule 11(2)(b) of the Registration Rules, being the fee payable in connection with an application for the first registration of a person in the Register of Pharmacists:	€540.00
2.	Fee payable under Rule 11(4)(b) of the Registration Rules, being the fee payable in connection with an application for the continued registration of a person in the Register of Pharmacists:	€380.00
3.	Late fee payable under Rule 11(5) of the Registration Rules, being a fee additional to that payable under paragraph 2 in connection with an application for the continued registration in the Register of Pharmacists:	€90.00
<i>Fees in respect of applications for continued registration in the Register of Pharmaceutical Assistants</i>		
4.	Fee payable under Rule 12(2)(b) of the Registration Rules, being the fee payable in connection with an application for the continued registration of a person in the Register of Pharmaceutical Assistants:	€190.00
5.	Late fee payable under Rule 12(3) of the Registration Rules, being a fee additional to that payable under paragraph 4 in connection with an application for the continued registration of a person in the Register of Pharmaceutical Assistants:	€50.00
<i>Fees in respect of applications for registration in the Register of Retail Pharmacy Businesses</i>		
6.	Fee payable under Rule 4(3)(b) of the Retail Pharmacy Businesses Rules, being the fee payable in connection with an application for the first registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses:	€3,325.00
7.	Fee payable under Rule 4(3)(b) of the Retail Pharmacy Businesses Rules, being the fee payable in connection with an application for the continued registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses:	€2,135.00

COLUMN 1	COLUMN 2	COLUMN 3
Paragraph	Description of fee	Amount of fee
8.	Fee payable under Rule 4(3)(b) of the Retail Pharmacy Businesses Rules, being the fee payable, in addition to, and without prejudice to, any fee due under paragraph 7, in connection with an application for the temporary registration of a retail pharmacy business, for a maximum period of one year, in the Register of Retail Pharmacy Businesses, in circumstances where an additional temporary registration is necessitated by the temporary relocation of a registered retail pharmacy business due to the renovation and/or refurbishment of its registered premises:	€950.00
9.	Late fee payable under Rule 4(5) of the Retail Pharmacy Businesses Rules, being a fee additional to that payable under paragraph 6 in connection with an application for the first registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses:	€1,000.00
10.	Late fee payable under Rule 4(5) of the Retail Pharmacy Businesses Rules, being a fee additional to that payable under paragraph 7 in connection with an application for the continued registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses:	€500.00
11.	Late fee payable under Rule 4(5) of the Retail Pharmacy Businesses Rules, being a fee additional to that payable under paragraph 8 in connection with an application for the temporary registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses:	€0.00
12.	Fee payable under Rule 4(3)(b) of the Retail Pharmacy Businesses Rules, being the fee payable in connection with an application for the first registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses following a change in the ownership of a pharmacy:	€3,325.00
<i>Fees in respect of applications for cancellation on request of registration in the personal registers</i>		
13.	Fee payable under section 59(1) of the Act, being the fee payable in connection with an application for cancellation of the registration of the name of a registered pharmacist or of a registered pharmaceutical assistant from the relevant register:	€0.00
<i>Fees in respect of applications for cancellation on request of registration in the Register of Retail Pharmacy Businesses</i>		
14.	Fee payable under Rule 7 of the Retail Pharmacy Businesses Rules, being the fee payable in connection with an application for cancellation of the registration of a retail pharmacy business in the Register of Retail Pharmacy Businesses:	€0.00

Fees in respect of applications for restoration to the Register of Pharmacists

COLUMN 1	COLUMN 2	COLUMN 3
Paragraph	Description of fee	Amount of fee
15.	Fee payable by a person who, having obtained the cancellation of his or her registration in the Register of Pharmacists under section 59(1) of the Act, makes application in accordance with section 61(1)(a) of the Act to have his or her name restored to the said Register:	€540.00
16.	Fee payable by a person whose registration in the Register of Pharmacists was cancelled in accordance with the Rule 16(4) or Rule 17(3) of the Registration Rules and who, within six months of the date when the unpaid fee became due, makes application in accordance with section 61(1)(b) of the Act to have his or her name restored to the said Register, and which fee shall be payable in addition to the unpaid fee:	€330.00
17.	Fee payable by a person whose registration in the Register of Pharmacists was cancelled in accordance with the Rule 16(4) or Rule 17(3) of the Registration Rules and who, by virtue of not having made his or her application within the prescribed six months of the date provided for in section 61(1)(b) of the Act when the unpaid fee became due, is only entitled to make application under the Act as if he or she was making application for registration in the Register of Pharmacists for the first time. This fee shall be payable in addition to the fee payable under paragraph 1:	€330.00
<i>Fees in respect of restoration to the Register of Pharmaceutical Assistants</i>		
18.	Fee payable by a person who, having obtained the cancellation of his or her registration in the Register of Pharmaceutical Assistants under section 59(1) of the Act, makes application in accordance with section 61(1)(a) of the Act to have his or her name restored to the said Register:	€270.00
19.	Fee payable by a person whose registration in the Register of Pharmaceutical Assistants was cancelled in accordance with the Rule 16(4) or Rule 17(3) of the Registration Rules and who, within six months of the date when the unpaid fee became due, makes application in accordance with section 61(1)(b) of the Act to have his or her name restored to the said Register and which fee shall be payable in addition to the unpaid fee:	€330.00
20.	Fee payable by a person whose registration in the Register of Pharmaceutical Assistants was cancelled in accordance with the Rule 16(4) or Rule 17(3) of the Registration Rules and who has not made his or her application within the prescribed six months of the date provided for in section 61(1)(b) of the Act when the unpaid fee became due. This fee shall be in addition to the fee payable under paragraph 4:	€330.00
21.	Fee payable by a person who, has made application on the basis of evidence that he or she has passed the examination prescribed under section 19 of the Pharmacy Act (Ireland) Amendment Act 1890 (53 & 54 Vic., c.48) and whose name has never been entered in the Register of Pharmaceutical Assistants established under the Act:	€270.00

COLUMN 1	COLUMN 2	COLUMN 3
Paragraph	Description of fee	Amount of fee
<i>Fees in respect of applications for restoration to the Register of Retail Pharmacy Businesses</i>		
22.	Fee payable under section 61(1)(a) of the Act, being the fee payable in connection with an application for restoration of the registration of a retail pharmacy business to the Register of Retail Pharmacy Businesses:	€2,375.00
23.	Fee payable under section 61(1)(b) of the Act, being the fee payable in connection with an application for restoration of the registration of a retail pharmacy business to the Register of Retail Pharmacy Businesses where the application for restoration is made within six months of the date when the unpaid fee became due, and which fee shall be payable in addition to the unpaid fee:	€950.00
<i>Fees in connection with certificates</i>		
24.	Fee payable by virtue of paragraph 20(1)(c) of Schedule 1 to the Act for the issue of a replacement certificate of registration:	€85.00
25.	Fee payable by virtue of paragraph 20(1)(f) of Schedule 1 to the Act in respect of the issue of a certificate of good standing or a certificate of current professional status or other such similar certificate:	€85.00
26.	Fee payable by virtue of paragraph 20(1)(f) of Schedule 1 to the Act in respect of the issue of a letter confirming that the person, or the retail pharmacy business, named therein, is currently registered under the Act:	€85.00
<i>Fees in respect of alterations to the information contained in the personal registers</i>		
27.	Fee payable under section 22(2)(a) of the Act, being the fee payable in connection the making of any alteration to the information contained in a person's entry in any of the personal registers:	€0.00
<i>Fees for the notification of changes to the Register of Retail Pharmacy Businesses</i>		
28.	Fee payable by virtue of paragraph 20(1)(f) of Schedule 1 to the Act in respect of the provision to the Registrar of a statement required by section 28(a) of the Act in replacement of the statement previously in place in respect of the retail pharmacy business concerned and which notifies a change of the superintendent pharmacist:	€85.00
29.	Fee payable under Rule 6(2)(a) of the Retail Pharmacy Businesses Rules, being the fee payable in connection with each notification (not being a notification incorporated in paragraph 28) of a change of the superintendent pharmacist specified in the application for registration:	€85.00

COLUMN 1	COLUMN 2	COLUMN 3
Paragraph	Description of fee	Amount of fee
30.	Fee payable under Rule 6(2)(a) of the Retail Pharmacy Businesses Rules, being the fee payable in connection with each notification of a change of the supervising pharmacist specified in the application for registration:	€85.00
31.	Fee payable under Rule 6(2)(b) of the Retail Pharmacy Businesses Rules, being the fee payable in connection with each notification (not being a notification referred to in either of paragraphs 28, 29 or 30) of any material change made or proposed to be made in respect of the registered pharmacy from those set out in the application for registration:	€200.00
32.	Fee payable under section 22(2)(a) of the Act, being the fee payable in connection with the notification (not being a notification referred to in any of paragraphs 28 to 31) of any alteration to the information contained in the Register of Retail Pharmacy Businesses in respect of the retail pharmacy business to which the notification relates:	€0.00
<i>Fees for the removal of conditions on the registration of a pharmacist</i>		
33.	Fee payable under section 62(1) of the Act, being the fee payable in connection with an application for the removal of a condition on the registration of a pharmacist:	€85.00
<i>Fees for the removal of conditions on the registration of a retail pharmacy business</i>		
34.	Fee payable under section 62(1) of the Act, being the fee payable in connection with an application for the removal of a condition on the registration of a retail pharmacy business:	€200.00
<i>Fees in respect of applications for the in-service practical training programme</i>		
35.	Fee payable under Rule 16(3) of the Education and Training Rules, being the fee payable in connection with an application to undertake the in-service practical training programme:	€2,750.00
<i>Fees in respect of applications for the Professional Registration Examination</i>		
36.	Fee payable under Rule 20 of the Education and Training Rules, being the fee payable in connection with an application to undertake the Professional Registration Examination:	€315.00
<i>Fees in respect of courses of education and training for tutor pharmacists</i>		

COLUMN 1	COLUMN 2	COLUMN 3
Paragraph	Description of fee	Amount of fee
37.	Fee payable for attending such programmes of education and training for tutor pharmacists, as may be devised and provided by the Society from time to time and as is required of such pharmacists under Rule 19 of the Education and Training Rules:	€0.00
<i>Fees in respect of application for recognition of third country qualifications</i>		
38.	Fee payable under Rule 19(2) of the Registration Rules, being the fee payable in connection an application for recognition of a qualification as a pharmacist obtained in a country that is not a relevant state:	€1,500.00
<i>Fees in respect of general system applications from persons recognised as pharmacists in other Member States</i>		
39.	Fee payable in the case of an application made under section 16(5) of the Act that requires an evaluation of the qualifications (including knowledge and experience), and which fee shall payable be in addition to the fee payable under paragraph 1:	€250.00
40.	Fee payable in the case of an application to which paragraphs 1 and 33 applies, and in respect of which an adaptation period is required. This is an additional fee to the fees payable under the said paragraphs 1 and 39:	€750.00
<i>Fees in respect of the conduct of aptitude tests for persons seeking to be registered as visiting pharmacists from EEA States</i>		
41.	Fee payable by a person who, having submitted a declaration under section 24A(3) of the Act and who, on the basis of the verification carried out by the Council under section 24A(5)(b) of the Act, is required to undertake an aptitude test:	€550.00

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Rules set out the amount of the fees for registration, continued registration, and restoration of pharmacists, pharmaceutical assistants and retail pharmacy businesses, as well as for cancellation from, and for the notification of changes to, the relevant registers.

The Rules also set out the amount of the fees to be paid in the case of removal of conditions on registration, and fees for the replacement of certificates of registration and for the issue of other certificates.

Fees in respect of the in-service practical training programme, the Professional Registration Examination, the recognition of third country qualifications, as well as fees for adaptation periods and the conduct of aptitude tests are also set out in these Rules.

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