

THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN REGULATIONS

PREAMBLE

The Royal Pharmaceutical Society of Great Britain (“the Society”), in exercise of the powers conferred upon it by the Supplemental Charter of 2004, and with the approval of the Privy Council, has made these Regulations.

INDEX TO REGULATIONS

SECTION 1: Election of Council members

1. Elections
2. Interpretation
3. Returning Officer
4. Effective date
5. Reserved places for pharmacists resident in national constituencies
6. Election of pharmacists to reserved places and remaining places
7. Election of pharmacy technicians
8. Term of office for members elected in May 2005
9. Term of office for members elected after May 2005
10. Frequency of elections
11. Eligibility for election
12. Restrictions on continuous service
13. Eligibility to vote
14. Notice of election
15. Nominations
16. Election statements
17. Holding of ballot
18. Voting
19. The Scrutineer and outcome of election
20. Casual vacancies and resulting by-election
21. Challenges and the effect of non-compliance with these Regulations
22. Resignation and non-eligibility to remain an elected member of Council

These Regulations are made pursuant to articles 8 and 9(2) of the Supplemental Charter of 2004 and supersede Section XII of, and the First Schedule to, the Society's byelaws.

2. Appointed Council Members

(NB: nomenclature/numbering of this regulation will be changed by an amending regulation in due course to accord with other sections)

- 2.1. Number of appointed Council members
- 2.2. Eligibility for appointment

This Regulation is made pursuant to articles 8 and 9(2) of the Supplemental Charter of 2004.

SECTION 3: National Pharmacy Boards

1. National Pharmacy Boards
2. Composition of the Boards
3. Casual vacancies
4. Chairmen and Vice-Chairmen of Boards

These Regulations are made pursuant to article 7 of the Supplemental Charter of 2004 and supersede Sections XXIII and XXIV of the Society's byelaws.

5. Length of service
6. Powers and functions of the Boards
7. Proceedings of the Boards
8. Conduct and indemnity of members of the Boards
9. Fees and expenses

SECTION 4: Interpretation

These Regulations are made pursuant to article 9(2) of the Supplemental Charter of 2004.

SECTION 5: Remuneration of Auditors

This Regulation is made pursuant to article 9(2) of the Supplemental Charter of 2004 and supersedes Section XI of the Society's byelaws.

SECTION 6: Seal

These Regulations are made pursuant to article 1 (being the unrevoked residue of the 1843 Charter) and supersede Section XIII of the Society's byelaws.

SECTION 7: The Pharmaceutical Journal

These Regulations are made pursuant to articles 3(10) and 9(2) of the Supplemental Charter of 2004 and supersede Section XXV of the Society's byelaws.

SECTION 8: Museum

This Regulation is made pursuant to article 3(10) of the Supplemental Charter of 2004 and supersedes Section XXVI of the Society's byelaws.

SECTION 9: Codes, protocols and guidance

These Regulations are made pursuant to article 9(2) of the Supplemental Charter of 2004

SECTION 10: Special Resolutions

This Regulation is made pursuant to articles 9(2) and 10 of the Supplemental Charter of 2004.

SECTION 11: Membership

This Regulation is made pursuant to articles 5 and 9(2) of the Supplemental Charter of 2004 and supersedes Section II(1) of the Society's byelaws.

SECTION 12: Fellows

These Regulations are made pursuant to articles 3(9) and 9(2) of the Supplemental Charter of 2004 and supersede Section III of the Society's byelaws.

SECTION 13: Honorary Members and Honorary Fellows

These Regulations are made pursuant to articles 3(9) and 9(2) of the Supplemental Charter of 2004 and supersede Section IV of the Society's byelaws.

SECTION 14: Students

These Regulations are made pursuant to articles 3(12) and 9(2) of the Supplemental Charter of 2004 and supersede Section V of the Society's byelaws.

SECTION 15: The Council, its Meetings and Proceedings

These Regulations are made pursuant to article 9(2) of the Supplemental Charter of 2004 and supersede Section VII of the Society's byelaws.

SECTION 16: Branches

These Regulations are made pursuant to article 7(2) of the Supplemental Charter of 2004 and supersede Section XVI of the Society's byelaws.

SECTION 17: Procedure for Making and Amending Regulations

These Regulations are made pursuant to article 9(2) of the Supplemental Charter of 2004.

SCHEDULE 1

This Schedule is made pursuant to article 8 of the Supplemental Charter of 2004.

SECTION 1: ELECTION OF COUNCIL MEMBERS

1. Elections

- (1) Elections to elect pharmacists or pharmacy technicians to membership of the Council shall be held in accordance with these Regulations.

2. Interpretation

- (1) In this Section—

‘day’ means calendar day, and any period of days shall be counted without the omission of any public holidays or other days;

‘the effective date’ shall be construed in accordance with regulation 4;

‘general election’ means an election held on the expiry of the terms of office of members of the Council;

"Journal" means the publication known as "The Pharmaceutical Journal" or that Journal by whatever name it is subsequently known;

‘pharmacy technician’ means a person registered in the Register of Pharmacy Technicians and not registered in the Register of Pharmacists;

‘the register’ means, unless the context otherwise requires, as respects any registrant—

- (a) the one of the Society’s registers in which he is registered; or
- (b) if he is registered in both of the Society’s registers, both registers;

‘Register of Pharmacists’ means the register of pharmaceutical chemists;

‘Register of Pharmacy Technicians’ means the register of pharmacy technicians maintained by the Society;

‘Scrutineer’ shall be construed in accordance with regulation 19;

‘Secretary’ means the Secretary (or chief executive officer by whatever title known) of the Society and includes any deputy or acting Secretary or other person fulfilling the office of Secretary and any person (not being a member of the Council) authorised by the Secretary to act on his behalf;

‘the Society’s registers’ means the Register of Pharmacists and the Register of Pharmacy Technicians.

3. Returning Officer

- (1) The Secretary shall act as Returning Officer for elections under these Regulations, and shall be responsible for the conduct of them.

- (2) The Returning Officer shall—
- (a) publish guidance for candidates on the length, form and content of election statements;
 - (b) specify the method, place, date and latest time for return of nominations and voting forms;
 - (c) determine any question as to the eligibility of any candidate to stand for election;
 - (d) determine any question as to the eligibility of any person to vote in an election;
 - (e) in the event of challenge, determine the outcome of any election;
 - (f) in the event of challenge, determine the interpretation of these Regulations;
 - (g) notify the Council of any members whose term of office is due to expire and any casual vacancies that may arise;
 - (h) make recommendations to the Council for the appointment of persons to act as Scrutineer and, if necessary, Deputy Scrutineer;
 - (i) publish the Notice of Election;
 - (j) oversee the running of elections;
 - (k) take all reasonable steps to ensure the secrecy of the ballot and to guard against electoral malpractice;
 - (l) inform the Council and all candidates of the outcome of any election; and
 - (m) publish the result of any elections held.
- (3) The Returning Officer may appoint bodies or persons (not being Council members) to provide him with such administrative assistance as he considers necessary to enable him to carry out his functions under these Regulations.
- (4) In the event of a severe civil contingency or interruption of postal services, the Returning Officer may vary such—
- (a) time limits; and
 - (b) method of delivery of documents,

specified in these Regulations as he considers necessary in the interests of fairness.

- (5) All decisions taken by the Returning Officer in the exercise of his functions shall be final.

4. Effective date

- (1) On the advice of the Returning Officer, the Council shall, in each year, fix a date on which Council members elected in that year shall take office ('the effective date').
- (2) The effective date shall ordinarily be in May after the conclusion of the Society's Annual General Meeting, but may, upon the advice of the Returning Officer, be fixed for some other date.
- (3) The Returning Officer shall publish the effective date on the Society's website and in the Journal as soon as practicable after it has been fixed by the Council.

5. Reserved places for pharmacists resident in national constituencies

- (1) Three places on the Council shall be reserved for pharmacists who live or work wholly or mainly in each of three national constituencies.
- (2) The three national constituencies shall be—
 - (a) England, the Isle of Man and the Channel Islands;
 - (b) Scotland; and
 - (c) Wales.
- (3) A pharmacist may not be nominated as a candidate in more than one national constituency in the same election.

6. Election of pharmacists to reserved places and remaining places

- (1) Pharmacists filling the reserved places referred to in paragraph 5(1) shall be elected by ballot of pharmacists whose addresses in the Register of Pharmacists are in the relevant national constituency.
- (2) Pharmacists shall be elected to the reserved places on the Council on a simple majority basis.
- (3) A pharmacist may be nominated as a candidate in a national constituency and as a candidate for election to a place on the Council not reserved to a national constituency in the same election (that is, the elections in relation to the reserved and unreserved seats are separate polls).
- (4) In the circumstances referred to in paragraph (3) above—

- (a) the candidate receiving the highest number of votes in a national constituency shall be deemed to have been elected in that constituency; and
 - (b) any votes received by that candidate in respect of a place on the Council not reserved to a national constituency in the same election shall be void (that is, the ballot for the reserved seats takes precedence over the ballot for the unreserved seats).
- (5) Pharmacists elected to places on the Council other than the reserved places referred to in paragraph 5(1) shall be elected by ballot of all pharmacists.
- (6) Pharmacists shall be elected to the Council on a simple majority basis.

7. Election of pharmacy technicians

- (1) Pharmacy technician members shall be elected by ballot of all registered pharmacy technicians on a simple majority basis.

8. Term of office for members elected in May 2005

- (1) The term of office for the three pharmacists elected to Council in May 2005, to places reserved for the national constituencies, shall—
- (a) be for a period of three years (that is, years between effective dates); and
 - (b) expire at midnight on the day before the effective date in 2008.
- (2) The term of office for the three pharmacists elected to Council in May 2005 with the highest number of votes, to places not reserved to a national constituency, shall—
- (a) be for a period of three years; and
 - (b) expire at midnight on the day before the effective date in 2008.
- (3) The term of office for the six pharmacists elected to Council in May 2005, to places not reserved to a national constituency, and who secured the highest number of votes after those members referred to in paragraph (2), shall —
- (a) be for a period of two years; and
 - (b) expire at midnight on the day before the effective date in 2007.
- (4) The term of office for the pharmacy technician elected to Council in May 2005, with the highest number of votes, shall—

- (a) be for a period of three years; and
 - (b) expire at midnight on the day before the effective date in 2008.
- (5) The term of office for the remaining pharmacy technician elected to Council in May 2005 shall—
- (a) be for a period of two years; and
 - (b) expire at midnight on the day before the effective date in 2007.
- (6) Where a term of office has been cut short by the death, resignation or ineligibility to continue to hold office of a member, the Returning Officer shall—
- (a) notify the Council that a casual vacancy has occurred; and
 - (b) subject to paragraph 20(2), make arrangements to hold a by-election to fill such vacancy.
- (7) The term of office for any member elected to a place on Council as a result of an election to fill a casual vacancy, shall be for the remainder of any term for which the member whose death, resignation or ineligibility to continue holding office gave rise to the vacancy was elected.

9. Term of office for members elected after May 2005

- (1) The term of office for members elected to Council after the expiry of any of the terms of office of the members referred to in regulation 8, shall —
- (a) be for a period of three years; and
 - (b) expire at midnight on the day before the effective date in the third year after they were elected.
- (2) Where a term of office has been cut short by the death, resignation or ineligibility of a member to continue to hold office, the Returning Officer shall—
- (a) notify the Council that a casual vacancy has occurred; and
 - (b) subject to paragraph 20(2), make arrangements to hold a by-election to fill such vacancy.
- (3) The term of office for any member elected to a place on Council as a result of an election to fill a casual vacancy shall be for the remainder of any term for which the member whose death, resignation or ineligibility to continue holding office gave rise to the vacancy was elected.

10. Frequency of elections

- (1) Elections to places on the Council that are reserved for pharmacists living or working wholly or mainly in the national constituencies shall be held in 2008, and every third year thereafter.
- (2) Elections shall be held in each year for the remaining places on the Council held by members whose term of office is due to expire in that year.

11. Eligibility for election

- (1) A pharmacist or pharmacy technician shall only be eligible for election to the Council if his name appears within Part 1 (practising) of the Register of Pharmacists or, as the case may be, the Register of Pharmacy Technicians.
- (2) A pharmacist or pharmacy technician shall only be eligible for election to the Council if he is normally resident in Great Britain, the Isle of Man or the Channel Islands.
- (3) A pharmacist shall only be eligible for election in a national constituency if he lives or works wholly or mainly in that constituency.
- (4) No pharmacist or pharmacy technician shall be eligible for election if he has failed to pay by the date and time fixed for the return of nomination forms any retention fee or penalty then due and payable by him to the Society.

12. Restrictions on continuous service

- (1) Subject to paragraphs (2) and (3) below—
 - (a) No person may be elected to the Council to serve more than three consecutive terms of office, each of up to three years; and
 - (b) No person who has served as a member of the Council for three consecutive terms of office shall be eligible for re-election until a period of three years after leaving office has expired.
- (2) Any member of the Council who, on 25 May 2005 had served six or more consecutive years on the Council immediately prior to that date shall —
 - (a) retire at the end of his current term of office; and
 - (b) not be eligible to stand for election again until the expiry of three years from the end of that term of office.
- (3) Any member of the Council who, on 25 May 2005, had served less than six consecutive years on the Council immediately prior to that election

shall —

- (a) be eligible to serve for only two further consecutive terms before retiring; and
 - (b) not be eligible to stand for election again until the expiry of three years from the date on which the last term of office expires.
- (4) In paragraphs (1)-(3) above, “years” shall be reckoned as the periods between the effective dates in any calendar years or their equivalents in the instruments governing the conduct of Council elections which were applicable before these Regulations came into effect.

13. Eligibility to vote

- (1) Subject to paragraphs (4) to (6) below—
 - (a) all pharmacists whose names appear in the Register of Pharmacists at the time the electoral roll is closed, shall be entitled to vote in the election of pharmacist members of the Council; and
 - (b) all pharmacy technicians whose names appear in the Register of Pharmacy Technicians at the time the electoral roll is closed shall be entitled to vote in elections to seats on the Council for such technicians.
- (2) Prior to the holding of any election, the Returning Officer shall fix a date on which the electoral roll shall be considered closed for that election.
- (3) The date fixed by the Returning Officer for the closure of the electoral roll shall be after the latest time for the withdrawal of nominations, and before the date on which voting papers are expected to be distributed to voters.
- (4) Only pharmacists whose addresses in the Register are in the relevant constituency on the date when the electoral roll is closed shall be entitled to vote in an election in a national constituency.
- (5) A person who becomes registered with the Society after the date on which the electoral roll is closed shall not be entitled to vote in that election.
- (6) A person whose registration with the Society is suspended on the date when the electoral roll is closed shall not be entitled to vote in that election.

14. Notice of election

- (1) Where an election is to be held, the Returning Officer shall publish on the Society’s website, and in the Journal, a Notice of Election.

- (2) The Notice of Election shall be published no later than 21 days before the date specified in paragraph (3)(c).
- (3) Before issuing the Notice of Election, the Returning Officer shall—
 - (a) notify the Council of the names of those members of the Council whose term of office has expired or is due to expire;
 - (b) notify the Council of any casual vacancy that has occurred; and
 - (c) fix the place, date and latest time by which all nomination forms shall be returned to him.
- (4) The Notice of Election shall specify—
 - (a) the numbers and description of Council places to which persons are to be elected in that election;
 - (b) the method, place, date and latest time by which nominations shall be received by the Returning Officer;
 - (c) the date and latest time by which nominations may be withdrawn;
 - (d) the date on which the electoral roll will be closed;
 - (e) the date on which voting papers are expected to be distributed; and
 - (f) the method, place, date and latest time by which completed voting forms shall be received by the Scrutineer.

15. Nominations

- (1) All nominations shall be made on the form issued by the Returning Officer, and shall comply with the requirements of paragraph (3) below.
- (2) Only one candidate may be nominated on any nomination form.
- (3) A nomination form shall—
 - (a) specify the candidate's name, address and registration number as it appears in the register;
 - (b) be signed by the candidate
 - (c) specify the candidate's age;
 - (d) be signed by ten persons who are qualified to vote in the election for that Council place in the case of a pharmacist candidate or by five persons who are qualified to vote in the election for that

Council place in the case of a pharmacy technician candidate; and

- (e) specify the names and registration numbers of the persons specified in paragraph (d) above, as they appear in the Society's Registers.
- (4) Any candidate wishing to be nominated shall provide to the Returning Officer by the specified time—
- (a) a completed nomination form, signed by him;
 - (b) a declaration signed by the candidate which confirms that—
 - (i) the information provided on the nomination form is correct,
 - (ii) the candidate consents to being nominated,
 - (iii) if elected, the candidate intends to serve for a full term of office,
 - (iv) the candidate is eligible to act as the trustee of a charity;
 - (c) particulars of the extent and type of work undertaken by the candidate within and for, the profession of pharmacy;
 - (d) a declaration, signed by the candidate —
 - (i) attesting that he has not received a criminal conviction or police caution nor been the subject of any finding, penalty or censure issued by the Council, or a Committee of the Society or any other regulatory or public body, or any other decision by any person or body that the candidate considers relevant, or
 - (ii) setting out details and particulars of any criminal convictions, police cautions and finding, penalty or censure issued by the Council, a Committee of the Society or any other regulatory or public body received by him, and any other decision by any person or body that the candidate considers relevant;
 - (e) a statement, signed by the candidate, confirming that no retention fee or penalty due to the Society from that candidate remains unpaid; and
 - (f) a declaration of the candidate's relevant interests (which are covered in guidance), or a statement signed by him, confirming that he has no relevant interests to declare.
- (5) A candidate may also provide to the Returning Officer—
- (a) particulars of his professional qualifications;
 - (b) his election statement complying with regulation 16;
 - (c) a photograph of himself taken within the previous six months

provided that, if the candidate chooses to supply any of (a), (b) and (c) above, they must be in the form specified in guidance issued for this purpose and must be received by the Returning Officer by the same date and latest time, and in the same place, as that specified for receipt of nominations.

- (6) Nomination forms (together with accompanying material) shall be delivered to the Returning Officer before the latest time specified for the return of nomination forms and to the place and in the manner specified by the Returning Officer.
- (7) The Returning Officer shall declare invalid any purported nomination form which has not been properly signed or completed, is not accompanied by the items mentioned at paragraph (4) (b) to (f) above, is received after the specified latest time for receipt, or which in any other respect does not comply with these Regulations.
- (8) A nomination may be withdrawn by notice in writing signed by the prospective candidate and delivered at the place specified for receipt of nomination forms no later than the latest time for receipt of nominations.
- (9) If a prospective candidate dies or ceases to be eligible for election before the close of the nomination period, the nomination shall be deemed to have been withdrawn.
- (10) Upon the expiry of the latest time for receipt of nominations, the Returning Officer shall—
 - (a) determine the validity or otherwise of nominations received;
 - (b) inform prospective candidates as to whether or not they have been validly nominated, and where he has decided that a purported nomination is invalid, provide reasons for that decision;
 - (c) publish a list of validly nominated candidates on the Society's website and in the Journal.

16. Election statements

- (1) Any person standing for election may request the Returning Officer to publish an election statement provided by him.
- (2) Election statements shall—
 - (a) be provided to the Returning Officer by the latest time specified for receipt of nominations; and
 - (b) not contain any falsehoods or misrepresentations, abusive or defamatory material, or material likely to incite hatred or public unrest.

- (3) The Returning Officer shall not publish any election statement which in his opinion—
 - (a) would amount to the commission of a criminal offence;
 - (b) would render the Society potentially liable to civil proceedings; or
 - (c) would breach paragraph (2) above.
- (4) The Returning Officer shall not be required to publish an election statement, information about professional activities and statement of relevant interests relating to a candidate which together exceed 630 words.
- (5) The Returning Officer may, in consultation with the candidate, issue a statement of clarification if in his opinion any part of an election statement refers to matters outside the current functions, powers and duties of the Society.

17. Holding of ballot

- (1) Where, after the expiry of the latest time for receipt of nominations in any election, the number of candidates standing for election does not exceed the number of Council places for which they are nominated, the Returning Officer shall—
 - (a) dispense with the need to hold a ballot; and
 - (b) forthwith declare those candidates elected.
- (2) Where, after all candidates have been declared elected in accordance with paragraph (1), places on the Council remain unfilled, the Returning Officer shall cause a by-election to be held to the remaining places on the Council.
- (3) Where, after the expiry of the latest time for receipt of nominations in any election, the number of candidates standing for election is greater than the Council places for which they are nominated, the Returning Officer shall cause a ballot to be held.

18. Voting

- (1) The Returning Officer shall specify the method, place, date and latest time by which voting forms shall be returned to the Scrutineer.
- (2) No later than 14 days before the specified date for return of voting forms, the Returning Officer shall send, by post or courier, a voting form to each person entitled to vote in that election at his registered address.
- (3) The voting form shall include—

- (a) a list of the candidates in alphabetical order giving in respect of each candidate his:
 - (i) registered name;
 - (ii) age; and
 - (iii) registered address;
 - (b) the category of Council place for which the ballot is being held;
 - (c) the national constituency in which each candidate is standing for election (if applicable);
 - (d) the method, place, date and latest time by which voting forms shall be returned to the Scrutineer;
 - (e) instructions on the voting procedure; and
 - (f) a statement confirming that neither the Society nor the Returning Officer has or accepts any responsibility for the accuracy of any information, declaration or election statement provided by candidates.
- (4) The voting form shall disclose the information provided by candidates under regulation 15(4)(d) and (f).
 - (5) The period for voting shall commence on the date on which the first voting forms in an election are dispatched by the Scrutineer.
 - (6) If, after the period for voting commences, a candidate dies or withdraws his nomination or is found by the Returning Officer to be ineligible to be elected or becomes ineligible to be elected, the votes cast for that candidate shall be void.
 - (7) Votes shall only be cast on a voting form provided by or on behalf of the Returning Officer.
 - (8) Only one voting form may be completed and returned by each voter. The Scrutineer may replace a voting form on receipt of a request confirming that the original form has not been received or has been lost, destroyed or spoiled, and shall take such steps as are appropriate to ensure that no person may be able to vote twice in the same election.
 - (9) The voter shall record his vote or votes on the voting form in accordance with the instructions thereon, placing a mark thus X against the name in the voting form of each candidate for whom he wishes to vote. Each voter shall have as many votes as there are vacancies for which he is eligible to vote.

19. The Scrutineer and outcome of election

- (1) The Council shall, on the recommendation of the Returning Officer, appoint persons to act as Scrutineer and, if necessary, Deputy Scrutineer.

- (2) Where no Scrutineer has been appointed by the Council, the functions of the Scrutineer shall be performed by the Returning Officer with such administrative assistance from employees of the Society as he considers necessary.
- (3) The function of the Scrutineer shall be to—
 - (a) preserve the integrity of the election process and take such measures as he considers necessary to guard against, and identify, electoral malpractice;
 - (b) dispatch the voting forms;
 - (c) examine and validate voting forms;
 - (d) count and record votes received; and
 - (e) notify the Returning Officer of the result of the election.
- (4) Where the Scrutineer is unable, for any reason, to carry out his functions, such functions may be performed by the Deputy Scrutineer, or by the Returning Officer.
- (5) At the conclusion of the count, the Scrutineer shall prepare a report specifying—
 - (a) the total number of voting forms received;
 - (b) the number of voting forms rejected as invalid;
 - (c) the number of votes cast for each candidate;
 - (d) the names of those elected; and
 - (e) if an election has been decided under paragraph (6) below, a note to that effect.
- (6) In the event of a tie, the election shall be decided between the tied candidates by the drawing of lots conducted by or on behalf of the Scrutineer.

20. Casual vacancies and resulting by-election

- (1) Where a Council member dies, resigns or ceases to be eligible to continue to hold office, the Returning Officer shall inform the Council forthwith that a casual vacancy has occurred and shall publish this information in The Journal and on the Society's website.

- (2) Where, on the day that a casual vacancy occurs, the remainder of the former Council member's unexpired term of office is less than one year, no by-election shall be held unless the Council so directs.
- (3) Where a by-election is to be held, the Returning Officer shall, as soon as practicable publish a Notice of Election.
- (4) An election for a casual vacancy shall, subject to any necessary modifications, be conducted in like manner to a general election.
- (5) Any candidate elected to fill a casual vacancy shall come into office forthwith, and shall serve for the remainder of the term of the Council member succeeded.

21. Challenges and the effect of non compliance with these Regulations

- (1) Where the Returning Officer receives any challenge to the results of an election, or any complaint or information which alleges that, or becomes of the opinion that —
 - (a) a candidate was, or has become, ineligible for election;
 - (b) a candidate submitted inaccurate or misleading declarations or information;
 - (c) a candidate submitted a false or misleading election statement;
 - (d) a candidate committed electoral malpractice; or
 - (e) there has been a failure to comply with these Regulations in a significant and material respect,he may, subject to paragraph (2), consider the matter.
- (2) The Returning Officer shall not consider any challenge, or any complaint or information relating to the election that is received by him after the expiry of 28 days from the date on which the election results are published in The Journal.
- (3) Before taking any action in relation to a challenge or complaint relating to an election, the Returning Officer shall—
 - (a) provide details of the challenge or complaint to the candidate(s) concerned; and
 - (b) afford the candidate(s) concerned the opportunity to make representations on the allegations.
- (4) Upon considering any representations received from the candidate(s) concerned, the Returning Officer may take such action as he considers necessary in the interests of fairness and all the circumstances of the case, which may include—

- (a) declaring the results of any candidate, or of the whole election, a nullity;
 - (b) disqualifying a candidate or candidates;
 - (c) rerunning any ballot or election.
- (5) Before taking any action in accordance with paragraph (4), the Returning Officer may take further steps to investigate the matter, and may seek legal advice.
- (6) No election held under these Regulations shall be invalidated by reason solely of any non-compliance with, or the non-delivery or loss of any document required under, these Regulations, if it appears to the Returning Officer that the election was conducted substantially in accordance with these Regulations, and that the result of such non-compliance, non-delivery or loss did not affect the return of any candidate at the election.
- (7) The decision of the Returning Officer in relation to any challenge to, or complaint concerning, the election, shall be final.

22. Resignation and non-eligibility to remain an elected member of Council

- (1) If any elected member of the Council shall cease to be registered within Part 1 (practising) of the Register of Pharmacists or, as the case may be, the Register of Pharmacy Technicians, or to be eligible to serve as trustee of a charity, he shall thereupon cease to be an elected member of the Council.
- (2) Any elected member of the Council may resign his office at any time by giving notice in writing of his resignation to the Secretary except where such resignation would cause there to be fewer than two trustees of any charity of which the member is a trustee.
- (3) If in the opinion of the Council any elected member of the Council ceases to be normally resident in Great Britain, the Isle of Man or the Channel Islands, he shall cease to be a member of the Council.
- (4) If, in the opinion of the Council, any member of the Council elected in a national constituency ceases to live or work wholly or mainly in that constituency, he shall cease to be a member of the Council.

REGULATION 2: APPOINTED COUNCIL MEMBERS

[NB: nomenclature/numbering of this Regulation will be changed by an amending regulation in due course to accord with other sections]

Number of appointed Council members

2.1 The Charter provides that there shall be 11 appointed members of the Council:

- (a) ten persons appointed by the Privy Council; and
- (b) one registered pharmacist appointed by the universities in Great Britain awarding degrees accredited by the Society for the purposes of registration as a pharmacist.

Eligibility for appointment

- 2.2 (1) The Registrar shall ask the Privy Council to bear in mind the eligibility requirements that apply to candidates for election to the Council concerning residence and capacity to serve as the trustee of a charity.
- (2) If any appointed member of the Council ceases to be eligible to serve as trustee of a charity, he shall thereupon cease to be a member of the Council.
- (3) The following sub-paragraphs shall apply to the appointments under 2.1(a) above only:
- (a) No person may be appointed as a member of the Council for more than three consecutive terms of office, each of up to three years.
 - (b) No person who has served as a member of the Council for three consecutive terms of office shall be eligible for re-appointment until a period of three years after leaving office has expired.
 - (c) Any appointed member of the Council who, on the day after the day of the Annual General Meeting of the Society in 2005, has served six or more consecutive years on the Council immediately prior to that date, whether as an appointed or elected member, shall be eligible to serve only one consecutive term of office from that date.
 - (d) Any appointed member of the Council who, on the day after the day of the Annual General Meeting of the Society in 2005, has served less than six consecutive years on the Council immediately prior to that date, whether as an appointed or elected member, shall be eligible to serve three consecutive terms of office from that date.

SECTION 3: NATIONAL PHARMACY BOARDS

1. National Pharmacy Boards

- (1) There shall be three national pharmacy boards whose full names shall be the English Pharmacy Board of the Royal Pharmaceutical Society of Great Britain, the Scottish Pharmacy Board of the Royal Pharmaceutical Society of Great Britain, and the Welsh Pharmacy Board of the Royal Pharmaceutical Society of Great Britain, in these Regulations referred to respectively as "the English Pharmacy Board", "the Scottish Pharmacy Board" and the "Welsh Pharmacy Board", and referred to collectively as "the Boards".
- (2) The Welsh Pharmacy Board shall also be known as Bwrdd Fferylliaeth Gymreig Cymdeithas Fferyllol Frenhinol Prydain Fawr, which name shall be interchangeable with the English name of the Board and equally valid in all respects.
- (3) The Boards shall be regarded as committees of the Council for the purposes of the Charter.

2. Composition of the Boards

- (1) The English Pharmacy Board shall consist of—
 - (a) 11 pharmacists registered in Part 1 of the Society's Register of Pharmacists ("practising registered pharmacists") and one pharmacy technician registered in Part 1 of the Society's Register of Pharmacy Technicians (a "practising registered pharmacy technician") eligible for election and elected in accordance with a scheme made by the Council ("elected members"),
 - (b) one pharmacist member of the Council and one lay member of the Council appointed by the Council, and
 - (c) the member of the Council for the time being elected to the Council in the constituency of England, Isle of Man and Channel Islands.
- (2) The Scottish Pharmacy Board shall consist of—
 - (a) 12 practising registered pharmacists eligible for election and elected in accordance with a scheme made by the Council ("elected members"), and
 - (b) up to three persons co-opted by the Scottish Pharmacy Board.
- (3) The Welsh Pharmacy Board shall consist of—
 - (a) 11 practising registered pharmacists and one practising registered pharmacy technician eligible for election and elected in

accordance with a scheme made by the Council ("elected members"), and

- (b) up to three persons co-opted by the Welsh Pharmacy Board.
- (4) An elected member shall automatically cease to be such on ceasing to be a practising registered pharmacist or, as the case may be, a practising registered pharmacy technician.
- (5) Election schemes made by the Council under these Regulations shall provide—
 - (a) that a pharmacist shall not be eligible to vote unless his address entered in the Society's Register of Pharmacists is in the country in respect of which his vote is to be cast,
 - (b) that the election shall be conducted on a simple majority system.
- (6) In the election of pharmacy technicians to the English Pharmacy Board and the Welsh Pharmacy Board, a pharmacy technician shall not be eligible to vote unless his address entered in the Society's Register of Pharmacy Technicians is in the country in respect of whose board his vote is to be cast.

3. Casual Vacancies

- (1) A casual vacancy amongst the elected members may be filled by the relevant Board.
- (2) A person filling a casual vacancy shall serve for the remaining term of office of the person whose departure gave rise to the vacancy. A person filling a vacancy on the Welsh Pharmacy Board shall serve only until places are next filled on that Board by means of an election.
- (3) Where the term to be served under paragraph (2) is less than a year the vacancy need not be filled.

4. Chairmen and Vice-Chairmen of Boards

- (1) Each Board shall elect from amongst its elected members who are practising registered pharmacists a Chairman and a Vice-Chairman, who shall each serve for one year and shall be eligible for re-election.

5. Length of service

- (1) An elected member of a Board shall serve for a term of three years. A person may be co-opted under regulation 2(2)(b) or 2(3)(b) for a term of up to three years. A member may resign at any time by writing to the secretary to the Board in question.

- (2) In the case of the English Pharmacy Board a member may serve a maximum of four consecutive terms, following which he may not serve again until three years have elapsed. In the cases of the Scottish Pharmacy Board and the Welsh Pharmacy Board, a member may serve a maximum of three consecutive terms, following which he may not serve again until three years have elapsed.
- (3) Time served in filling a casual vacancy shall constitute a term for the purpose of calculating the number of consecutive terms of service under this regulation.

6. Powers and functions of the Boards

- (1) Subject—
 - (a) to the Charter of the Society,
 - (b) to any directions of the Council,
 - (c) to the provisions of any enactment, and
 - (d) in the case of the Scottish Pharmacy Board and the Welsh Pharmacy Board, to the constraints of the scope from time to time of devolved responsibilities for health and related matters of legislatures in the countries concerned,

the Boards shall have the functions of advising, on behalf of the Society, government and its agencies, health service bodies and other organisations in the country concerned in respect of professional matters, to promote the science and practice of pharmacy and its contribution to health, and to support pharmacists in their professional roles.

- (2) The Boards shall have such incidental functions, arising out of or relating to their functions under paragraph (1), as may be specified by the Council. The Boards shall be accountable in accordance with such protocols or other forms of instruction as may be issued by the Council.
- (3) The Council shall not delegate any statutory function to a Board, and may revoke all or any incidental functions conferred on a Board by specification under paragraph (2).
- (4) The Boards shall be serviced by the Society and shall have no power to incur expenditure, employ staff or enter into contracts.

7. Proceedings of the Boards

- (1) The quorum for meetings of the English Pharmacy Board shall be 7.
- (2) The quorum for meetings of the Scottish Pharmacy Board and the Welsh Pharmacy Board shall be 6.

- (3) The Boards shall each meet at least three times a year, and meetings may be attended by persons other than Board members.
- (4) The Boards shall keep minutes of their proceedings. Subject to the Charter and these Regulations and to any directions given by, or standing orders made, or protocols approved, by the Council, each Board shall determine its own procedure.

8. Conduct and indemnity of members of Boards

- (1) Members of the Boards shall comply with the Code of Conduct applicable to members of the Council and shall be treated, subject to any necessary modifications, as members of the Council for the purposes of liability to sanctions under the Code.
- (2) A member of a Board acting in good faith in the course of his or her duties in respect of the Board shall be indemnified by the Society in the same manner and to the same extent as a member of the Council.

9. Fees and expenses

- (1) Members of the Boards shall be entitled to be reimbursed their reasonable expenditure on travel, accommodation and subsistence incurred in connection with the meetings or business of the Boards and may be paid fees for attending meetings of the Boards (or of groups of members of the Boards) at rates approved by the Council.

SECTION 4: INTERPRETATION

- (1) Unless the context otherwise requires, in these Regulations, words defined in the Charter shall bear the meaning they bear in the Charter, words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include the feminine and vice versa, and—

"Charter" means the Supplemental Charter granted to the Society in 2004;

"Journal" means the publication known as "The Pharmaceutical Journal" or that Journal by whatever name it is subsequently known;

"member" means a member of the Society other than an honorary member;

"pharmacist" means a pharmaceutical chemist;

"preregistration trainee" means a graduate with a degree granted in respect of pharmacy that has been approved by the Council, or a student undertaking a pharmacy degree sandwich course approved by the

Council who is engaged in preregistration training approved by the Council;

"Seal" means the Common Seal of the Society;

"Secretary" means the Secretary (or chief executive officer by whatever title known) of the Society, and includes any deputy or acting Secretary or other person fulfilling the office of Secretary and any person (not being a member of the Council or of a board or committee created by the Council) authorised by the Secretary.

- (2) Terms, other than those listed in paragraph 1, which are listed in *Section 1: Preliminary* of the Byelaws of the Society in force immediately before 4 June 2007 shall continue to bear the meanings given therein for the purpose of any extant Byelaw of the Society.

SECTION 5: REMUNERATION OF AUDITORS

- (1) The Council may by resolution pursuant to this regulation delegate the power to determine the auditor's remuneration to a committee of the Council.

SECTION 6: SEAL

- (1) The Seal shall bear a representation of the Armorial Bearings of the Society, and its crest and motto, as registered with the College of Arms.
- (2) The Secretary shall be the custodian of the Seal.
- (3) The Council may direct that the Seal be affixed to any document, and the Secretary shall keep a record of its use.
- (4) Any document to which the Seal is applied shall bear the signature of the President, or Vice-President, or two other members of the Council.

SECTION 7: THE PHARMACEUTICAL JOURNAL

- (1) The Journal is the official publication of the Society and shall be edited and published in such form as the Council shall from time to time direct.
- (2) Any requirement in any provision bearing on the Society to give notice of any fact or event or to publish any document or announcement shall, in the absence of a required method of publication being specified in such provision, be lawfully discharged by inserting such notice, document or announcement in the Journal.

SECTION 8: MUSEUM

- (1) The Council shall provide for the maintenance of a museum for the benefit of the members of the Society, students of pharmacy and the general public, and shall approve its constitution.

SECTION 9: CODES, PROTOCOLS AND GUIDANCE

- (1) Subject to the Charter and these regulations, the Council may make, approve, publish, amend or revoke any form of code, protocol, instrument or guidance document for any purpose connected with the management of the affairs of the Society and the pursuit of its objects, whether for the observance of the Council and its committees or of the members of the Society or for the information of the public.
- (2) Where the Council or the Society has powers to issue any form of code, protocol, instrument or guidance document about any matter in legislation, the Council shall not issue any form of code, protocol, instrument or guidance document about that matter under paragraph (1) and any such code, protocol, instrument or guidance document that has been issued by it (for example, before the legislation came into force) shall be void.

SECTION 10: SPECIAL RESOLUTIONS

- (1) Where the Council passes or proposes to pass a resolution of the Council on a matter specified by the charter as requiring to be subject to a Special Resolution, the Council shall determine in relation to such resolution of the Council that it shall be confirmed:
 - (1) by a two-thirds majority vote on a show of hands (or in a poll, conducted by secret ballot) of the members present at a general meeting of the Society; or
 - (2) by a two-thirds majority vote of the members present at a general meeting, including the votes cast by the chairman of the meeting on behalf of absent members for whom he holds proxies indicating how the proxy-giver wishes to vote on the resolution; or
 - (3) by a two-thirds majority vote of the members voting electronically or in a postal ballot, or by a combination of both methods, as determined by the Council.

SECTION 11: MEMBERSHIP

- (1) The membership of the Society consists of registered pharmacists in Great Britain.

SECTION 12: FELLOWS

- (1) The Council may appoint a panel of Fellows ("the panel") (not being members of the Council) which shall have power to designate Fellows of the Society.
- (2) Fellows of the Society shall consist of—
 - (a) the persons who were Fellows on 2 April 2008;
 - (b) any member of not less than 12 years' standing designated as a Fellow by the panel as having, in the opinion of the panel, made an outstanding original contribution to the advancement of pharmaceutical knowledge or attained distinction in the science, practice, profession or history of pharmacy; and
 - (c) any member of not less than 12 years' standing who has nominated himself for fellowship and who has been designated as a Fellow by the Council as having, in the opinion of the Council, made an outstanding original contribution to the advancement of pharmaceutical knowledge or practice.
- (3) A member wishing to propose a member for designation as a Fellow under paragraph 2(2) above may apply in writing in accordance with requirements published by the Society.
- (4) A member seeking designation as a Fellow under paragraph 2(3) above may apply in writing in accordance with requirements (including requirements as to fees) published by the Society.
- (5) Designation as a Fellow shall continue only so long as a Fellow is also a member of the Society.

SECTION 13: HONORARY MEMBERS AND HONORARY FELLOWS

- (1) Honorary Members of the Society shall be—
 - (1) the members of the Council who are not registered pharmacists, for so long as they remain members of the Council; and
 - (2) persons other than members, who have rendered distinguished service to the Society or to pharmacy, considered for honorary membership at one meeting of the Council and designated as such by the Council at a further meeting.
- (2) Honorary Fellows may be designated by the Council from amongst persons, other than members, who have distinguished themselves in any of the branches of knowledge embraced in the educational or scientific objects of the Society and persons other than members who are eminent in public life.

- (3) No Honorary Member or Honorary Fellow may use any letters or abbreviation purporting to reflect his designation under this section.

SECTION 14: STUDENTS

- (1) In these Regulations, "student" means an undergraduate student of a school of pharmacy in Great Britain reading for a degree granted in respect of pharmacy that has been approved by the Council for the purpose of registration as a pharmacist in Great Britain, or a graduate who has been awarded such a degree, who is not registered as a pharmacist and who is undertaking postgraduate research or studies leading to a higher degree related to pharmacy, or who is a preregistration trainee in Great Britain.
- (2) Students may attend meetings of the Society's Branches and of other subdivisions of the Society.
- (3) In pursuance of its objects, the Society may maintain an agreement to co-operate with, consult and support an association of students (called "the British Pharmaceutical Students Association" or such other name as may be adopted by the association with the approval of the Society).

SECTION 15: THE COUNCIL, ITS MEETINGS AND PROCEEDINGS

- (1) The Council shall meet not fewer than four times in each calendar year, on such day and at such time and at such place as it chooses. The date and location shall be published in advance of each meeting. Any further meetings shall be notified in writing to the members of the Council by the Secretary upon the direction of the President or upon the direction of any 10 members of the Council.
- (2) The quorum for a Council meeting shall be sixteen members.
- (3) The Secretary shall give to all members of the Council at least seven clear days' notice of a meeting of the Council beginning with the day of sending the notice by fax, post or email.
- (4) The President, or in his absence the Vice-President, shall chair all meetings of the Council. If both are absent, a chairman shall be chosen by the Council members present from amongst their own number. In any case of an equality of votes, the chairman of the meeting shall have a second, or casting, vote.
- (5) The Council may make standing orders for the regulation of Council procedure, but the Chairman may, notwithstanding such standing orders, require any motion or proposition to be in writing and signed by the proposer and seconder. A member of the Council wishing to bring any motion or proposition before the Council shall give written notice at least

14 clear days before the meeting at which it is to be taken and in default of such notice the Chairman may direct that the motion or proposition be taken at a subsequent meeting. A vote on any motion or proposition before a meeting of the Council shall be determined by a vote on a show of hands, unless a member demands a ballot (being the collection of written votes at the meeting).

- (6) Standing orders made by the Council may provide for the holding, at the discretion of the President, of meetings of the Council in the form of a teleconference or using other remote conference facilities which allow all Council members participating to hear and address one another, and such meetings shall be deemed to take place at the location of the chairman.
- (7) A decision of a meeting of the Council may be implemented as soon as practicable, notwithstanding that the minutes of the meeting at which the decision was made have not been confirmed at a subsequent meeting.
- (8) In pursuance of the objects of the Society and in the exercise, on its behalf, of the Society's powers in articles 3(1), (8), (12) and (21) of the Charter, the Council may from time to time establish or dissolve committees or other informal groups, composed of its own members or other persons, for any purpose as may be expedient; provided that no such committee shall have formal standing within the contemplation of article 9(3) of the Charter unless it is the subject of regulations made under that article. Nothing in this paragraph applies to any committee established by or under an Act of Parliament or Order in Council or statutory rules.
- (9) A member of the Council may be suspended from participation in the business of the Council in accordance with Schedule 1 to these regulations or by resolution of the Council following a decision by the Council that the member is regarded to be temporarily incapacitated by virtue of adverse physical or mental health.
- (10) Members of the Council shall comply with the code of conduct for such members as approved by the Council from time to time. A member of the Council shall cease to hold office if—
 - (1) he resigns by writing to the Secretary, provided that such resignation shall not be of effect if it would cause there to be fewer than the number of Council members required to form a quorum for a meeting of the Council; or
 - (2) by virtue of the happening to him of any of the events listed in section 72(1) of the Charities Act 1993 he becomes liable to be, or is, disqualified from acting as a charity trustee; or
 - (3) being a registered pharmacist on taking up office he ceases to be registered in Part 1 of the Register of Pharmacists; or

- (4) being a registered pharmacy technician on taking up office he ceases to be registered in Part 1 of the Register of Pharmacy Technicians; or
- (5) he is removed by resolution of the Council—
 - (a) passed in accordance with Schedule 1; or
 - (b) following a decision by the Council that he has ceased to be normally resident in Great Britain, the Isle of Man or the Channel Islands; or
 - (c) following a decision by the Council that, being an elected member, he has ceased to be eligible to serve by virtue of section 1 regulation 22; or
 - (d) following a decision by the Council that his attendance record for meetings of the Council is unsatisfactory; or
 - (e) following a decision by the Council that he should be regarded as permanently incapacitated by virtue of adverse physical or mental health.
- (11) The Registrar shall make a report to the Council in the event of any information (whether or not in the form of a complaint) being received, indicating that a member of the Council may be liable to be removed from office in accordance with any of the provisions of regulation 10 above.
- (12) The members of the Council are, by this regulation, indemnified by the Society in respect of the performance of their duties, subject to the terms of article 3(17) of the Charter.

SECTION 16: BRANCHES

- (1) The Council shall provide for the maintenance of a system of local Branches of the Society and shall determine or provide for the determination of their constitution and functions. The Council may determine the geographical areas to be covered by Branches, may require Branches to furnish financial or other information, and may issue guidance to Branches on any matter.
- (2) A Branch shall consist of members of the Society whose registered addresses are within the area of the Branch concerned. With the permission of, or under procedure approved by, the Council, a member may transfer from one Branch to another.
- (3) The Council shall arrange for meetings to be held to be attended by representatives of Branches and shall determine the purposes, composition, agenda, frequency, and location of such meetings.

SECTION 17: PROCEDURE FOR MAKING AND AMENDING REGULATIONS

- (1) Any proposal to make, amend or revoke a regulation shall be considered by the Council and, if adopted, shall be published in accordance with the provisions of article 10 of the Charter.
- (2) Following publication, the Council may make technical or drafting modifications which do not alter the substance of the proposal before it is submitted for approval by the Privy Council.
- (3) In submitting a proposed regulation or amendment or revocation to the Privy Council, the Council may authorise one or more of its members to consider any comments or requirements from the Privy Council and to agree on the Council's behalf to any technical or drafting modifications of the proposed regulation or amendment which do not alter its substance and which may be suggested by the Privy Council.

SCHEDULE 1

1. Preamble

- (1) This Schedule, made in pursuance of articles 8 and 9(2) of the Charter and of section 15 regulations 9 to 11, regulates the taking of disciplinary action against members of the Council.

2. Interpretation

- (1) In this Schedule, unless the context otherwise requires, the singular includes the plural and—
- (a) "adjudicating panel" means a group of panel members appointed under paragraph 5(6) below;
 - (b) "chairman" means the chairman of the panel appointed under paragraph 4(4) below;
 - (c) "code" means the code of conduct applicable from time to time to members;
 - (d) "complaint" means a written complaint signed by the complainant, or information provided by the Registrar, alleging that a member:
 - (i) has been convicted of an offence which may be relevant to his membership of the Council; or
 - (ii) has sustained a sanction before a tribunal or regulatory body, or
 - (iii) has, while a member, breached the code;
 - (e) "deputy chairman" means the deputy chairman of the panel appointed under paragraph 4(4) below;
 - (f) "investigating panel" means a group of panel members appointed under paragraph 5(3) below;
 - (g) "member" means a member of the Council and includes a person elected or appointed to be a member who has not yet taken up office as such;
 - (h) "panel" means the panel appointed by the Council under paragraph 4(1) below; and
 - (i) "screener" means a panel member appointed under paragraph 5(1) below.

- (2) Headings in this Schedule are for information only and do not affect interpretation.

3. Interim suspension by the Council

- (1) A member shall inform the Council if he is subject to proceedings (but excluding any preliminary investigations) before a regulatory or licensing body, or has been charged with any offence. Where a member is subject to such proceedings or has been charged with any offence the Council may by resolution suspend that member from office and from any committee of the Council.
- (2) For the purposes of paragraph (1)—
 - (a) a resolution shall require a two thirds majority vote of those present and voting, of which those in favour must comprise an absolute majority of the members of the Council in office at the time of the resolution;
 - (b) "proceedings" does not include proceedings under this Schedule;
 - (c) "preliminary investigations" means any procedure of a regulatory or licensing body which precedes the notification of a charge to the member which is to be heard by a determining committee or tribunal of such a body.
- (3) If the Council passes a resolution under paragraph (1) above, it shall specify either a period of the suspension or the date by which such suspension shall be reviewed by the Council.
- (4) The Council may review the matter of suspension of any member, and may resolve to re-instate the member, at any time, subject to the enhanced majority vote provisions of paragraph (2) above.
- (5) A member who is suspended from office shall not, during the period of suspension, participate in any of the business of the Council or represent the Council or the Society in any way, and shall not be liable as a member in respect of any decision or action of the Council taken during the period of his suspension.

4. Panel

- (1) The Council shall appoint a panel of between 5 and 12 persons from which appointments may be made under this Schedule to screen, investigate, hear or determine any complaint against a member in his capacity as a member of the Council.
- (2) Panel members shall each be appointed for a term of up to four years, and may serve a maximum of two terms each of up to four years.

- (3) Panel members shall be suitably trained lay members or former lay members of bodies (or of their committees) regulating health professions other than pharmacists or lay members of other appropriate bodies determined by the Council, and at least three members of the panel shall in the opinion of the Council have appropriate legal experience or experience of acting in a judicial capacity.
- (4) The panel shall appoint a chairman and a deputy chairman from amongst its own number, and the deputy chairman shall perform all or any of the functions of the chairman in his absence.

5. Complaints

- (1) A complaint against a member shall be referred to the chairman who shall not consider the case but shall appoint a screener from amongst the members of the panel who have an appropriate legal qualification or experience who shall consider the case and advise the chairman in writing either—
 - (a) that the case is suitable for mediation; or
 - (b) that the complaint appears to be frivolous or so trivial as not to warrant further investigation; or
 - (c) that the complaint, in a form of words proposed by the screener, should be referred to the panel for investigation and adjudication.
- (2) On receiving advice under sub-paragraph (1)(a) above, the chairman shall write to the respondent member and to the complainant to seek their agreement to submit to and be bound by a mediation process. If they agree, the chairman shall make the necessary arrangements for mediation, at his discretion.
- (3) In the event of receiving advice under sub-paragraph (1)(c) above, or in the event of a failure of a mediation process under paragraph (2) above, the chairman shall appoint from amongst the panel members an investigating panel of three or more persons who shall include himself or the deputy chairman.
- (4) The investigating panel, having considered the case and made such further enquiries as it sees fit, shall either—
 - (a) determine that there is no case to answer; or
 - (b) refer the case for hearing by an adjudicating panel, with a summary of the case including a formulation of the complaint against the member.
- (5) In the event of a finding under sub-paragraph (4)(a) above, the Investigating Panel shall make its report in writing to the chairman who shall pass the report to the Council.

- (6) In the event of a reference under sub-paragraph (4)(b) above, the chairman shall appoint an adjudicating panel of three or more members of the panel, who shall include himself or the deputy chairman provided in each case that he has not served on the investigating panel referring the matter.
- (7) The adjudicating panel shall consider the complaint within three months of the referral under sub-paragraph (1)(c) above, except where the Chairman considers this impracticable.

6. Procedure of adjudicating panel

- (1) Subject to the regulations and this Schedule, the panel shall determine the procedure for the consideration of complaints by an adjudicating panel, provided that such procedure shall—
 - (a) include a requirement for the member complained of to receive notice of any proposed hearing and to have the right to appear and call and cross examine witnesses;
 - (b) provide, subject to sub-paragraph (c) below, that other members of the Council may be called as witnesses, or may if requested by a party submit a written witness statement;
 - (c) provide that the adjudicating panel may determine the admissibility of any proposed evidence; and
 - (d) not permit the participation of, or communication to them by, any other member of the Council other than in accordance with these regulations.
- (2) The complainant shall also receive notice of any hearing and shall be permitted to attend and to participate in accordance with the procedure of the adjudicating panel and, subject to that procedure, at the discretion of the chairman of the adjudicating panel.
- (3) The findings and recommendations of the adjudicating panel shall be reported in writing by the Chairman to the Council and notified in writing to the member complained of, the complainant if any, and the Registrar.
- (4) In any proceedings under this Schedule, the parties shall bear their own costs.

7. Findings and sanctions

- (1) A report under paragraph 6(3) above shall indicate whether the complaint has been upheld, upheld in part, or dismissed. If upheld or upheld in part, the report shall recommend that the Council should resolve to—
 - (a) take no further action; or

- (b) censure the member; or
 - (c) suspend the member from office for a specified period; or
 - (d) remove the member from office (including from any other appointment held by virtue of his office).
- (2) A report under paragraph 6(3) above may also recommend that a complaint be brought against the member in respect of his status as a registered pharmacist or registered pharmacy technician under the relevant statutory arrangements or, alternatively or additionally, specified evidence should be submitted to the police or other authority.
- (3) Subject to paragraph (4), the Council may, by a resolution passed by a two thirds majority vote of those present—
- (a) implement the recommendations of the report under paragraph 6(3), or
 - (b) substitute another of the available sanctions.
- (4) In paragraph (3), “those present” shall exclude—
- (a) the member who has been the subject of the complaint;
 - (b) the member, if any, who has submitted the complaint; and
 - (c) any other member who appeared as a witness before, or provided a witness statement to, the adjudicating panel in the course of the relevant proceedings.
- (5) If a report under paragraph 6(3) indicates that a complaint against a member who is a registered pharmacist or a registered pharmacy technician has been upheld or upheld in part, the Registrar shall consider whether to refer the matter to a relevant fitness to practise committee.

8. Members who resign or whose period of office expires before completion of proceedings

- (1) If during proceedings under this Schedule a member complained of resigns or his term of office expires, the proceedings of the adjudicating panel shall continue to their conclusion and the report of the adjudicating panel shall be noted by the Council who may direct that the outcome of the proceedings be published and reported to any authority in the public interest and that a record be kept for any purpose related to the affairs of the Council or the Society.