



STATUTORY INSTRUMENTS.

S.I. No. 496 of 2008



PHARMACEUTICAL SOCIETY OF IRELAND (FEES) RULES 2008

(Prn. A8/1898)

S.I. No. 496 of 2008

PHARMACEUTICAL SOCIETY OF IRELAND (FEES) RULES 2008

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 28 day of November 2008

BERNARD LEDDY
President

AMBROSE McLOUGHLIN
Registrar

I consent to the making of these Rules.



GIVEN under my Official Seal
28 November 2008

MARY HARNEY,
Minister for Health and Children.

S.I. No. 496 of 2008

PHARMACEUTICAL SOCIETY OF IRELAND (FEES) RULES 2008

ARRANGEMENT OF RULES

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FEES PAYABLE IN RESPECT OF APPLICATIONS, NOTIFICATIONS AND SERVICES PROVIDED.

PHARMACEUTICAL SOCIETY OF IRELAND (FEES) RULES 2008

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 2008.

Commencement

2. (1) Subject to paragraph (2) these rules shall come into force on 29 November 2008.

(2) Paragraph 29 of the Schedule shall come into force on 1 June 2009.

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);

“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;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd December, 2008.*

“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 Pharmaceutical Society of Ireland (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.

(3) In these Rules, where a restoration fee is payable, the whole of the prescribed fee shall be payable notwithstanding the amount of time that has lapsed from the date on which the relevant registration was cancelled.

(4) In these Rules, where an application for registration is made in respect of a retail pharmacy business in which, immediately before the coming into force of these Rules, the business of a pharmaceutical chemist was being conducted under the Pharmacy Acts 1875 to 1977, such application shall be considered for fee purposes as being an application for the continued registration of a retail pharmacy business. This paragraph shall not apply in the case of an application for registration of a retail pharmacy business following a change in the ownership of the pharmacy.

Setting and approval of fees and transitional arrangements in respect of certain fees

4. (1) 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.

(2) Where a fee is specified in the Schedule to these Rules, the amount of such fee may, from time to time, be varied by the Council with the approval of the Minister.

(3) The fees for continued registration for those persons who, by virtue of section 15(2) of the Act, were registered in one of the personal registers, shall become due on the 1st of January 2009.

Non-refundable nature of certain fees and discretion 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.

SCHEDULE

FEES PAYABLE IN RESPECT OF APPLICATIONS, NOTIFICATIONS
AND SERVICES PROVIDED

COLUMN 1 Paragraph	COLUMN 2 Description of fee	COLUMN 3 Amount of fee
Fees in respect of applications for registration in the Register of Pharmacists		
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:	€570.00
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:	€450.00
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
Fees in respect of applications for continued registration in the Register of Pharmaceutical Assistants		
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:	€250.00
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
Fees in respect of applications for registration in the Register of Retail Pharmacy Businesses		
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:	€3,500.00
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:	€2,500.00
8.	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
9.	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

COLUMN 1 Paragraph	COLUMN 2 Description of fee	COLUMN 3 Amount of fee
10.	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:	€3,500.00
Fees in respect of applications for cancellation on request of registration in the personal registers		
11.	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
Fees in respect of applications for cancellation on request of registration in the Register of Retail Pharmacy Businesses		
12.	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:	€500.00
Fees in respect of applications for restoration to the Register of Pharmacists		
13.	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 an application in accordance with section 61(1)(a) of the Act to have his or her name restored to the said Register:	€600.00
14.	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 Registration Rules and who, within six months of the date when the unpaid fee became due, makes an 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:	€800.00
Fees in respect of restoration to the Register of Pharmaceutical Assistants		
15.	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:	€400.00
16.	Fee payable by a person whose registration in the Register of Pharmaceutical Assistants was cancelled in accordance with 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 in addition to the unpaid fee:	€600.00
Fees in respect of applications for restoration to the Register of Retail Pharmacy Businesses		
17.	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:	€2,500.00

COLUMN 1 Paragraph	COLUMN 2 Description of fee	COLUMN 3 Amount of fee
18.	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:	€3,500.00
Fees in connection with certificates		
19.	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
20.	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
21.	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
Fees in respect of alterations to the information contained in the personal registers		
22.	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
Fees for the notification of changes to the Register of Retail Pharmacy Businesses		
23.	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 superintendent pharmacist specified in the application for registration:	€85.00
24.	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
25.	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 23 or 24) 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
26.	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 23, 24 or 25) 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
Fees for the removal of conditions on the registration of a pharmacist		
27.	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

COLUMN 1 Paragraph	COLUMN 2 Description of fee	COLUMN 3 Amount of fee
Fees for the removal of conditions on the registration of a retail pharmacy business		
28.	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
Fees in respect of applications for the in-service practical training programme		
29.	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:	€1,500.00
Fees in respect of applications for the Professional Registration Examination		
30.	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
Fees in respect of courses of education and training for tutor pharmacists		
31.	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:	€700.00
Fees in respect of application for recognition of third country qualifications		
32.	Fee payable under Rule 19(2) of the Registration Rules, being the fee payable in connection with an application for recognition of a qualification as a pharmacist obtained in a country that is not a relevant state:	€1,500.00
Fees in respect of general system applications from persons recognised as pharmacists in other Member States		
33.	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 be payable in addition to the fee payable under paragraph 1:	€250.00
34.	Fee payable in the case of an application to which paragraphs 1 and 33 apply, and in respect of which an adaptation period is required. This fee shall be payable in addition to the fees payable under the said paragraphs 1 and 33:	€750.00
Fees in respect of the conduct of aptitude tests for persons seeking to be registered as visiting pharmacists from EEA States		
35.	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 procedure for the setting of fees to be charged by the Society and approval of those fees by the Minister.

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 aptitude tests are also set out in these Rules.

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