

Council meeting 27 & 28 March 2007

PUBLIC BUSINESS

Report on gazetting of batch 1 of the regulations

Purpose

To report to the Council on progress on the draft batch 1 of the regulations.

Strategic objective domain

An organisation that consistently performs as a regulator, professional representative leader and publisher.

Recommendation

Council is asked to receive the report.

1. Background

- 1.1 The Council agreed a draft of Batch 1 of the regulations (attached as Appendix A) in October 2006, following the incorporation of comments made on an earlier draft from the Privy Council's advisers. These draft regulations have been gazetted for a period of sixty days, as required under art. 10(1) of the Charter. That sixty-day period ended on 20 January 2007, and no comments were received in response to the gazetting.
- 1.2 Given that no comments were received during the gazetting period, the regulations will now go forward to the Privy Council for approval, subject to such amendments as the Lords of the Privy Council may require.
- 1.3 These regulations will entirely supersede the existing Byelaw sections concerning Casual vacancies in the Council (Section VIII); Secretary (Section X); Auditors (Section XI); Common Seal (Section XIII); Meetings for the reading of papers (Section XVIII) Journal and transactions (Section XXV); and Museum (Section XXVI), which will be revoked.

Christine Gray
Head of Corporate Governance

Elaine Mulingani
Internal Governance Co-ordinator

Appendix A**REGULATIONS to supersede Sections VIII, X, XI, XIII, XVIII, XXV and XXVI of the Byelaws****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 [*date of approval of regulations*] 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.

Ann Lewis

Secretary and Registrar