



STATUTORY INSTRUMENTS.

S.I. No. 492 of 2008



PHARMACEUTICAL SOCIETY OF IRELAND (COUNCIL) RULES 2008

(Prn. A8/1890)

S.I. No. 492 of 2008

PHARMACEUTICAL SOCIETY OF IRELAND (COUNCIL) 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 Mc LOUGHLIN

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. 492 of 2008

PHARMACEUTICAL SOCIETY OF IRELAND (COUNCIL) RULES 2008

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S.I. No. 492 of 2008

PHARMACEUTICAL SOCIETY OF IRELAND (COUNCIL) 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:—

PART 1

GENERAL PROVISIONS

Citation

1. These Rules may be cited as the Pharmaceutical Society of Ireland (Council) Rules 2008.

Commencement

2. These rules shall come into force on 29 November 2008.

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);

“candidate” means a person who, in accordance with Rule 8(2), has been deemed eligible to stand for election for appointment to the Council and formally declared as a candidate;

“casual vacancy” means a vacancy occurring on the Council as referred to in paragraph 5 of Schedule 1 to the Act in respect of those persons to which section 10(3)(f) of the Act applies;

“certificate of registration as a pharmacist” means a certificate of registration or continued registration issued under section 20 of the Act and which is for the time being in force;

“Council” means the Council established pursuant to section 10 of the Act;

“electoral register” means the register established under Rule 10;

“Minister” means the Minister for Health and Children;

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

“panel” means the panel established under Rule 14(1) for the filling of casual vacancies or for the filling of other vacancies that may remain if the number of candidates who have presented for election for appointment by the Minister to the Council is less than the number of vacancies to be filled;

“Register of Pharmacists” means the register of pharmacists established under section 13(1) of the Act;

“Registrar” means the Registrar of the Pharmaceutical Society of Ireland, appointed pursuant to paragraph 13(1) of Schedule 1 to the Act;

“returning officer” has the meaning assigned to it in Rule 6(1);

“the Society” means the Society established by section 5(2) of the Act.

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

PART 2

SELECTION OF MEMBERS OF THE SOCIETY FOR APPOINTMENT TO THE COUNCIL BY THE MINISTER

Procedure for the selection of members of the Society for appointment to the Council

4. The selection of members of the Society for appointment to the Council for the purposes of section 10(3)(f) of the Act shall be carried out by way of election by the members of the Society conducted in accordance with this Part.

Electoral system and date of election

5. (1) Save where these Rules provide specifically to the contrary, the electoral system for the selection of members of the Society, for appointment to the Council by the Minister for the purposes of section 10(3)(f) of the Act, shall be that of proportional representation in which each member of the Society shall have a single transferable vote. Such election shall be conducted in accordance with Part XIX of the Electoral Act 1992 (No. 23 of 1992) (as amended).

(2) Save in any year in which no person, whether by virtue of paragraph (1) of Schedule 1 to the Act or Rules 9(2) and 9(3), is required to be selected by way of an election for the purposes of section 10(3)(f) of the Act, the election shall be held on the third Wednesday of April and all ballot papers received by 5.00 p.m. on that day shall be included in the count.

(3) The nomination papers for the aforesaid election shall be lodged with the returning officer not later than twelve noon, twenty-eight days before the date of the election.

Appointment of returning officer and scrutineers and their duties

6. (1) Subject to paragraph (2), for the purposes of each election, the Council shall, at the last Council meeting in the calendar year preceding the year of the election, appoint persons of competence and integrity to act as a returning officer and a substitute returning officer who shall act in the event that the returning officer is unable to act.

(2) The duty of the returning officer shall be to ensure that the validity and integrity of the nomination and election processes are maintained, and in that regard, he or she shall be empowered for all purposes connected with the performance of such duty, including the making of decisions with regard to the qualification or disqualification of candidates, the calculation of quotas, the making of decisions in respect of valid, invalid and spoiled votes, the conduct of the counts, the transfer of votes and all other matters which might arise during the course of the election.

(3) For the purposes of each election, the Council shall, at the last Council meeting in the calendar year preceding the year of the election, also appoint two persons to act as scrutineers whose duty shall be to ensure that the process of the counting of votes is carried out in accordance with these Rules and in an honest, fair and accurate manner.

(4) The scrutineers may, if they consider it necessary for the performance of their duties, and if the returning officer consents, appoint such person or persons as they consider fit and proper to assist them.

Procedure for nominations and eligibility to stand for election

7. (1) The returning officer shall, not later than 56 days before the proposed date of election, publish on the Society's website a request for the nomination of members of the Society who may wish to stand for election for appointment to the Council.

(2) In order to be eligible to stand for election for appointment to the Council, a member of the Society shall—

- (a) hold a certificate of registration as a pharmacist,
- (b) have been proposed and seconded in writing by members of the Society who hold certificates of registration as a pharmacist,
- (c) submit, on a form available from the returning officer, a nomination paper that relates only to the person proposing to stand for election, specifying his or her name, address and registration number and signed by him or her,
- (d) provide declarations that—
 - (i) having regard to paragraphs (2) and (8) of Schedule 1 to the Act, he or she is eligible to stand for election for appointment to the Council,

- (ii) in the event of not being elected, he or she is aware that his or her name will be placed on a panel with a view to selection in the manner provided for under Rules 9(2) and 9(3) and Part 3 for the filling of any vacancies or casual vacancies as may arise on the Council, and
- (iii) in the event of being elected and appointed to the Council, he or she will, to the best of his or her abilities, serve on the Council and abide by any code of conduct for members of the Council as may be adopted by the Council from time to time.

Validation of nominees and declaration of candidates for election

8. (1) Within 2 days of the closing date for the receipt of the nomination papers from persons seeking to stand for election for appointment to the Council, the returning officer shall review the eligibility of the persons nominated in accordance with the requirements of Rule 7(2).

(2) Where the nominations as aforesaid are found to be in conformity with the requirements of Rule 7(2), the returning officer shall formally declare such persons as candidates and shall forthwith publish a notice, including on the Society's website, setting out the names and addresses of the candidates in alphabetical order and shall also indicate in each case the name and address of the proposer and seconder.

Holding of election and steps to be taken where number of candidates is not sufficient to fill number of vacancies on Council

9. (1) If there are a greater number of candidates than there are vacancies to be filled on the Council, an election shall be held.

(2) If the number of candidates is equal to or less than the number of vacancies on the Council, no election shall be held and those candidates shall be deemed to be elected and their names shall be submitted to the Minister for appointment to the Council.

(3) Where, pursuant to paragraph (2), one or more vacancies on the Council have not been filled, then each such vacancy shall in turn be offered to a person on the panel established under Rule 14 in the order of his or her place on that panel, with a view to his or her name being submitted to the Minister for appointment to the Council. Such offers shall continue until either all the vacancies have been filled, or the panel has become exhausted, in which case the Council shall itself select persons whose names shall to be submitted to the Minister for appointment to the Council.

Establishing the electoral register

10. (1) Twenty-eight days in advance of the date of election, the returning officer shall establish and hold available in printed format for inspection by a candidate or his or her agent, or by a member of the Society, an electoral register consisting of the names and addresses as they appear on the Register of Pharmacists of all those members of the Society that on that date hold certificates of registration as pharmacists.

(2) All members of the Society whose names appear in the electoral register on the date on which the electoral register is established, shall be entitled to vote in the election of members of the Society for appointment to the Council by the Minister.

Procedure for voting

11. (1) Not later than fourteen days in advance of the date of election, the returning officer shall send by post, to each person on the electoral register at his or her address as it appears in that register, a ballot paper containing the information set out in paragraph (2).

(2) The ballot paper shall include—

- (a) a list of candidates in alphabetical order giving in respect of each candidate his or her name and address as published in the Register of Pharmacists,
- (b) the area of practice as a pharmacist of each candidate,
- (c) the name and address, as published in the Register of Pharmacists, of each candidate's proposer and seconder,
- (d) the latest date and time by which ballot papers shall be returned to the returning officer, and
- (e) instructions on the voting procedure or a reference to an enclosure setting out such instructions.

(3) The returning officer shall ensure that the system of issue, return and custody of the ballot papers is such as to protect the validity, integrity and confidentiality of the election process.

(4) The following instructions shall be included with the ballot papers—

- (a) that the completed ballot paper is to be placed within an inner envelope, which is to be duly sealed and which shall be clear of any markings other than a pre-printed marking indicating that the ballot paper is to be placed inside it, and
- (b) that the sealed inner envelope is to be placed within an outer cover envelope, upon which the voter is to, in the spaces provided—
 - (i) write his or her name as it appears on the Register of Pharmacists,
 - (ii) write his or her registration number in the Register of Pharmacists, and
 - (iii) sign and date the envelope.

(5) Completed ballot papers shall be returned to the returning officer to be received by him or her at the address nominated by him or her, as specified on the outer cover envelope, not later than 5.00 p.m. on the day of the election.

Procedure for counting of votes

12. (1) The counting of votes in an election under this Part shall take place within 2 days of the date of the election at a location nominated by the returning officer and which has been notified to the candidates.

(2) During the course of the counting of votes, any candidate, or his or her agent, has the right to be present and heard by the returning officer in relation to any perceived irregularities before the returning officer makes a decision regarding the conduct of the count, the determination of votes as being valid, invalid or spoiled, the transfer of votes, the elimination of candidates or any other relevant matter.

Procedure for declaration of those elected

13. (1) The returning officer shall at the conclusion of the count declare the results of the election and give notice in writing to the Minister of the names of those members of the Society that have been elected under these Rules for the purposes of section 10(3)(f) of the Act.

(2) The returning officer shall forthwith publish on the Society's website the election results, including details of the number of ballot papers issued, the total poll, the total valid poll and the votes and transfers at each count.

Establishment of a panel for the filling of certain vacancies on Council

14. (1) Subject to paragraph (2), at the conclusion of the count the returning officer shall contemporaneously establish, in accordance with this Rule, and publish on the Society's website a list of persons to be included in a panel, which panel shall be valid for four years from the date of its establishment or until the panel is replaced by a new panel following an election in accordance with this Part, whichever is the earlier date.

(2) The panel established in paragraph (1) shall contain the names of those persons deemed not to have been elected, pursuant to Rule 13 for the purposes of section 10(3)(f) of the Act, in decreasing order based on the total number of votes cast for each candidate, and where two candidates have received an equal total number of votes, the order shall be decided having regard to the total number of votes credited to such candidates at the first count at which they had an unequal number of votes, with the candidate having the greatest number of votes at that count being assigned to the higher position on the panel.

Procedure for the conduct of a recount

15. (1) The procedures by which a candidate may request a recount shall be those which are set out in Part XIX of the Electoral Act 1992 (No. 23 of 1992) (as amended) and where the returning officer, in consultation with the scrutineers, is satisfied that there appears to be a defect which might materially influence the result of the election, he may order a recount in whole or in part and shall upon the completion of the recount, announce the result of the recount. The said results shall be final and binding.

(2) In the event of an irregularity arising during the course of an election including in the counting of votes, the returning officer, in consultation with the scrutineers, shall be entitled to take such steps as may be necessary to cure any minor technical defect, provided such does not interfere with the integrity of the vote.

PART 3

FILLING OF CASUAL VACANCIES ON THE COUNCIL

Rules relating to the filling of casual vacancies on Council in respect of members selected pursuant to section 10(3)(f) of the Act

16. (1) Where a casual vacancy arises, the vacant position shall be offered to the person whose name appears first on the panel. If that person does not accept the offer, the vacant position shall be offered to the person whose name appears next on the panel and so on in turn until either a person accepts the offer, or the panel has become exhausted, in which case the Council itself shall select a person, being a member of the Society, for the purpose of filling the vacancy.

(2) Where under paragraph (1), a person has been identified who is willing to accept the vacant position on the Council, the Registrar shall submit the name of such person to the Minister with a view to his or her appointment to the Council.

PART 4

ELECTION OF PRESIDENT AND VICE-PRESIDENT

Procedure for election of President and Vice-President of Council

17. (1) The election of a President and Vice-President of the Council shall take place at the first Council meeting which shall be held as soon as practicable after the 22nd of May in each year and the holding of an election shall ordinarily be the first item on the agenda of the meeting concerned.

(2) A separate election shall be conducted for each of the posts of President and Vice-President and the said elections shall be conducted by secret ballot and the result decided by simple majority except in the case of a tied vote between two candidates, where the outcome shall be decided by means of the drawing of lots.

(3) At the last meeting of the Council held before the 22nd of May in each year, the Council shall appoint a presiding officer, and an alternate presiding officer who is available to act in the event that the presiding officer is not in a position to act and neither of whom shall be members of the Council.

(4) Not later than 14 days in advance of the date of the first Council meeting to be held after the 22nd of May in each year, the presiding officer shall advise each member of the Council who is in office, or who is to be in office on the date of the said meeting, of the imminent expiry of the term of office of the current holders of the offices of President and Vice-President, and enclose a form so as to enable him or her to submit a nomination for either of those posts

should he or she wish to do so. Any such completed form shall have been received by the presiding officer not later than twelve noon, 3 working days before the date of the meeting.

(5) A member of the Council, being a member of the Society, wishing to stand for election as President or Vice-President shall be entitled to submit a nomination on his or her own behalf and in doing so shall provide to the presiding officer—

(a) an undertaking of his or her willingness to serve as President or Vice-President, as the case may be, if elected, and

(b) a declaration that he or she understands the purpose and functions of the Society and the rules governing the operation of the Council.

(6) The presiding officer shall on the closing of the nominations forthwith inform all Council members of the receipt or non-receipt of nominations and the names of the respective nominees, if any.

(7) In the event that no nominations are received by the presiding officer in advance of the Council meeting at which an election is due to take place and notwithstanding paragraphs (4) and (6), nominations may be accepted on the day of the said meeting.

(8) When an election for the offices of either the President or the Vice-President is to be held, the presiding officer shall at the commencement of the meeting, supply a ballot paper to each of the Council members present. This ballot paper shall contain the names of the candidates nominated in alphabetical order for each office with a space for the member of the Council to identify in the case of each office, his or her choice of candidate for office.

(9) The counting of votes for the election of President or of Vice-President shall be carried out by the presiding officer during the Council meeting at which the election took place.

(10) On the conclusion of the count, the presiding officer shall declare the names of those candidates deemed to be elected as President or, as the case may be, as Vice-President and those persons thereby elected shall immediately take up their respective offices. The presiding officer shall give written notice of the names to the Minister and shall also publish the names on the Society's website.

Vacancy in the offices of President or Vice-President of Council

18. Rule 17 shall also apply should a vacancy in the office of President or Vice-President arise at any other time of the year, except that the dates and days referred to in Rules 17(1) and (4) shall be calculated with reference to the next Council meeting following the date on which the said vacancy has arisen and the presiding officer and alternate presiding officer appointed under Rule 17(3) shall be the presiding officer and alternate presiding officer for the purposes of this Rule.

PART 5

MANAGEMENT AND ADMINISTRATION OF THE COUNCIL AND
ITS ADVISORY COMMITTEES*Holding of Council meetings*

19. (1) The Council shall before the end of each calendar year, fix the dates of the four mandatory meetings which are to be held in the following year.

(2) Subject to agreement by the President (or in his absence the Vice-President) in consultation with the Registrar, a member of Council may in exceptional circumstances participate in Council meetings by way of teleconference, video-conference or other electronic means provided that the members of the Council present at the meeting are satisfied as to the identity of the member so participating, and that the member shall be vocally or vocally and visually contemporaneously present and in a position fully to participate in the business of the meeting and such member attending a Council meeting in these circumstances shall enjoy and be subject to all the rights and obligations of members of the Council who are physically present.

(3) A record shall be kept of the members of the Council present at each meeting.

(4) The conduct of meetings of the Council shall be governed by such standing orders as may be adopted by the Council from time to time.

Agenda of Council meetings

20. (1) The agenda of a Council meeting shall be prepared by the Registrar in consultation with the President or where the office of President is vacant, the Vice-President.

(2) The draft agenda for a proposed meeting shall be issued to the members of the Council, and all other persons entitled to receive it, not later than 7 days in advance of the date of the proposed meeting and shall include at least the following items—

- (a) disclosure of interests in respect of any matter appearing on the agenda,
- (b) the draft minutes of the previous meeting of the Council for adoption,
- (c) reports from the committees of the Council and from the Registrar, and
- (d) matters for decision by the Council including any matters by way of motions.

Motions of Council

21. (1) Subject to the provisions of this Rule, significant and important matters requiring decision by the Council shall be dealt with by way of a motion from a member of the Council.

(2) The President, following consultation with the Registrar, shall decide whether a matter is of such significance and importance that it necessitates being dealt with by way of motion.

(3) A motion for decision by the Council shall set out briefly in writing the matter upon which a decision of the Council is required, shall be dated and signed by the proposer and seconder who shall both be members of the Council and shall be lodged with the Registrar not later than 14 days in advance of the Council meeting at which it is intended that the motion be moved.

(4) If the President, following consultation with the Registrar, is of the opinion that a motion requires the urgent consideration of the Council, and notwithstanding that it has not been lodged with the Registrar 14 days in advance of the Council meeting, the Council, having first made a decision to abridge the notice period required by paragraph (3), may allow the motion to be considered and, where appropriate, take a decision on it.

Voting at Council meetings

22. (1) With the exception of elections pursuant to Rules 17 and 18, all matters required to be decided at Council meetings shall be decided by a simple majority of the votes cast.

(2) Any member of the Council may call for a vote on any matter being considered by the Council and where such vote is called, any member of the Council may call for the names of those voting in favour, against or abstaining to vote, to be recorded in the minutes of the meeting provided the call for the names be recorded in the minute is seconded by another member of the Council. In circumstances where one or more members of the Council dissent from a vote the said member or members shall be entitled to call on the Registrar to record that dissent in the minutes of the meeting.

(3) The quorum of a Council meeting shall be that specified in paragraph 6(6) of Schedule 1 to the Act.

Minutes of Council meetings

23. (1) Minutes of Council meetings shall record any motions put and decisions taken at those meetings.

(2) Minutes of each Council meeting shall be approved by the Council at its subsequent meeting and, as evidence of such approval, shall be signed and dated by the President or chair at that meeting.

(3) Minutes of all Council meetings shall be retained by the Registrar and securely stored.

(4) Upon request, the Registrar may provide a certified true copy of the minutes, or extract thereof, of a meeting of the Council or of any of its committees, which shall be deemed to be evidence as to the business done by the Council or the committee at the particular meeting of the Council or the committee to which the copy relates, unless proved otherwise.

Advisory committees of Council

24. (1) Where the Council establishes an advisory committee, it shall—
- (a) determine the terms of reference of the advisory committee and record the said terms of reference in the minutes of the Council,
 - (b) appoint a member of the Council to the advisory committee who shall chair it. Such person shall hold office from the date of appointment until the expiry of the term of office of the committee or until such member is no longer a member of the Council, whichever is the earlier date,
 - (c) when appointing a member of such an advisory committee, fix the period of membership which shall not exceed 2 years, and
 - (d) appoint to the advisory committee persons who have a special knowledge and experience relating to the purposes of the committee.
- (2) The quorum for an advisory committee of the Council shall be 3 persons or the number of persons which is 1 greater than half of the number of members of the committee, whichever is the greater.
- (3) The acts of an advisory committee shall be subject to confirmation by the Council unless the Council expressly dispenses, in the terms of reference of that committee, with the necessity for such confirmation.
- (4) Where the Council delegates any of its functions to an advisory committee, it shall expressly set out in the terms of reference the function that is being so delegated and, where a decision has been made by the advisory committee in the discharge of that function, it shall be deemed to be and regarded as a decision of the Council.
- (5) An advisory committee shall report regularly to the Council on the business which has been done by it and shall notify the Council of any material decisions that the committee has taken.
- (6) The chair of an advisory committee shall provide to the Registrar copies of all agendas and minutes of its meetings.
- (7) Minutes of an advisory committee meeting shall record any decisions taken at the meeting and shall be approved by the committee at its subsequent meeting and, as evidence of such approval, shall be signed and dated by the chair at that meeting.
- (8) Minutes of all meetings of advisory committees shall be retained by the Registrar and securely stored.
- (9) Subject to the foregoing, an advisory committee may regulate its own procedure for the operation of the committee.

(10) The Registrar of the Society or his or her designate shall be entitled to be in attendance at and be provided with minutes of all meetings of the advisory committees of the Council, but shall not be entitled to vote at such meetings.

PART 6

FINANCIAL AND RESOURCE MANAGEMENT

Annual service planning and corporate strategy

25. (1) The Registrar shall prepare an annual service plan and a corporate strategy for adoption by the Council, for publication and for submission to the Minister.

(2) The annual service plan shall include proposals and financial and budgetary estimates for the delivery of the service plan.

(3) Material adjustments in any year to the annual service plan shall necessitate the adoption of any such adjustments by the Council and the formal amendment of the said plan.

Financial management

26. (1) The accounts of the Society shall be such as to ensure that the system of financial accounting is one which conforms to ongoing current practice for statutory authorities.

(2) In addition to the responsibilities and duties conferred on him or her by paragraph 13 of Schedule 1 to the Act, the Registrar shall, in so far as it is not inconsistent with paragraph 16 of Schedule 1 to the Act, be responsible for the probity, integrity, efficiency and cost-effectiveness of the financial management of the affairs of the Society and shall be accountable to the Council in respect thereof.

Appointment of an internal auditor and audit committee

27. The Council may appoint an internal auditor to review the performance and activities of the Society and an independent audit committee, the terms of reference of which shall be approved by the Council.

Annual report

28. It shall be the responsibility of the Registrar to prepare the annual report referred to in paragraph 17 of Schedule 1 to the Act which shall be submitted to the Council for adoption with a view to submission to the Minister.

PART 7

GENERAL GOVERNANCE MATTERS

General governance responsibility

29. Subject to the directions of the Council, the Registrar shall ensure that the governance responsibilities conferred upon the Society by Schedule 1 to the Act are complied with.

Seal of the Pharmaceutical Society of Ireland

30. (1) The Registrar shall be responsible for the safe custody of the official seal.

(2) The Registrar shall keep and maintain a permanent record of all occasions when the Society executes a document under its seal.

Adoption of a governance framework by Council

31. (1) Without prejudice to the Ethics in Public Office Acts, the Council shall, from time to time, adopt and publish a governance framework which may include—

- (a) a code of conduct for members of the Council, members of advisory committees of the Council and staff of the Pharmaceutical Society of Ireland, and
- (b) standing orders and procedures for Council meetings.

EXPLANATORY NOTE

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

These Rules set out the procedures for the selection of members of the Society for appointment to the Council by the Minister for the purposes of section 10(3)(f) of the Pharmacy Act 2007. The Rules set out the procedure for the filling of a casual vacancy on the Council in respect of a member of the Council selected pursuant to section 10(3)(f), and also the procedure for election of a President and Vice-President of the Council.

In addition, the Rules also set out matters relating to the management and administration of the business of Council and its committees business, financial and resource management and general governance matters.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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