

**PROPOSED CHANGES TO THE CHARTER OF THE RPSGB  
ANALYSIS OF RESPONSE TO THE CONSULTATION QUESTIONNAIRE**

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**PURPOSE**

This is an analysis of the responses to the RPSGB consultation on proposed changes to its Charter, conducted in 2009. It presents the answers to the two specific questions posed in the questionnaire, and other comments, and summarises the main arguments advanced in support of those answers.

**COMPLETED QUESTIONNAIRES**

A total of 177 completed questionnaires was received, of which:

164 were on behalf of an individual;  
9 were on behalf of an organisation; and  
4 were anonymous.

**QUESTION 1**

**Do you agree that the Society's Charter should be retained and amended for the Professional Leadership Body?**

The following responses were received to this question:

	Individual	Organisation	Anonymous	Total
Yes	136	8	3	147
No	18	1	1	20
Not sure	8	0	0	8
No answer	2	0	0	2
<b>Total</b>	<b>164</b>	<b>9</b>	<b>4</b>	<b>177</b>

There was a strong measure of support for retaining and amending the Charter, with approximately 83% of individuals and 89% of organisations supporting the proposition. Just under 5% were unsure.

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### **‘Yes’: Summary of comments**

Respondents were not asked to explain their reasons for saying ‘yes’, so there are relatively few comments from the supporters of the proposition. But some did comment, citing the need to avoid delay and division within the profession:

*‘An extended debate could cost the profession dear by not only depleting assets in these uncertain times but also by acting as a barrier to the creation of the unified professional body that we are striving to build’*

A Royal Charter was also felt to confer real benefits. The Guild of Healthcare Pharmacists argued:

*‘A Royal Charter... gives the organisation a certain amount of prestige in the eyes of other organisations, and in relation to, say the medical profession, should promote the body as having some “weight”’*

### **‘No’: Summary of comments**

Amongst those who responded ‘No’ to the question, two broad arguments were advanced: that the proposed amended Charter was so seriously flawed that a completely new one was required; and that a Royal Charter was in itself undesirable.

The ***serious flaws (requiring an entirely new Charter)*** were described as follows:

#### 1. Insufficient break with the past

It was argued that the role of the new body – shorn of its regulatory functions – was so different to that of the combined regulatory/professional body that a Charter which simply amended some clauses of the old one could not do justice to the new body:

*‘The Charter is primarily for a society that is both professional and regulatory. I firmly believe that the changed circumstances for the Society require a complete rethink, including all the permanent staff functions and the structure of the governing Assembly’*

*‘I believe that keeping/amending the charter will perpetuate the idea that the professional body will be for pharmacy as opposed to pharmacists.’*

Others argued that the reputation of the current Society was poor that a radically new Charter was required to ensure that the new body did not start life with a tarnished reputation:

*‘The feedback from many members of the Society to the Clarke Inquiry was clear and unequivocal. They did not see the Society as an organisation with a solid record of achievement on their behalf. They did not want to see a new professional body which was simply a re-badging of the old.’*

*‘We need a new charter from scratch as the RPSGB has failed to support pharmacists and opinion of the RPSGB is poor.’*

## 2. The new Charter will not reflect the views of 'grassroots' pharmacists

Some argued that it was inappropriate for the 'outgoing' body to determine the role and governance of its successor, and that in so doing, the views of pharmacists were being marginalised:

*'I believe that the `top-down` approach to setting out our new professional leadership body as put forth in the Prospectus, inviting consultation which many of us doubt will be taken on board, is fundamentally flawed. I believe strongly that only a `bottom-up` approach... wherein the pharmacist members, desperate for real representation and leadership at last, put forward and agree upon the basis of the new PLB'*

It was also argued that there was no need to take the risk of seeking a Royal Charter at this point – one could be sought later if necessary:

*'If the new membership of the new body want a Charter they can apply for one at a later date once the body has been established.'*

## 3. Inadequate position for Scotland

Community Pharmacy Scotland expressed concern that the distinctive position of Scotland would not be adequately reflected in the amended Charter:

*'the Council's composition should be amended as the first priority to remove all non-pharmacists, technicians and lay members, from the Council. I believe that the `top-down` approach to setting out our new professional leadership body as put forth in the Prospectus, inviting consultation which many of us doubt will be taken on board, is fundamentally flawed. I believe strongly that only a `bottom-up` approach as postulated by Mark Walker wherein the pharmacist members, desperate for real representation and leadership at last, put forward and agree upon the basis of the new PLB'*

Those who **rejected the very notion of a Royal Charter (whatever its provisions)** argued that such a governance model inevitably meant that the body would be subject to the views and interests of non-pharmacists, and would therefore fail to serve the unique needs of the profession:

*'It will allow the Privy Council to retain a say in our affairs; and will also mean that we have to retain the public interest as a high priority. Whilst the public interest will usually run along side our professional interest, I believe the PLB should have the freedom to act in the interests of the profession without hindrance if necessary'*

*'I'm not sure that it would enable the body to represent pharmacists rather than technicians and other professions.'*

Some argued instead for a limited company:

*'rather than an anachronistic Royal Charter, I would much prefer another form of incorporation which could give greater freedom from e.g. Privy Council and lay interference in our affairs, in order to have any faith in the new PLB's ability to represent and lead for our benefit and in our interests; and I would add that I think that the advantages of another form of incorporation, such as a company limited by guarantee, far outweigh the risks of sleepwalking into another Royal Charter-bound "pharmacy" organisation in thrall to vested interests that is not seen to represent its grassroots members'*

**QUESTION 2**

**If the Society does go ahead with its plan to retain and amend the Charter to suit the Professional Leadership Body, would you be content with the proposed amendments?**

The following responses were received to this question:

	Individual	Organisation	Anonymous	Total
Yes	104	2	2	108
No	47	5	2	54
Not sure	10	2	0	12
No answer	3	0	0	3
Total	164	9	4	177

The majority of respondents (61%) supported the proposed amendments, including 63% of individual respondents. However, less than a quarter of organisations supported the proposals, with just over half against them. Just under 7% of all respondents were unsure.

The issues raised in the comments section of the questionnaire are summarised here in five main groups (see below). Each of these was cited – in one form or another – by at least five respondents. In addition, other arguments were cited occasionally, and are also listed below. Many of the respondents also included detailed comments about particular clauses in the proposed amended Charter. These are not repeated in this summary. Quotations from completed questionnaires are used to convey a ‘flavour’ of the arguments.

**Principal arguments**

## 1. Representing the interests of Pharmacists

Some respondents argued that the Charter did not unequivocally state that the new body existed for the interests of *pharmacists*, rather than pharmacy, or the public. This was inappropriate:

*‘the first object of the Society as listed is for the practice of pharmacy and the interests of the members is second. If the membership are not paramount then how can the body claim to represent their best interests’*

*‘The PLB is a membership organisation, its main objective should be towards the membership. The public are protected by the GPhC and that is its remit’*

*‘I would prefer to see the interests of pharmacists to be stated clearly, without ambiguity, the primary object of the Society’*

NHS Scotland Directors of Pharmacy envisaged a collaborative arrangement between the new body and the regulator:

*‘We would envisage that in future the PLB will work along with the new regulator, the General Pharmaceutical Council. We acknowledge that this is likely to be in support of regulation and as public*

*benefit will continue to be important to the professional body we would expect that the contribution of the PLB will be to support pharmacists in the development of quality in their practice.'*

The Guild of Healthcare Pharmacists commented:

*'The Charter should contain a reference to the PLB being open and accountable to its members. The Professional Leadership body will need to be member focused to survive once the regulatory function is removed.'*

## 2. Devolved structure

Concern was expressed about the cost of maintaining three national Boards, and the potential this had for weakening the impact of the new body, and for sowing internal division within the profession. The Joint Pharmaceutical Analysis Group commented:

*'The proposed structure of National Pharmacy Boards and an Assembly is unnecessarily complicated. The professional needs of members are the same wherever they live. Members may provide different clinical services depending on in which country they live, but their professional needs will be the same. The professional body will be stronger as a pan-national organisation and therefore there should be a single Council to represent the interests of members'*

Similar comments were made by the Academy of Pharmaceutical Scientists. Others were simply unsure of the reasons for giving the Boards a role in nominating the Assembly. It was argued that this was complicated, rather inflexible, and it was suggested that this required more debate. Community Pharmacy Scotland argued:

*'We are not content with the changes proposed in relation to the structure of the Assembly. More debate is also required about the form and functions of the new body and the fact that there is an existing Charter which could be amended should not be a determining feature'*

NHS Scotland Directors of Pharmacy commented:

*'We support the National Pharmacy Board and Assembly structure set out in the Prospectus. We are however very concerned that the composition of the Assembly that is proposed does not reflect the principles of partnership working that has underpinned devolution in pharmacy up to this time. It is our view that an Assembly composed of seven members of the English Pharmacy Board, only two members of the Scottish Board and two members of the Welsh Board is a divergence from these principles. 'We would wish to be given more detail about the reasoning applied in reaching this decision and the principles at work in deciding on the composition of the Assembly'*

## 3. Composition of the Assembly

A closely related concern was that the Assembly was a nominated rather than directly-elected body. It was argued that the Assembly should be directly elected, to ensure that it continued faithfully to represent the views of the membership. For the same reason, concern was expressed about the presence of a lay member:

*'the proposed Charter as written appears to bestow significant responsibility with an unelected Assembly, upon which not only pharmacists but also non-pharmacist lay members will sit. This is in my view absolutely unacceptable'*

*'I consider that financial control must be in the hands of a directly elected body'*

Those who commented on the reserved Assembly places for pharmaceutical scientists were generally in favour of this provision, and the influence this would give to this section of the profession:

*'We welcome the creation of a Pharmaceutical Scientist position on the Assembly as recognition of the important role these colleagues play in the education of pharmacists. We also see this as an important factor in the development of research and development capability in relation to the different strands of pharmacy practice'*

Some claimed that similar arguments applied to industrial pharmacists:

*'since industrial pharmacists only comprise approx 3% of the current membership of the Society it is important that they are represented in the Assembly and not by mere happenstance of an industrial pharmacist being nominated by one of the national boards'*

#### 4. Accountability of the Assembly

If the Assembly were not to be directly elected, respondents suggested a variety of other means by which it could be held accountable by the membership. These included direct election of the President, a directly-elected audit committee, and exclusion of a lay member from the Assembly. In addition, the Assembly should be required to seek the approval of the membership for a variety of significant decisions. CPP argued:

*'As the Assembly is no longer directly elected by the membership, we wish to see mechanisms for direct membership involvement of approval of significant changes to the regulations, particularly in transferring Council byelaws into Assembly regulations. For example, final approval could be by the AGM, as is currently the case for changes to the Code of Ethics. In some cases it may be necessary to have a Special Resolution, with a ballot of members. Some definition is needed of those issues that must be put to a member ballot or an AGM and those that can be passed by the Assembly without consultation'*

The Guild of Healthcare Pharmacists commented:

*'We agree with the proposals on powers to amend, add to or revoke Regulations. However, we consider that all consultations should follow the guidance in the Code of Practice on Consultation published by the Cabinet Office, which includes a 90 day consultation period. Special Resolution. We fully support the change from confirmation of a Special Resolution by a vote at a general meeting to a ballot of the membership. This allows proper democracy in the process, which is not the case for a vote at a general meeting.'*

#### 5. Categories of membership

Comment focused mainly on three categories: people with pharmacy qualifications but not registered with the GPhC; non-resident members; and retired members.

On the first of these, it was argued that such people were an important part of the profession, and admitting them to membership would strengthen the new body:

*'Section 5(1) should include an additional category of membership specifying persons who have completed the preregistration requirements making them eligible to become a pharmacist. The reason*

*is that not all such persons will in future register with the GPhC. They should be entitled to membership of the new body without recourse to possible provisions referred to in the draft category 5(1)c.'*

There was some concern that members not resident in the UK were disenfranchised by the proposed national Board structures. Finally, it was argued by some that the needs and status of retired members were not adequately protected:

*'To ensure adequate representation of retired members of the profession, there should be provision for a Retired Members Forum of the new body'*

Some respondents were concerned that the Charter would create *unequal* categories of membership:

*'The new Article 5(2) would allow the Assembly to set out the rights, privileges and obligations associated with each membership category in regulations. This could include the right to use post-nominals, for example. Having different membership categories and post-nominals for pharmacist and pharmaceutical scientist members would be divisive and not in the interests of the professional leadership body as it becomes more inclusive in its membership. Members should be equal in all respects'*

*'An additional article 7(2) has been created that specifies that only PLB members who are pharmacists and former pharmacists can stand for election and vote in respect of the National Pharmacy Board elections. This is another divisive article and should be removed. All professional members should be treated equally both in terms of ability to stand for election and to vote.'*

## **Other concerns**

Some other issues were mentioned less often. These included a concern that the new body may not seek to work in partnership with other bodies within the profession, to its ultimate disadvantage. Members of the RPSGB Anglia Regional Committee commented:

*'The role of the PLB in education is fundamental. However we are concerned that there is an assumption that the new Society will enjoy the membership of all pharmacists. We are not so sure and worry that there are other providers waiting to take on this role to which pharmacists may be more attracted for reasons of cost or better value. We believe that the current RPSGB in looking at its future role should seek what added value they can offer in this area. We would encourage the Council to work with other potential providers e.g. Guild of Healthcare Pharmacists, UKCPA, College of Pharmacy etc to seek a common goal and a single representative structure'*

Some individual respondents were opposed to Board and Assembly members being paid. The Guild of Healthcare Pharmacists, however, supported this proposal, pointing to the fact that too many meetings would deter many pharmacists from seeking election:

*'The current financial disincentive has been removed by the proposal to pay an annual remuneration, which can be paid to the employer, and we welcome this. However, the new body needs to recognise the time commitment for attendance at, and work associated with, both the national board and the Assembly cannot exceed an annual total of 10-12 days and the costs of maintaining the existing meetings culture will be unsustainable'*

The ABPI also supported this approach:

*'The only specific comment that we wish to make refers to the new Article 4(1). This would allow the PLB the flexibility to pay annual remuneration to Assembly members and NPB members, rather than attendance fees for meetings. The rationale for this is as a way of avoiding a 'meetings culture' and encouraging more virtual working. This would seem to be desirable. This wording will enable the PLB to make payments either to employers of Assembly/Board members or to Assembly/Board members themselves. This would make it easier for pharmacists in some areas of practice, (e.g. NHS employees), to serve on the Assembly or Boards, which again would seem to be desirable.'*

## **CONCLUSION**

The support for the principle of an amended Charter was clear. Rather more concern was expressed about particular aspects of the proposed amendments – particularly by organisations - although an overall majority (61%) said they would be content with the proposed changes.

MJL/17.05.09

## Appendix B

### CHARTER CHANGES

#### Questions, answers and explanatory note on proposed changes.

Below are answers to some of the questions members have raised, followed by an explanation of the most significant proposed changes:

***Q. Why are we trying to amend the Charter instead of starting from scratch to create an entirely new body?***

**A.** The Prospectus for the PLB, published last November [www.transitionalcommittee.com/prospectus.html](http://www.transitionalcommittee.com/prospectus.html) reflected a widespread view from the consultation, and the previous Clarke Inquiry, that Royal Chartered status was desirable for the PLB. It will enable the new PLB to speak with authority and to maintain the respect of other health professions. Pharmacists are generally also keen to preserve their own connection with a body that has Royal Chartered status. Giving up the Charter would mean seeking the dissolution and reincorporation of the Society. This would run the risk of major delay with divisive debates and lengthy, costly legal arguments, putting the establishment of a substantial PLB, able to fully represent its members, at considerable risk. By the time all the issues had been settled, the assets could be severely depleted and the profession would have lost the unified body we are striving to build.

***Q. The Assembly of the PLB, which will replace the current Council, will not be directly elected. Why is that, and isn't it undemocratic?***

**A.** Eleven out of fourteen members of the Assembly will be elected National Board members. More importantly, the Assembly and Boards will not work in the same way that the RPSGB Council and Boards do now. In the PLB, the three National Boards will do the bulk of the work, with the Assembly providing overall strategic direction. The Assembly will meet much less frequently than the Boards and will take a light-touch approach, leaving the Boards with responsibility to interpret policy and develop member services to suit their respective countries. So election to the Boards is the key democratic mechanism, and membership of the Assembly will be drawn predominantly from them (in a similar way to that in which the Cabinet is drawn from elected MPs).

***Q. Will the proposed changes to structures make for an affordable new professional leadership body?***

**A.** We are doing a great deal of business planning work, using the Prospectus as a blueprint. In the extensive consultation that led to its publication, members said they wanted strong representation at a country level (England, Scotland and Wales), whilst being part of a GB-wide body, to deliver relevant professional support and services which offer value for money. Through economies of scale and streamlined processes, we believe that this is affordable – but it does of course depend on those in the profession committing themselves to their own professional body.

***Q. I'm happy in principle with the idea of amending the Charter, but I don't like the plans for the Assembly and Board structures. Should I vote "No"?***

**A.** Once the PLB is up and running, the Assembly and Board structures can be changed if that is what members want. Article 8 of the Charter will allow the PLB to amend the size and composition of the Assembly, and the structure of the Boards could be changed through regulations. Without your “Yes” vote now we can’t make the changes the profession is asking for, such as removal of Privy Council, effectively government, controls, changes to the current Council structure (which has 10 lay members), and references to regulatory responsibilities.

***Q. Could other categories of membership be introduced without the members’ consent later on?***

**A.** No – membership approval will be necessary for any new membership category. A number of proposed membership categories for the PLB were described in the Prospectus, but the proposed Charter changes specify only the first of these categories - that of Member/Fellow of the Professional Body, which will consist of pharmacists and former pharmacists. Further categories of membership could be established by Special Resolution and regulations, once the Charter changes were in place. This should be a much quicker and simpler process than the one we have now – but any new membership category would still require approval by a 2/3 majority vote of the membership.

***Q. Why does the Special Resolution say the articles are being revoked and replaced?***

**A.** There are a number of proposed amendments; revoking and replacing the articles is the simplest and clearest way of introducing these amendments to the Charter.

***Explanation of changes***

***Recital***

The recital is the introduction to the Charter and does not affect the organisation’s objects and powers. Ideally, we would remove the reference to the Society being equipped to function as a regulator, but it is not possible to alter a recital as it is a historical record of the words used by HM The Queen when originally granting the Royal Charter. A footnote will be included in the published version of the amended charter explaining that the regulatory aspect of the recital has been superseded by the Pharmacy Order 2009 (which will create the GPhC).

***Article 2***

In response to members’ comments that they wanted a clearer focus on pharmacists’ interests, object 2 in the current charter has been moved up to become the first object. The proposed deletion of ‘within the context of the public benefit’ would remove duplication within the objects, as the public benefit is covered in objects (3) and (4). Object (3) has been amended to remove references to regulation.

***Article 3***

The current powers 3(3), (4) and (6) have been deleted, as they refer to regulatory functions. A reference to statutory functions has been deleted from what is now 3(4).

3(2) has been amended to reflect the current wording in the Benevolent Fund Trust Deed (now called Pharmacist Support) and, in response to comments received, to ensure that this would encompass to civil partners.

What is now 3(3) has been adjusted to refer to maintaining ‘lists and registers of members or of other persons’, to give the PLB greater flexibility.

What is now 3(5) has been revised and expanded to give the PLB appropriate powers relating to education functions.

The current art 3(12) has been separated into two powers – now (9) and (10). The new 3(9) provides for powers of affiliation with other bodies if required.

#### *Article 4*

The new 4(1) allows flexibility for the PLB to pay annual remuneration to Assembly and NPB members, rather than attendance fees for meetings. This should avoid a 'meetings culture' and encourage more virtual working. This wording will also enable the PLB to make payments direct to employers of Assembly/Board members rather than to Assembly/Board members themselves; this would make it easier for some pharmacists (e.g. NHS employees) to serve on the Assembly or Boards.

What is now art 4(3) refers to the payment of charitable benefits. In this amended form it will allow the PLB in some circumstances to help a member financially and to distinguish such a payment from a payment for services under art 4(2).

#### *Article 5*

Art 5(1) has been amended to show that membership of the PLB will comprise pharmacists and former pharmacists. Further categories of membership that were proposed in the Prospectus could be established by Special Resolution and regulations, once the Charter changes were in place. This should be a much quicker and simpler process than establishing membership categories under the existing Charter provisions. However, membership approval (by a Special Resolution ballot) would be necessary before any new membership category could be established.

Art 5(1) has been adjusted slightly for clarity following the consultation, in particular to make clear that eligibility for membership would be linked to being registered, or having been formerly registered, as a pharmacist in Great Britain. It would not depend on being resident in Great Britain.

Art 5(2) would allow the Assembly to set out the rights, privileges and obligations associated with each membership category in regulations. This could include the right to use post-nominal designatory letters; under the proposals, these would not require Privy Council approval.

#### *Article 7*

This has been adjusted so that the PLB would be obliged to maintain national Pharmacy Boards for England, Scotland and Wales (only the Scottish and Welsh structures are obligatory under the current Charter). It would not be obliged to create boards to reflect any regional devolution within England (although it could still do so if it wished). In response to comments received, article 7(2) has been amended and an additional 7(3) has been added to allow all PLB members to vote in the Board elections, and to allow members who are normally resident in the Channel Islands or Isle of Man to be able to stand for election to the English Pharmacy Board (EPB) as well as to vote.

#### *Article 8*

This article has been drafted to reflect the Assembly structure proposed in the Prospectus.

The Assembly will consist mainly of elected Board members, and the Assembly and Boards will not work in the same way that the RPSGB Council and Boards do now. In the PLB, the three National Boards will do the bulk of the work, with the GB Assembly providing overall strategic direction. The Assembly will meet much less

frequently than the Boards and will take a light-touch approach, leaving the Boards with responsibility to interpret policy and develop member services to suit their respective countries.

In order to have a pharmaceutical scientist and lay person identified in advance and ready to serve on the Assembly from Day 1, it is proposed that the first people in these positions would be appointed by the three Board Chairs and the Vice-Chair of the EPB acting jointly. Once the Assembly is in place, future appointments to these positions could be made by the Assembly in accordance with regulations. The Heads of Schools of Pharmacy will appoint the academic member to the Assembly.

Article 8 allows the new body to amend the size and composition of the Assembly, with the members' approval.

#### *Article 9 – powers of the Assembly*

The references to statutory functions have been removed.

In what is now 9(2) (power of delegation), 'by regulation' has been replaced by 'by resolution' i.e. by a decision of the Assembly. A requirement for all delegations to be made via regulations would seem heavy-handed for a professional body with no statutory functions. Nevertheless, delegation should be properly formalised. The inclusion of 'by resolution, to delegate' would mean that the resolution could set out or refer to the terms of reference of the person or body to which powers or functions were delegated. Delegation by resolution is simpler, less time-consuming and less costly than making regulations.

#### *Article 10 – making, amending, revoking and confirming regulations*

The former art 9(2), providing power to make, amend, add to or revoke regulations, has been incorporated in art 10. This article would allow the Assembly to publish regulations in draft and then to make them as originally published or with modifications to reflect any feedback received during the gazetting period. It is proposed that, in view of the fact that the PLB will no longer have statutory or public functions, Privy Council approval of regulations will no longer be required.

#### *Article 12 – confirmation of a Special Resolution*

It is proposed that confirmation of a Special Resolution should always be by a ballot of the membership rather than by a vote at a general meeting. A ballot conducted by postal or electronic means (or a combination of both) is a more democratic method, giving everyone the same opportunity to express their views. It is proposed that voting to approve a Special Resolution is restricted to PLB members who are pharmacists or former pharmacists.



Royal  
Pharmaceutical  
Society  
of Great Britain

ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

2004 SUPPLEMENTAL CHARTER

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS the Royal Pharmaceutical Society of Great Britain (hereinafter referred to as "the Society") was incorporated by Royal Charter granted on 18th February 1843 (hereinafter referred to as "the Charter of 1843"):

AND WHEREAS We were pleased, by Supplemental Charter granted on 19th November 1953 (hereinafter referred to as "the Supplemental Charter of 1953"), to revoke the Charter of 1843 except in so far as it incorporates the Society and authorises it to have a common seal and to sue and be sued:

AND WHEREAS by an humble petition the Council of the Society (hereinafter referred to as "the Council") have represented in particular that the Society should, for the public benefit, be more appropriately equipped to function as a regulator<sup>1</sup>, to lead the strategic development and policies of the profession of pharmacy, to support the science and practice of pharmacy, and to engage in the wider public debate on health related matters and on the role of pharmacy in contributing to the health of the public, and have accordingly prayed that We might be graciously pleased to revoke the Supplemental Charter of 1953 and to make new provision in respect of the objects, powers and constitution of the Society:

NOW THEREFORE KNOW YE that We, having taken the said petition into Our Royal Consideration, and being minded to accede thereto, have by virtue of Our Prerogative Royal and of Our Especial Grace, certain knowledge and mere motion, granted and declared and do, for Us, Our Heirs and Successors hereby grant and declare as follows:

1. The Society shall in accordance with the remaining effect of the Charter of 1843 continue to be a body corporate with a common seal, and the right to renew the said seal from time to time, and to sue and be sued in all Our Courts, and the Supplemental Charter of 1953 shall be and is hereby revoked, provided that such revocation shall not affect the validity or legality of any act or thing done thereunder.

2. The objects of the Society (hereinafter referred to as "the objects") shall be:

~~(1)~~ to safeguard, maintain the honour, and promote the interests of pharmacists in their exercise of the profession of pharmacy;

(2) to advance knowledge of, and education in, pharmacy and its application, thereby fostering good science and practice;

Deleted: , within the context of the public benefit

Deleted: (1) to advance knowledge of, and education in, pharmacy and its application, thereby fostering good science and practice; ¶

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<sup>1</sup> The regulatory aspect of this Recital will be superseded in due course by legislation to establish the General Pharmaceutical Council

(3) to promote and protect the health and well-being of the public through the professional leadership and development of the pharmacy profession; and

Deleted: regulation and

(4) to maintain and develop the science and practice of pharmacy in its contribution to the health and well-being of the public.

Deleted: and the regulation of other persons engaged in related activities

3. In furtherance of the objects, but not otherwise, and without prejudice to its powers at law as a chartered corporation, the Society shall have power

(1) to promote by any means the public understanding of pharmacy so that its contribution to the health of the nation is understood and recognised;

(2) to ~~establish, support or~~ maintain any benevolent ~~or educational~~ trusts ~~or charitable companies or organisations, including those whose purposes are or include~~ the relief of poverty or distress amongst members or former members ~~of the Society and~~ their dependants ~~and amongst pharmacy students;~~

Deleted: charitable or

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Deleted: of the Society

(3) to maintain ~~lists and~~ registers of members or of other persons, and to charge fees in this connection;

(4) to fix, vary and charge fees and other amounts to members or other persons in respect of any service, right or activity provided by or on behalf of the Society;

Deleted: (3) to undertake any function, including any function designed to maintain fitness to practise, relating to the regulation of pharmacists or other persons engaged in related activities as may be conferred by or under any Act of Parliament;¶  
(4) to undertake any function relating to the control and licensing of premises used in connection with pharmacy as may be conferred by or under any Act of Parliament;¶

(5) to ~~support and develop high~~ standards of education or training, to hold, or cause to be held, ~~assessments open to members or other persons, to administer assessment systems and to deal conclusively with appeals thereunder, and to co-operate with any other body or authority in connection with the exercise of power under this article;~~

Deleted: 5

(6) to award fellowships, honorary fellowships or memberships, and other distinctions of the Society;

Deleted: (6) to maintain registers of premises and to charge fees in this connection;¶

(7) to establish and maintain databases, indices, libraries, museums and collections, and to publish or promote the publication of information or other material in any form;

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(8) to undertake, encourage, fund or commission research and to publish or promote the publication of the results thereof;

Deleted: other than in pursuance of a function conferred by or under any Act of Parliament

(9) to co-operate with other bodies and authorities, ~~and to enter into affiliations or any other arrangements conducive to the objects, and to absorb other bodies or groups of persons;~~

Deleted: 8

Deleted: set and enforce

(10) to establish or incorporate subsidiary organisations, to acquire any undertaking, to assume any liability or obligation and to undertake or carry out any trusts or agencies;

Deleted: and

Deleted: examinations

(11) to engage and remunerate agents and staff, and to provide pensions and other entitlements for employees or their dependants;

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(12) subject to such consents as may be required by law, to acquire, dispose of or mortgage any real or personal property whatsoever and wheresoever situated, and any interest in any such property;

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(13) to acquire, build or maintain any building or premises;

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(14) to take out any insurance for the protection of the Society in respect of any potential liability of the Society;

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(15) to indemnify the members of the ~~Assembly of the Society (hereinafter referred to as "the Assembly")~~ in respect of any liability incurred in the course of the performance in good faith of their duties for the Society (provided that such indemnity shall not extend to liability in respect of loss to the Society resulting from an act or omission which such member knew to be a breach of trust or

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duty or was carried out or done in reckless disregard of such duty or trust, nor to the costs of an unsuccessful defence to a criminal prosecution against such members in their capacity as trustees);

~~(16) to receive any form of income, legacy or gift, and to borrow money or obtain any form of credit, whether on the security of the property of the Society or otherwise, to deal with promissory notes, bills of exchange or other instruments, whether transferable or not, and to operate bank accounts;~~

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~~(17) to invest monies of the Society not immediately required for its purposes in any manner and to appoint investment managers and delegate powers to them in accordance with regulations;~~

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~~(18) to carry on trade in furtherance of the objects or for purposes ancillary or incidental thereto; and~~

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~~(19) to do all such other lawful acts and things as may promote the attainment of the objects.~~

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4. The income and property of the Society shall be applied solely towards the promotion of the objects and shall not be paid or distributed directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member or to any member of the Assembly provided that the Society may

~~(1) make such provision in respect of members of the Assembly or of its boards and committees as it may reasonably determine~~

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~~(a) for the payment of fees and allowances, including the payment of allowances to employers of members of the Assembly or of its boards and committees, for the purposes of enabling those persons to perform functions under this Our Supplemental Charter; and~~

~~(b) for the reimbursement of such expenses as members of the Assembly or of its boards and committees may reasonably have incurred in the course of carrying out their functions under this Our Supplemental Charter;~~

~~(2) pay reasonable remuneration to any member (not being a member of the Assembly) for services rendered to the Society;~~

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~~(3) make payments to any person (other than a member of the Assembly) for the relief of financial hardship or distress; or~~

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~~(4) pay remuneration to any member of the Assembly, or to any firm or body corporate in which such member has an interest, for professional or specialist services rendered to the Society when instructed to act in such capacity on behalf of the Society, provided that such member shall not be present during any discussion, or be party to any decision, relating to such remuneration or instruction.~~

Deleted: (3) reasonable attendance fees in respect of meetings and other functions of the Council and its committees, and reasonable out of pocket expenses; or

5. ~~(1)~~ The membership of the Society shall consist of those admitted by the Society

~~(a) as persons registered as pharmacists in Great Britain;~~

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~~(b) as persons formerly registered as pharmacists in Great Britain; and~~

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~~(c) to such other categories of membership as may be established by Special Resolution,~~

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~~(2) Subject to this Our Supplemental Charter, members of the Society shall have such rights, privileges and obligations as may be specified in regulations.~~

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6. There shall be an Annual General Meeting of the Society at intervals of not more than fifteen months and such other general meetings as may be required or permitted by this Our Supplemental Charter or regulations.

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7. (1) For the purposes of meeting the needs and requirements of the Society and the profession, the Assembly;

**Deleted:** The Council

(a) shall, subject to appropriate consultation, by regulation maintain a Scottish Pharmacy Board and a Welsh Pharmacy Board to reflect devolved powers and responsibilities for health and other relevant matters;

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**Deleted:** structures in Scotland and Wales

(b) shall, subject to appropriate consultation, by regulation maintain an English Pharmacy Board (but not boards for sub-divisions of England); and

(c) may establish, regulate and dissolve geographical or other departments, branches, sub-divisions, and other structures of the Society;

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**Deleted:** by regulation

(2) Only persons referred to in articles 5(1)(a) and 5(1)(b) above shall be entitled to vote in respect of elections to a Board established under article 7(1)(a) or 7(1)(b) above.

**Deleted:** for the purposes of meeting the needs and requirements of the Society and the profession, provided that the Council shall not dissolve any Committee established by or under any Act of Parliament

(3) Only persons referred to in articles 5(1)(a) and 5(1)(b) above who are normally resident in Great Britain the Channel Islands and the Isle of Man shall be entitled to stand for election to a Board established under article 7(1)(a) or 7(1)(b) above.

8. (1) The control, direction and management of the policies and affairs of the Society shall be vested in the Assembly consisting of

**Deleted:** Council as constituted on the day before the coming into force of this Our Supplemental Charter, but with effect from the day after the Annual General Meeting of the Society held in 2005 the Council shall be re-constituted to

(a) the Chair and Vice-Chair of the English Pharmacy Board established by the Society by regulation ("EPB");

(b) five elected members of the EPB appointed by the EPB;

(c) the Chair of the Scottish Pharmacy Board ("SPB") established by the Society by regulation;

(d) one elected member of the SPB appointed by the SPB;

(e) the Chair of the Welsh Pharmacy Board ("WPB") established by the Society by regulation;

(f) one elected member of the WPB appointed by the WPB;

(g) a person who in the opinion of the Society is a pharmaceutical scientist, appointed by the persons specified in (a), (c) and (e) acting jointly, or appointed by the Assembly in accordance with regulations;

(h) a person, who is not a member of the Society, appointed by the persons specified in (a), (c) and (e) acting jointly, or appointed by the Assembly in accordance with regulations; and

(i) a member of the Society, in such class or category of membership as may be determined by the Assembly, appointed by the universities in Great Britain awarding degrees accredited by the General Pharmaceutical Council for the purposes of registration as a pharmacist

**Deleted:** (1) 17 registered pharmacists as defined in and elected in accordance with regulations made by the Council;¶  
¶  
(2) one registered pharmacist appointed by the universities in Great Britain awarding degrees accredited by the Society for the purposes of registration as a pharmacist;¶  
¶  
(3) two pharmacy technicians as defined in and elected in accordance with regulations made by the Council; and¶  
¶  
(4) ten persons appointed by Our Privy Council.¶

provided that the composition of the Assembly as specified in this article 8(1) may be amended by Special Resolution and that the powers of a body or organisation named in this article shall be exercisable by the successor of such body or organisation, by whatever name known.

**Deleted:** On the application of the Society in pursuance of a Special Resolution, Our Privy Council may by order vary the composition of the Council, provided that there shall be no more than 35 members in total and that a majority of the Council shall be registered pharmacists. The Council

(2) The Assembly shall have power in accordance with regulations to fill any casual vacancy in its membership, to suspend or remove any member of the Assembly, and to act in all matters notwithstanding any vacancy in its membership.

**Deleted:** amongst the members at (1) and (3) above and

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9. The Assembly shall exercise all the powers and functions of the Society except where, by virtue of this Our Supplemental Charter, such exercise requires approval by Special Resolution, and shall in particular have power:

~~(1) to establish or dissolve, and regulate procedures of boards, committees and other standing or ad hoc bodies, including bodies to advance professional leadership and bodies to provide appropriate expert advice to the Assembly, to support the development of the profession, consisting of members of the Assembly or others;~~

~~(2) by resolution, to delegate powers and functions (except the power to make regulations) to any board, committee or other body, or to officers, individuals or groups of individuals;~~

~~(3) to appoint a President, who shall be a registered pharmacist, and other officers of the Society in accordance with regulations; and~~

~~(4) to provide for the use and custody of the Common Seal of the Society.~~

10. To the extent that they are not inconsistent with the provisions of this Our Supplemental Charter, the Byelaws of the Society in existence at the date of coming into force of this Our Supplemental Charter shall continue in force and effect until, and to the extent they are, superseded by regulations made under this Our Supplemental Charter. ~~The Assembly shall have power to make, amend, add to or revoke regulations for any purpose relating to the governance, management or functions of the Assembly or the Society, whether in pursuance of a provision of this Our Supplemental Charter or otherwise, and shall publish any such regulations, amendment, addition or revocation (herein referred to collectively as "regulations") in draft for sixty days for representations. The said regulations may then be made by the Assembly under such procedure as the Assembly may determine, either as published or as modified by the Assembly in light of representations received during the period of publication. If no such representations are received, the proposed regulations may be made on behalf of the Assembly as published.~~

11. The Society may by Special Resolution amend, add to or revoke any of the provisions of this Our Supplemental Charter or of any further Charter granted to the Society, or may amend the name of the Society, provided that any such amendment, addition or revocation or name shall not be effective unless approved by Us, Our Heirs or Successors in Council.

12. In this Our Supplemental Charter "regulations" means regulations made by the Assembly and approved in accordance with Article 10; and "Special Resolution" means a resolution of the Assembly confirmed by a ballot of the members referred to in articles 5(1)(a) and 5 (1)(b), by not less than a two-thirds majority of the votes of such members.

13. The Society may by Special Resolution determine to surrender this Our Supplemental Charter and the Charter of 1843 subject to the sanction of Us, Our Heirs or Successors in Council upon such terms as We or They consider fit and wind up or otherwise deal with the affairs of the Society in such manner as shall be directed in such Special Resolution or in the absence of such direction as the Assembly shall think expedient having regard to the liabilities of the Society for the time being and if, on the winding up or dissolution of the Society there remains, after the satisfaction of debts and liabilities, any property or funds whatsoever, the same shall not be distributed amongst the members of the Society or any of them but shall, subject to any special trusts affecting the same, be given or transferred to some other body or bodies with objects similar to those of the Society and the distribution of whose income and property is restricted to the same or greater extent as that of the Society.

14. Our Royal Will and Pleasure is that this Our Supplemental Charter shall ever be construed benevolently and in every case most favourably to the Society and the promotion of the objects.

15. This Our Supplemental Charter shall come into force on such date as may be specified in writing by the Clerk of Our Privy Council.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the seventh day of December in the fifty-third year of Our Reign.

**Deleted:** (1) to discharge or ensure the discharge of any function, consistent with the objects, bestowed upon the Council or the Society by or under any Act of Parliament;¶  
(2) to make, amend, add to or revoke regulations for any purpose relating to the governance, management, affairs or functions of the Council or of the Society, whether in pursuance of a provision of this Our Supplemental Charter or otherwise;¶

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(2) approved by Our Privy Council.¶

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**Deleted:** present in person (or by proxy), or by ballot of the membership; and "Act of Parliament" includes an Act of the Scottish Parliament or of any other devolved administration of Our United Kingdom whether in existence at the time of coming into force of this Our Supplemental Charter or not

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**BY WARRANT UNDER THE QUEEN'S SIGN MANUAL**



**Royal  
Pharmaceutical  
Society  
of Great Britain**

**ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN ("the Society")**

*DRAFT SPECIAL RESOLUTION*

In pursuance of article 11 of the 2004 Supplemental Charter of the Society ("the Charter") it is hereby resolved that, subject to the approval of Her Majesty in Council, articles 2 to 13 inclusive of the Charter shall be revoked and replaced by the following provisions:

"2. The objects of the Society (hereinafter referred to as "the objects") shall be:

- (1) to safeguard, maintain the honour, and promote the interests of pharmacists in their exercise of the profession of pharmacy;
- (2) to advance knowledge of, and education in, pharmacy and its application, thereby fostering good science and practice;
- (3) to promote and protect the health and well-being of the public through the professional leadership and development of the pharmacy profession; and
- (4) to maintain and develop the science and practice of pharmacy in its contribution to the health and well-being of the public.

3. In furtherance of the objects, but not otherwise, and without prejudice to its powers at law as a chartered corporation, the Society shall have power

- (1) to promote by any means the public understanding of pharmacy so that its contribution to the health of the nation is understood and recognised;
- (2) to establish, support or maintain any benevolent or educational trusts or charitable companies or organisations, including those whose purposes are or include the relief of poverty or distress amongst members or former members of the Society and their dependants and amongst pharmacy students;
- (3) to maintain lists and registers of members or of other persons, and to charge fees in this connection;
- (4) to fix, vary and charge fees and other amounts to members or other persons in respect of any service, right or activity provided by or on behalf of the Society;
- (5) to support and develop high standards of education or training, to hold, or cause to be held, assessments open to members or other persons, to administer assessment systems and to deal conclusively with appeals thereunder, and to co-operate with any other body or authority in connection with the exercise of power under this article;
- (6) to award fellowships, honorary fellowships or memberships, and other distinctions of the Society;
- (7) to establish and maintain databases, indices, libraries, museums and collections, and to publish or promote the publication of information or other material in any form;
- (8) to undertake, encourage, fund or commission research and to publish or promote the publication of the results thereof;

- (9) to co-operate with other bodies and authorities, and to enter into affiliations or any other arrangements conducive to the objects, and to absorb other bodies or groups of persons;
- (10) to establish or incorporate subsidiary organisations, to acquire any undertaking, to assume any liability or obligation and to undertake or carry out any trusts or agencies;
- (11) to engage and remunerate agents and staff, and to provide pensions and other entitlements for employees or their dependants;
- (12) subject to such consents as may be required by law, to acquire, dispose of or mortgage any real or personal property whatsoever and wheresoever situated, and any interest in any such property;
- (13) to acquire, build or maintain any building or premises;
- (14) to take out any insurance for the protection of the Society in respect of any potential liability of the Society;
- (15) to indemnify the members of the Assembly of the Society (hereinafter referred to as “the Assembly”) in respect of any liability incurred in the course of the performance in good faith of their duties for the Society (provided that such indemnity shall not extend to liability in respect of loss to the Society resulting from an act or omission which such member knew to be a breach of trust or duty or was carried out or done in reckless disregard of such duty or trust, nor to the costs of an unsuccessful defence to a criminal prosecution against such members in their capacity as trustees);
- (16) to receive any form of income, legacy or gift, and to borrow money or obtain any form of credit, whether on the security of the property of the Society or otherwise, to deal with promissory notes, bills of exchange or other instruments, whether transferable or not, and to operate bank accounts;
- (17) to invest monies of the Society not immediately required for its purposes in any manner and to appoint investment managers and delegate powers to them in accordance with regulations;
- (18) to carry on trade in furtherance of the objects or for purposes ancillary or incidental thereto; and
- (19) to do all such other lawful acts and things as may promote the attainment of the objects.

4. The income and property of the Society shall be applied solely towards the promotion of the objects and shall not be paid or distributed directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member or to any member of the Assembly provided that the Society may

- (1) make such provision in respect of members of the Assembly or of its boards and committees as it may reasonably determine
  - (a) for the payment of fees and allowances, including the payment of allowances to employers of members of the Assembly or of its boards and committees, for the purposes of enabling those persons to perform functions under this Our Supplemental Charter; and
  - (b) for the reimbursement of such expenses as members of the Assembly or of its boards and committees may reasonably have incurred in the course of carrying out their functions under this Our Supplemental Charter;
- (2) pay reasonable remuneration to any member (not being a member of the Assembly) for services rendered to the Society;
- (3) make payments to any person (other than a member of the Assembly) for the relief of financial hardship or distress; or
- (4) pay remuneration to any member of the Assembly, or to any firm or body corporate in which such member has an interest, for professional or specialist services rendered to the Society when instructed to act in such capacity on behalf of the Society, provided that such member shall not be present during any discussion, or be party to any decision, relating to such remuneration or instruction.

5.(1) The membership of the Society shall consist of those admitted by the Society

- (a) as persons registered as pharmacists in Great Britain;
- (b) as persons formerly registered as pharmacists in Great Britain; and
- (c) to such other categories of membership as may be established by Special Resolution.

(2) Subject to this Our Supplemental Charter, members of the Society shall have such rights, privileges and obligations as may be specified in regulations.

6. There shall be an Annual General Meeting of the Society at intervals of not more than fifteen months and such other general meetings as may be required or permitted by this Our Supplemental Charter or regulations.

7. (1) For the purposes of meeting the needs and requirements of the Society and the profession, the Assembly;

- (a) shall, subject to appropriate consultation, by regulation maintain a Scottish Pharmacy Board and a Welsh Pharmacy Board to reflect devolved powers and responsibilities for health and other relevant matters;
- (b) shall, subject to appropriate consultation, by regulation maintain an English Pharmacy Board (but not boards for sub-divisions of England); and
- (c) may establish, regulate and dissolve geographical or other departments, branches, sub-divisions, and other structures of the Society.

(2) Only persons referred to in articles 5(1)(a) and 5(1)(b) above shall be entitled to vote in respect of elections to a Board established under article 7(1)(a) or 7(1)(b) above.

(3) Only persons referred to in articles 5(1)(a) and 5(1)(b) above who are normally resident in Great Britain, the Channel Islands and the Isle of Man shall be entitled to stand for election to a Board established under article 7(1)(a) or 7(1)(b) above.

8.(1) The control, direction and management of the policies and affairs of the Society shall be vested in the Assembly consisting of

- (a) the Chair and Vice-Chair of the English Pharmacy Board established by the Society by regulation (“EPB”);
- (b) five elected members of the EPB appointed by the EPB;
- (c) the Chair of the Scottish Pharmacy Board (“SPB”) established by the Society by regulation;
- (d) one elected member of the SPB appointed by the SPB;
- (e) the Chair of the Welsh Pharmacy Board (“WPB”) established by the Society by regulation;
- (f) one elected member of the WPB appointed by the WPB;
- (g) a person who in the opinion of the Society is a pharmaceutical scientist, appointed by the persons specified in (a), (c) and (e) acting jointly, or appointed by the Assembly in accordance with regulations;
- (h) a person, who is not a member of the Society, appointed by the persons specified in (a), (c) and (e) acting jointly, or appointed by the Assembly in accordance with regulations; and
- (i) a member of the Society, in such class or category of membership as may be determined by the Assembly, appointed by the universities in Great Britain awarding degrees accredited by the General Pharmaceutical Council for the purposes of registration as a pharmacist

provided that the composition of the Assembly as specified in this article 8(1) may be amended by Special Resolution and that the powers of a body or organisation named in this article shall be exercisable by the successor of such body or organisation, by whatever name known.

(2) The Assembly shall have power in accordance with regulations to fill any casual vacancy in its membership, to suspend or remove any member of the Assembly, and to act in all matters notwithstanding any vacancy in its membership.

9. The Assembly shall exercise all the powers and functions of the Society except where, by virtue of this Our Supplemental Charter, such exercise requires approval by Special Resolution, and shall in particular have power:

(1) to establish or dissolve, and regulate procedures of boards, committees and other standing or ad hoc bodies, including bodies to advance professional leadership and bodies to provide appropriate expert advice to the Assembly to support the development of the profession, consisting of members of the Assembly or others;

(2) by resolution, to delegate powers and functions (except the power to make regulations) to any board, committee or other body, or to officers, individuals or groups of individuals;

(3) to appoint a President, who shall be a registered pharmacist, and other officers of the Society in accordance with regulations; and

(4) to provide for the use and custody of the Common Seal of the Society.

10. To the extent that they are not inconsistent with the provisions of this Our Supplemental Charter, the Byelaws of the Society in existence at the date of coming into force of this Our Supplemental Charter shall continue in force and effect until, and to the extent they are, superseded by regulations made under this Our Supplemental Charter. The Assembly shall have power to make, amend, add to or revoke regulations for any purpose relating to the governance, management or functions of the Assembly or the Society, whether in pursuance of a provision of this Our Supplemental Charter or otherwise, and shall publish any such regulations, amendment, addition or revocation (herein referred to collectively as "regulations") in draft for sixty days for representations. The said regulations may then be made by the Assembly under such procedure as the Assembly may determine, either as published or as modified by the Assembly in light of representations received during the period of publication. If no such representations are received, the proposed regulations may be made on behalf of the Assembly as published.

11. The Society may by Special Resolution amend, add to or revoke any of the provisions of this Our Supplemental Charter or of any further Charter granted to the Society, or may amend the name of the Society, provided that any such amendment, addition or revocation or name shall not be effective unless approved by Us, Our Heirs or Successors in Council.

12. In this Our Supplemental Charter "regulations" means regulations made by the Assembly and approved in accordance with Article 10; and "Special Resolution" means a resolution of the Assembly confirmed by a ballot of the members referred to in articles 5(1)(a) and 5 (1)(b) by not less than a two-thirds majority of the votes of such members.

13. The Society may by Special Resolution determine to surrender this Our Supplemental Charter and the Charter of 1843 subject to the sanction of Us, Our Heirs or Successors in Council upon such terms as We or They consider fit and wind up or otherwise deal with the affairs of the Society in such manner as shall be directed in such Special Resolution or in the absence of such direction as the Assembly shall think expedient having regard to the liabilities of the Society for the time being and if, on the winding up or dissolution of the Society there remains, after the satisfaction of debts and liabilities, any property or funds whatsoever, the same shall not be distributed amongst the members of the Society or any of them but shall, subject to any special trusts affecting the same, be given or transferred to some other body or bodies with objects similar to those of the Society and the distribution of whose income and property is restricted to the same or greater extent as that of the Society."