

# Amendments to the Medicines Act 1968

The Health Act 2006 amended the Medicines Act 1968 as follows, creating the Responsible Pharmacist requirement:

## CHAPTER 2 MEDICINES AND PHARMACIES

### 26 Requirements about supervision

(1) In section 10 of the Medicines Act 1968 (c. 67) (which provides for exemptions for pharmacists in relation to certain dealings with medicinal products), after subsection (7) insert—

“(7A) The Health Ministers may make regulations prescribing conditions which must be complied with if a thing is to be considered for the purposes of this section as done under the supervision of a pharmacist.

(7B) Conditions prescribed under subsection (7A) may relate to supervision in the case where the pharmacist is not at the place where the thing is being done, and in that case the thing is not to be so considered if no such conditions are prescribed.

(7C) In any case, compliance with any applicable conditions is sufficient for the thing to be so considered.”

(2) In section 52 of that Act (sale or supply of medicines not on general sale list)—

(a) the existing text is to be subsection (1),

(b) after that subsection insert—

“(2) The Health Ministers may make regulations prescribing conditions which must be complied with if a transaction mentioned in subsection (1)(c) is to be considered for the purposes of this section as done under the supervision of a pharmacist.

(3) Conditions prescribed under subsection (2) may relate to supervision in the case where the pharmacist is not on the premises, and in that case the transaction is not to be so considered if no such conditions are prescribed.

(4) In any case, compliance with any applicable conditions is sufficient for the transaction to be so considered.”

### 27 Control of pharmacy premises: individuals and partnerships

(1) For section 70 of the Medicines Act 1968 (pharmacy business carried on by individual pharmacist or by partners) substitute—

#### “70 Business carried on by individual pharmacist or by partners

(1) The conditions referred to in section 69(1)(a) of this Act are that subsections (2) and (3) of this section are both satisfied as respects each of the premises where the retail pharmacy business is carried on and medicinal products, other than medicinal products on a general sale list, are sold by retail.

(2) This subsection is satisfied if a responsible pharmacist who satisfies the requirements of subsections (4) and (5) of this section is in charge of the business at those premises, so far as concerns—

(a) the retail sale at those premises of medicinal products (whether they are on a general sale list or not), and

(b) the supply at those premises of such products in circumstances corresponding to retail sale.

(3) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—

- (a) the name of the responsible pharmacist for the time being,
- (b) the number of his registration under the Pharmacy Act 1954 or (in relation to Northern Ireland) the Pharmacy (Northern Ireland) Order 1976, and
- (c) the fact that he is for the time being in charge of the business at those premises.

(4) The responsible pharmacist must be—

- (a) the person carrying on the business, or
- (b) if the business is carried on by a partnership, one of the partners or, in Scotland, one of the partners who is a pharmacist, or
- (c) another pharmacist.

(5) In relation to premises in Great Britain that have been registered pharmacies for less than three years, the responsible pharmacist may not be a person who is a pharmacist by virtue of section 4A of the Pharmacy Act 1954 (qualification by European diploma) or any corresponding provision applying to Northern Ireland.”

(2) In section 78 of the Medicines Act 1968 (c. 67) (restrictions on use of titles, descriptions and emblems), in subsection (7), for the words from “under whose” to the end substitute “who is in charge of the business at those premises (so far as concerns the retail sale of medicinal products or the supply of such products in circumstances corresponding to retail sale) is also a pharmacist”.

## **28 Control of pharmacy premises: bodies corporate**

(1) For section 71 of the Medicines Act 1968 (pharmacy business carried on by body corporate) substitute—

### **“71 Business carried on by body corporate**

(1) The conditions referred to in section 69(1)(b) of this Act are—

- (a) that the retail pharmacy business, so far as concerns the keeping, preparing and dispensing of medicinal products other than medicinal products on a general sale list, is under the management of a superintendent in respect of whom the requirements specified in subsection (6) of this section are fulfilled, and
- (b) that subsections (2) and (3) of this section are both satisfied as respects each of the premises where the business is carried on and medicinal products, other than medicinal products on a general sale list, are sold by retail.

(2) This subsection is satisfied if a responsible pharmacist who satisfies the requirements of subsections (4) and (5) of this section is in charge of the business at the premises mentioned in subsection (1)(b) of this section, so far as concerns—

- (a) the retail sale at those premises of medicinal products (whether they are on a general sale list or not), and
- (b) the supply at those premises of such products in circumstances corresponding to retail sale.

(3) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—

- (a) the name of the responsible pharmacist for the time being,
- (b) the number of his registration under the Pharmacy Act 1954 or (in relation to Northern Ireland) the Pharmacy (Northern Ireland) Order 1976, and
- (c) the fact that he is for the time being in charge of the business at those premises.

- (4) The responsible pharmacist must be—
- (a) the superintendent mentioned in subsection (1)(a) of this section, or
  - (b) a manager or assistant subject to the directions of the superintendent and who is a pharmacist.
- (5) In relation to premises in Great Britain that have been registered pharmacies for less than three years, the responsible pharmacist may not be a person who is a pharmacist by virtue of section 4A of the Pharmacy Act 1954 (qualification by European diploma) or any corresponding provision applying to Northern Ireland.
- (6) The requirements referred to in subsection (1)(a) of this section in relation to a superintendent are that—
- (a) he is a pharmacist,
  - (b) a statement in writing signed by him, and signed on behalf of the body corporate, specifying his name and stating whether he is a member of the board of that body or not, has been sent to the registrar, and
  - (c) he does not act in a similar capacity for any other body corporate.”

(2) In section 124 of the Medicines Act 1968 (c. 67) (offences by bodies corporate), in subsection (2)(b), for “subsection (1)(a)” substitute “subsection (4)(b)”.

## **29 Control of pharmacy premises: representative of pharmacist in case of death or disability**

In section 72 of the Medicines Act 1968 (representative of pharmacist in case of death or disability), for subsection (2) substitute—

- “(2) The conditions referred to in section 69(1)(c) of this Act are—
- (a) that the name and address of the representative, and the name of the pharmacist whose representative he is, have been notified to the registrar, and
  - (b) that subsections (2A) and (2B) of this section are both satisfied as respects each of the premises at which the business is carried on and medicinal products, other than medicinal products on a general sale list, are sold by retail.
- (2A) This subsection is satisfied if a responsible pharmacist is in charge of the business at the premises mentioned in subsection (2)(b) of this section, so far as concerns—
- (a) the retail sale at those premises of medicinal products (whether they are on a general sale list or not), and
  - (b) the supply at those premises of such products in circumstances corresponding to retail sale.
- (2B) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—
- (a) the name of the responsible pharmacist for the time being,
  - (b) the number of his registration under the Pharmacy Act 1954 or (in relation to Northern Ireland) the Pharmacy (Northern Ireland) Order 1976, and
  - (c) the fact that he is for the time being in charge of the business at those premises.”