



Medicines Act 1968

1968 CHAPTER 67

PART IV

PHARMACIES

Disqualification, and removal of premises from register

80 Power for [^{F1}relevant disciplinary committee] to disqualify and direct removal from register.

[^{F2}(1) Where a body corporate carries on a retail pharmacy business and—

- (a) that body is convicted of an offence under one of the relevant Acts;
- (b) any member of the board or any officer of, or person employed by, that body is convicted of an offence, or has been guilty of misconduct, and the offence or misconduct is such as in the opinion of the relevant disciplinary committee renders him, or would if he were a pharmacist, render him unfit to be a pharmacist; or
- (c) in respect of premises [^{F3}in Great Britain] that are entered in the register as premises at [^{F4}or from] which the body corporate carries on that business, there is a failure to meet the standards that are [^{F5}provided for in rules made under][^{F5}set under Article 5A(1) of the Pharmacy (Northern Ireland) Order 1976 or] article 7(1) of the Pharmacy Order 2010 in connection with the carrying on of the business at [^{F6}or from] those premises,

then, subject to the following provisions of this Part of this Act, the relevant disciplinary committee, after inquiring into the case, may direct that the body corporate is to be disqualified for the purposes of this Part of this Act.]

[^{F7}(1A) Where—

- (a) a pharmacist or partnership carries on a retail pharmacy business, and
- (b) in respect of premises that are entered in the register as premises at or from which that pharmacist or partnership carries on that business, there is a failure to meet the standards that are set under Article 5A(1) of the Pharmacy

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(Northern Ireland) Order 1976 or article 7(1) of the Pharmacy Order 2010 in connection with the carrying on of the business at or from those premises, then, subject to the following provisions of this Part of this Act, the relevant disciplinary committee, after inquiring into the case, may direct that the pharmacist or partnership is to be disqualified for the purposes of this Part of this Act.

(1B) But, in a case falling within subsection (1)(c) or (1A), the relevant disciplinary committee may only give a direction under the subsection in question if they are satisfied that the body corporate, the pharmacist or the partnership is unfit to carry on a retail pharmacy business safely and effectively, so far as concerns—

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

(2) In any case falling [F8within the preceding subsection][F8within subsection (1) or (1A)] —

- (a) if the [F9the relevant disciplinary committee] give a direction under [F10that subsection][F10the subsection in question], they shall direct the registrar to remove from the register all premises entered in the register as being premises at [F11or from] which the body corporate[F12, the pharmacist or the partnership] carries on a retail pharmacy business;
- (b) if the [F9the relevant disciplinary committee] do not give a direction under [F13the preceding subsection][F13the subsection in question], they may, if they think fit, direct the registrar to remove from the register all those premises, or such of them as may be specified in the direction under this paragraph.

[F14(2A) But, in a case falling within subsection (1)(c) or (1A), the relevant disciplinary committee may only direct the registrar under subsection (2)(b) to remove premises from the register if they are satisfied that the body corporate, the pharmacist or the partnership is unfit to carry on a retail pharmacy business safely and effectively at or from those premises, so far as concerns—

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

(3) Directions under subsection (1) [F15or (1A)] of this section and under paragraph (a) of [F16the last preceding subsection][F16subsection (2)], and any direction under paragraph (b) of [F16the last preceding subsection][F16subsection (2)], may, if the [F17the relevant disciplinary committee] think fit, be given so as to have effect for a limited period; and in that case the registrar, at the end of that period, shall restore to the register any premises removed from it in compliance with the direction given under paragraph (a) or paragraph (b) of [F16the last preceding subsection][F16subsection (2)].

(4) Where, in any such case as is mentioned in subsection (1) of section 72 of this Act, a representative, or a person employed by a representative in the business referred to in that subsection,—

- (a) is convicted of an offence, or
- (b) has been guilty of misconduct,

and the offence or misconduct is such as in the opinion of the [F18the relevant disciplinary committee] renders him, or would if he were a pharmacist render him, unfit to be a pharmacist, then, subject to the following provisions of this Part of this Act, the [F18the relevant disciplinary committee], after inquiring into the case, may

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direct that the representative shall be disqualified for the purposes of this Part of this Act.

- (5) In this and the next following section “the relevant Acts” means [^{F19}the Pharmacy Act 1954, this Act, the Misuse of Drugs Act 1971, the Pharmacy (Northern Ireland) Order 1976, the Pharmacists and Pharmacy Technicians Order 2007 and the Pharmacy Order 2010], and “representative” has the same meaning as in section 72 of this Act.

Textual Amendments

- F1** Words in heading substituted (coming into force in accordance with art. 1(2)(3)) by Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), art. 1(2)(3), **Sch. 1 para. 2(12)**
- F2** S. 80(1) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(14)(a)**; S.I. 2010/1621, art. 2(1), Sch.
- F3** Words in s. 80(1)(c) omitted (24.5.2018 for E.W.S.) by virtue of The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(2)(a)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F4** Words in s. 80(1)(c) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(2)(b)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F5** Words in s. 80(1)(c) substituted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(2)(c)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F6** Words in s. 80(1)(c) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(2)(d)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F7** S. 80(1A)(1B) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(3)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F8** Words in s. 80(2) substituted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(4)(a)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F9** Words in s. 80(2) substituted (coming into force in accordance with art. 1(2)(3)) by Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), art. 1(2)(3), **Sch. 1 para. 2(12)(a)**
- F10** Words in s. 80(2)(a) substituted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(4)(b)(i)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F11** Words in s. 80(2)(a) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(4)(b)(ii)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F12** Words in s. 80(2)(a) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(4)(b)(iii)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F13** Words in s. 80(2)(b) substituted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(4)(c)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F14** S. 80(2A) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(5)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F15** Words in s. 80(3) inserted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(6)(a)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F16** Words in s. 80(3) substituted (24.5.2018 for E.W.S.) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **9(6)(b)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)

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- F17** Words in s. 80(3) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\)](#), art. 1(2)(3), **Sch. 1 para. 2(12)(a)**
- F18** Words in s. 80(4) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\)](#), art. 1(2)(3), **Sch. 1 para. 2(12)(a)**
- F19** Words in s. 80(5) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(14)(b)**; S.I. 2010/1621, art. 2(1), Sch.

Modifications etc. (not altering text)

- C1** S. 80 heading; amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), **Sch. 6 para. 1(2)(b)**
- C2** S. 80: Power to amend conferred (15.3.2000) by 1999 c. 8, s. 60(1)(2)(4), **Sch. 3 para. 2(3)(a)**; S.I. 2000/779, **art. 2(1)**
- C3** S. 80(2)(3)(4) amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), **Sch. 6 para. 1(2)(c)**

81 Grounds for disqualification in certain cases.

[^{F20}(1) Unless the conditions specified in subsection (1A) are satisfied, the relevant disciplinary committee may not do any of the following—

- (a) give a direction under subsection (1) of section 80 of this Act—
- (i) in a case falling within paragraph (b) of that subsection, or
- (ii) in a case falling within paragraph (c) of that subsection, where the failure in question is by a member of the board or any officer of, or person employed by, the body in question; or
- (b) give a direction under subsection (4) of that section.

(1A) The conditions are that—

- (a) one or more of the facts specified in subsection (2) are proved to the satisfaction of the relevant disciplinary committee; and
- (b) the committee are of the opinion, having regard to those facts, that the board of the body corporate or, as the case may be, the representative, is to be regarded as responsible for the offence, misconduct or failure in question.]

(2) [^{F21}The facts referred to in subsection (1A)(a) of this section are]

- (a) that [^{F22}the offence, misconduct or failure in question] was instigated or connived at by the board or by a member of the board, or by the representative, as the case may be;
- [^{F23}(b) that, in the case of a body corporate, a member of the board, or an officer of, or person employed by, the body corporate had, at some time within the twelve months immediately preceding the date on which the offence, misconduct or failure occurred, been guilty of a similar offence or failure or of similar misconduct and that the board had, or with the exercise of reasonable care would have had, knowledge of that previous offence, misconduct or failure;]
- (c) that, in the case of the representative, he or a person employed by him had, at some time within twelve months before the date on which the offence or misconduct in question occurred, been guilty of a similar offence or similar misconduct and (where it was a similar offence or similar misconduct on the part of an employee) that the representative had, or with the exercise of reasonable care would have had, knowledge of that previous offence or misconduct;

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- (d) if [^{F24}offence, misconduct or failure in question is a continuing offence or failure or is continuing misconduct], that the board, or the representative, had, or with the exercise of reasonable care would have had, knowledge of its continuance;
- (e) in the case of an offence in respect of a contravention of an enactment contained in any of the relevant Acts, that the board, or the representative, had not exercised reasonable care to secure that the enactment was complied with.

Textual Amendments

- F20** S. 81(1)(1A) substituted for s. 81(1) (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(15\)\(a\)](#); S.I. 2010/1621, art. 2(1), Sch.
- F21** Words in s. 81(2) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(15\)\(b\)\(i\)](#); S.I. 2010/1621, art. 2(1), Sch.
- F22** Words in s. 81(2)(a) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(15\)\(b\)\(ii\)](#); S.I. 2010/1621, art. 2(1), Sch.
- F23** S. 81(2)(b) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(15\)\(b\)\(iii\)](#); S.I. 2010/1621, art. 2(1), Sch.
- F24** Words in s. 81(2)(d) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(15\)\(b\)\(iv\)](#); S.I. 2010/1621, art. 2(1), Sch.

Modifications etc. (not altering text)

- C4** S. 81: Power to amend conferred (15.3.2000) by [1999 c. 8, s. 60\(1\)\(2\)\(4\)](#), [Sch. 3 para. 2\(3\)\(a\)](#); S.I. [2000/779](#), [art. 2\(1\)](#)

82 Procedure relating to disqualification.

- (1) [^{F25}The relevant disciplinary committee] shall not give a direction under section 80 of this Act except with the assent of the chairman of the Committee.
- (2) A direction under that section shall not take effect until the end of the period of three months from the date on which notice of the direction is given to the body corporate^{F26}, pharmacist, partnership] or other person to whom it relates, and, if an appeal against the direction is brought under this section, shall not take effect until that appeal has been determined or withdrawn.
- (3) Where any such direction is given, the body corporate^{F27}, pharmacist, partnership] or other person to whom it relates may, at any time before the end of the period of three months specified in subsection (2) of this section, appeal against the direction to the High Court.
- (4) The [^{F28}General Pharmaceutical Council or, in Northern Ireland, the Pharmaceutical Society of Northern Ireland] may appear as respondent on any such appeal; and, for the purpose of enabling directions to be given as to costs on any such appeal, the [^{F29}Council or the Society] shall be deemed to be a respondent to the appeal whether they appear on the hearing of the appeal or not.
- (5) On any such appeal, the High Court may give such directions in the matter as appear to the Court to be appropriate; and it shall be the duty of [^{F30}the relevant disciplinary committee] to comply with any such directions and (where appropriate) of the registrar to make such alterations in the register as are necessary to give effect to them.
- (6) No appeal shall lie from any decision of the High Court under this section.

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- (7) In the application of this section to Scotland, any reference to the High Court shall be construed as a reference to the Court of Session, and any reference to costs shall be construed as a reference to expenses.
- (8) In the application of this section to Northern Ireland, any reference to the High Court shall be construed as a reference to a judge of the [^{F31} Court of Judicature] of Northern Ireland.

Textual Amendments

- F25** Words in s. 82(1) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\)](#), art. 1(2)(3), **Sch. 1 para. 2(14)**
- F26** Words in s. 82(2) inserted (24.5.2018 for E.W.S.) by [The Pharmacy \(Premises Standards, Information Obligations, etc.\) Order 2016 \(S.I. 2016/372\)](#), arts. 1(3), **10(a)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F27** Words in s. 82(3) inserted (24.5.2018 for E.W.S.) by [The Pharmacy \(Premises Standards, Information Obligations, etc.\) Order 2016 \(S.I. 2016/372\)](#), arts. 1(3), **10(b)**; S.I. 2018/512, art. 2(1)(a)(ii)(2)
- F28** Words in s. 82(4) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 11(a)** (with Sch. 32)
- F29** Words in s. 82(4) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 11(b)** (with Sch. 32)
- F30** Words in s. 82(5) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\)](#), art. 1(2)(3), **Sch. 1 para. 2(14)**
- F31** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 6**; S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

- C1** S. 80 heading; amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), **Sch. 6 para. 1(2)(b)**
- C5** s. 82: Power to amend conferred (15.3.2000) by 1999 c. 8, s. 60(1)(2)(4), **Sch. 3 para. 2(3)(a)**; S.I. 2000/779, **art. 2(1)**
- C6** S. 82(1) amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), **Sch. 6 para. 1(2)(d)**
- C7** S. 82(5) amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), **Sch. 6 para. 1(2)(d)**

[^{F32}82A. Interim measures

- (1) Subsection (2) applies where—
- (a) the relevant disciplinary committee have given a direction (“the principal direction”) under section 80(1), (1A) or (2) in relation to a body corporate, pharmacist or partnership; and
 - (b) the direction has not yet taken effect.
- (2) Where the committee are satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, the committee may direct the registrar to suspend from the register, until the principal direction takes effect or an appeal under section 82(3) against the principal direction is successful—
- (a) all entries of premises entered in the register as premises at or from which the body corporate, pharmacist or partnership carries on a retail pharmacy business; or

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- (b) entries of such of those premises as may be specified in the direction under this subsection.
- (3) Where the committee give a direction under subsection (2), the registrar must send to the body corporate, pharmacist or partnership to whom the direction relates a statement in writing giving that person notice of—
 - (a) the contents of the direction; and
 - (b) the right of appeal under subsection (5).
- (4) The statement must be sent—
 - (a) in the case of a body corporate, to the body corporate at its registered or principal office;
 - (b) in the case of a pharmacist, to the pharmacist at the pharmacist's home address in the register;
 - (c) in the case of a partnership, to the partnership at its principal office.
- (5) A body corporate, pharmacist or partnership to whom a direction under subsection (2) relates may appeal against the direction to the High Court.
- (6) Subsections (4) to (6) of section 82 apply in relation to an appeal under subsection (5) as they apply in relation to an appeal under section 82(3).
- (7) Subsections (7) and (8) of section 82 apply in the application of this section to Scotland or Northern Ireland as they apply in the application of section 82 to Scotland or Northern Ireland.]

Textual Amendments

F32 S. 82A inserted (24.5.2018 for E.W.S.) by [The Pharmacy \(Premises Standards, Information Obligations, etc.\) Order 2016 \(S.I. 2016/372\)](#), arts. 1(3), **11**; [S.I. 2018/512](#), art. 2(1)(a)(ii)(2)

83 Revocation of disqualification.

- (1) At any time while a direction under section 80 of this Act is in force [^{F33}the relevant disciplinary committee], either on the application of the person to whom it relates or without any such application, may revoke the direction.
- (2) If, on an application to [^{F34}the relevant disciplinary committee] to revoke such a direction, [^{F35}the committee] refuse to revoke it, the applicant, at any time before the end of the period of three months from the date on which notice of the refusal is given to him, may appeal to the High Court against the refusal.
- (3) Subsections (4) to (6) of section 82 of this Act shall have effect in relation to any appeal under this section as they have effect in relation to appeals under that section.
- (4) In the application of this section to Scotland, any reference to the High Court shall be construed as a reference to the Court of Session; and in the application of this section to Northern Ireland, any reference to the High Court shall be construed as a reference to a judge of the [^{F31}Court of Judicature] of Northern Ireland.

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Textual Amendments

- F31** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 6](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F33** Words in s. 83(1) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\), art. 1\(2\)\(3\), Sch. 1 para. 2\(15\)\(a\)](#)
- F34** Words in s. 83(2) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\), art. 1\(2\)\(3\), Sch. 1 para. 2\(15\)\(a\)](#)
- F35** Words in s. 83(2) substituted (coming into force in accordance with art. 1(2)(3)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\), art. 1\(2\)\(3\), Sch. 1 para. 2\(15\)\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 80 heading; amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\), art. 1\(2\)\(c\), Sch. 6 para. 1\(2\)\(b\)](#)
- C8** S. 83: Power to amend conferred (15.3.2000) by [1999 c. 8, s. 60\(1\)\(2\)\(4\), Sch. 3 para. 2\(3\)\(a\)](#); [S.I. 2000/779, art. 2\(1\)](#)
- C9** S. 83(1)(2) amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\), art. 1\(2\)\(c\), Sch. 6 para. 1\(2\)\(e\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(1A)(1B) added (prosp.) by [1997 c. 19 s. 1Sch. para. 5\(b\)](#)
- s. 84B inserted by [S.I. 2016/372 art. 12](#)