



Medicines Act 1968

1968 CHAPTER 67

PART IV

PHARMACIES

Persons lawfully conducting retail pharmacy business

69 General provisions.

- (1) Subject to the provisions of any order made under section 73 of this Act, a person carrying on a retail pharmacy business shall be taken to be a person lawfully conducting such a business if, not being disqualified by virtue of section 80 of this Act,—
- (a) that person (or, if the business is carried on by a partnership, each, or, in Scotland, one or more, of the partners) is a pharmacist and the conditions specified in section 70 of this Act are fulfilled in relation to the business, or
 - (b) that person is a body corporate and the conditions specified in section 71 of this Act are fulfilled in relation to the business, or
 - (c) that person is a representative of a pharmacist (as defined by section 72 of this Act) and the conditions specified in subsection (2) of that section are fulfilled in relation to him and in relation to the business and the period applicable in accordance with subsection (3) of that section has not expired.

[^{F1}(1ZA) In subsection (1)(a) “pharmacist” does not include a person [^{F2}registered in Part 4 of the register maintained under article 19 of the Pharmacy Order 2010 (visiting pharmacists from relevant European States)].]

[^{F3}or a person registered in the register of visiting pharmaceutical chemists from a relevant European State maintained under Article 9 of the Pharmacy (Northern Ireland) Order 1976.]

- (2) For the purposes of the application of this Part of this Act to a business which—

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- (a) is or is to be carried on in one or more separate or distinct parts (but not the whole) of a building, whether it is or is to be also carried on elsewhere or not, or
- (b) so far as concerns the retail sale of medicinal products, or the supply of such products in circumstances corresponding to retail sale, is or is to be carried on in one or more separate or distinct parts (but not the whole) of a building, whether it is or is to be carried on elsewhere or not,

each such part of that building shall be taken to be separate premises.

(3) In this Part of this Act—

^{F4}

“the board”, in relation to a body corporate, means the body of persons controlling the body corporate, by whatever name called;

^{F5}

[^{F6}“the register” means—

- (a) in relation to Great Britain, the register established and maintained under article 19 of the Pharmacy Order 2010; and
- (b) in relation to Northern Ireland, the register kept for the purposes of section 75;]

[^{F7}“the registrar” means—

- (a) in relation to Great Britain, the person appointed under article 18 of the Pharmacy Order 2010 as registrar for the purposes of that Order; and
- (b) in relation to Northern Ireland, the person appointed under Article 9(1) of the Pharmacy (Northern Ireland) Order 1976 as registrar for the purposes of that Order;]

[^{F8}“the relevant disciplinary committee” means—

- (a) in relation to Great Britain, the Fitness to Practise Committee established under article 4(6) of the Pharmacy Order 2010; and
- (b) in relation to Northern Ireland, the Statutory Committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976;]

“relevant European State ” means either an EEA State other than the United Kingdom or Switzerland.

^{F9}

...

Textual Amendments

- F1** S. 69(1ZA) inserted (N.I.) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **98(a)**
- F2** Words in s. 69(1ZA) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(2)(a)**; S.I. 2010/1621, art. 2(1), Sch.
- F3** Words in s. 69(1ZA) inserted (N.I.) (22.5.2008) by [The European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), regs. 1(2), **13(a)**
- F4** Definition in s. 69(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XII**
- F5** Words in s. 69(3) omitted (27.9.2010) by virtue of [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(2)(b)(i)** (with [Sch. 6 para. 1\(1\)](#)); S.I. 2010/1621, art. 2(1), Sch.
- F6** Words in s. 69(3) inserted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(2)(b)(ii)** (with [Sch. 6 para. 1\(1\)](#)); S.I. 2010/1621, art. 2(1), Sch.
- F7** Words in s. 69(3) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(2)(b)(iii)** (with [Sch. 6 para. 1\(1\)](#)); S.I. 2010/1621, art. 2(1), Sch.

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F8 Words in s. 69(3) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(2\)\(b\)\(iv\)](#) (with [Sch. 6 para. 1\(1\)](#)); [S.I. 2010/1621](#), art. 2(1), [Sch.](#)

F9 Words in s. 69(3) omitted (coming into force in accordance with art. 1(2)(3)) by virtue of [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\)](#), art. 1(2)(3), [Sch. 1 para. 2\(4\)\(c\)](#)

Modifications etc. (not altering text)

C1 S. 69(3) amendment continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), [Sch. 6 para. 1\(1\)](#)

[^{F10} 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,
 - ^{F11}(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under 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
 - ^{F12}(b) if the business is carried on by a partnership, one of the partners or, in Scotland, one of the partners who is a person registered in Part 1 of the register maintained under article 19 of the Pharmacy Order 2010 (pharmacists other than visiting practitioners), or]
 - (c) another pharmacist.
- ^{F13}(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 a qualification in pharmacy awarded in a relevant European State.
- (6) Subsection (5) does not apply to premises entered in the register by virtue of section 74J.]]

Textual Amendments

F10 S. 70 substituted (1.10.2009) by [Health Act 2006 \(c. 28\)](#), [ss. 27\(1\)](#), [83\(7\)](#) (as amended by [S.I. 2007/3101](#), [regs. 1\(2\)](#), [103\(a\)](#)); [S.I. 2008/2714](#), [art. 2\(a\)](#)

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- F11** S. 70(3)(b) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(3)(a)**; [S.I. 2010/1621](#), art. 2(1), Sch.
- F12** S. 70(4)(b) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(3)(b)**; [S.I. 2010/1621](#), art. 2(1), Sch.
- F13** S. 70(5)(6) substituted for s. 70(5) (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(3)(c)**; [S.I. 2010/1621](#), art. 2(1), Sch.

Modifications etc. (not altering text)

- C2** S. 70 amendment to earlier affecting provision 2006 c. 28, s. 27(1) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **103(a)**

[^{F14} 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,
 - [^{F15}(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under 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.
- [^{F16}(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 a qualification in pharmacy awarded in a relevant European State.
- (5A) Subsection (5) does not apply to premises entered in the register by virtue of section 74J.]
- (6) The requirements referred to in subsection (1)(a) of this section in relation to a superintendent are that—

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- (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.

[^{F17}(7) In subsection (6)(a) “pharmacist”—

- (a) does not include a person registered in Part 4 of the register maintained under article 19 of the Pharmacy Order 2010 (visiting pharmacists from relevant European States) unless the retail pharmacy business under the management of the person is carried on (in whole or in part) at premises entered in the register by virtue of section 74J; and
- (b) does not include a person registered in the register of visiting pharmaceutical chemists from relevant European States maintained under Article 9 of the Pharmacy (Northern Ireland) Order 1976.]]

[^{F18}(8) If a person who has managed a relevant retail pharmacy business as a superintendent ceases to do so (otherwise than by reason of death) the person must notify the registrar in writing of that fact within the period of 28 days beginning with the day on which the person ceases to manage the business.

(9) For the purposes of subsection (8), a “relevant retail pharmacy business” is a retail pharmacy business carried on (in whole or in part) at premises in Great Britain.]

Textual Amendments

- F14** S. 71 substituted (1.10.2009) by Health Act 2006 (c. 28), ss. **28(1)**, 83(7) (as amended by S.I. 2007/3101, regs. 1(2), **103(b)** and S.R. 2008/192, regs. 1(2), **15**); S.I. 2008/2714, art. **2(a)**
- F15** S. 71(3)(b) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(4)(a)**; S.I. 2010/1621, art. 2(1), Sch.
- F16** S. 71(5)(5A) substituted for s. 71(5) (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(4)(b)**; S.I. 2010/1621, art. 2(1), Sch.
- F17** S. 71(7) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(4)(c)**; S.I. 2010/1621, art. 2(1), Sch.
- F18** S. 71(8)(9) inserted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(4)(d)**; S.I. 2010/1621, art. 2(1), Sch.

72 Representative of pharmacist in case of death or disability.

(1) The provisions of this section shall have effect where a pharmacist carries on a retail pharmacy business and—

- (a) he dies, or
- (b) he is adjudged bankrupt or enters into a composition or scheme or deed of arrangement with his creditors, or, in Scotland, sequestration of his estate is awarded or he makes a trust deed for behoof of his creditors or a composition contract, or
- (c) [^{F19} he becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to carry on the business], or, in Scotland, a [^{F20}guardian] or judicial factor is appointed for him on the ground that he suffers from mental disorder, or, in Northern Ireland, a committee, receiver or guardian is appointed in his case under the ^{M1}Lunacy Regulation (Ireland) Act 1871,

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and a representative of his thereafter carries on his business.

[^{F21}(1A) In subsection (1)(c), the reference to a person who lacks capacity to carry on the business is to a person—

- (a) in respect of whom there is a donee of an enduring power of attorney or lasting power of attorney (within the meaning of the Mental Capacity Act 2005), or
- (b) for whom a deputy is appointed by the Court of Protection,

and in relation to whom the donee or deputy has power for the purposes of this Act.]

[^{F22}(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,
- [^{F23}(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under 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.]

(3) The period referred to in section 69(1)(c) of this Act—

- (a) in the case of the death of a pharmacist, is a period of five years from the date of his death;
- (b) in the case of the bankruptcy or sequestration of the estate of a pharmacist, is a period of three years from the date on which he is adjudged bankrupt or the date of the award of sequestration, as the case may be;
- (c) in the case of a composition or scheme or deed of arrangement, or of a trust deed or composition contract, is a period of three years from the date on which the trustee appointed thereunder becomes entitled to carry on the business; and
- (d) in a case falling within subsection (1)(c) of this section, is a period of three years from the date of the appointment of the [^{F24}deputy], [^{F25}curator bonis,] judicial factor, committee or guardian[^{F26} or from the date of registration of the instrument appointing the donee],

or, in any such case, is such longer period as, on the application of the representative, [^{F27}the relevant disciplinary committee], having regard to all the circumstances of the case, may direct.

(4) In this section “representative”—

- (a) in relation to a pharmacist who has died, means his executor or administrator and, in respect of a period of three months from the date of his death, if he has

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- died leaving no executor who is entitled and willing to carry on the business, includes any person beneficially interested in his estate;
- (b) in a case falling within paragraph (b) of subsection (1) of this section, means the trustee in bankruptcy or the trustee in the sequestration or any trustee appointed under the composition scheme, deed of arrangement, trust deed or composition contract; and
- (c) in a case falling within paragraph (c) of that subsection, means the ^[F28] donee, deputy], ^[F25] curator bonis,] judicial factor, committee or guardian ^[F29]; and in paragraph (b) above the reference to a trustee appointed under a composition, scheme or deed of arrangement includes a reference to the supervisor of a ^[F30] voluntary arrangement proposed for the purposes of, and approved under, Part VIII of the Insolvency Act 1986^[F31] or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989].]

Textual Amendments

- F19** Words in s. 72(1)(c) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 14(a)** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)
- F20** Words in s. 72(1) substituted (S.) (1.4.2002) by [2000 asp 4](#), s. 88(2), **Sch. 5 para. 12(a)**; [S.S.I. 2001/81](#), art. 3, **Sch. 2**
- F21** S. 72(1A) inserted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 14(b)** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)
- F22** S. 72(2)-(2B) substituted for s. 72(2) (1.10.2009) by [Health Act 2006 \(c. 28\)](#), **ss. 29**, 83(7); [S.I. 2008/2714](#), art. 2(a)
- F23** S. 72(2B)(b) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(5)**; [S.I. 2010/1621](#), art. 2(1), **Sch.**
- F24** Word in s. 72(3)(d) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 14(c)(i)** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)
- F25** Words in s. 72(3)(d)(4)(c) repealed (S.) (1.4.2002) by [2000 asp 4](#), s. 88(2)(3), **Sch. 5 para. 12(b)**, **Sch. 6**; [S.S.I. 2001/81](#), art. 3, **Sch. 2**
- F26** Words in s. 72(3)(d) inserted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 14(c)(ii)** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)
- F27** Words in s. 72(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(9)(b)**
- F28** Words in s. 72(4)(c) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 14(d)** (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), art. 2(1)(d)
- F29** Words inserted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, **Sch. 8 para. 15**, **Sch. 9 para. 11(2)**
- F30** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), **Sch. 14**
- F31** Words in s. 72(4) added (N.I.) (1.10.1991) by [S.I. 1989/2405 \(N.I. 19\)](#), art. 381, **Sch. 9 Pt. II para. 24**; [S.R. 1991/411](#), art. 2

Modifications etc. (not altering text)

- C3** S. 72(3) amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(2)(c), **Sch. 6 para. 1(2)(a)**

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- M1** 1871 c. 22.

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[^{F32}72A The responsible pharmacist

- (1) It is the duty of the responsible pharmacist mentioned in sections 70, 71 and 72 of this Act to secure the safe and effective running of the pharmacy business at the premises in question 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.
- (2) A person may not be the responsible pharmacist in respect of more than one set of premises at the same time, except in circumstances specified by the ^{F33}... Ministers in regulations, and then only if such conditions as may be so specified are complied with.
- (3) The responsible pharmacist must establish (if they are not already established), maintain and keep under review procedures designed to secure the safe and effective running of the business as mentioned in subsection (1) of this section.
- (4) The responsible pharmacist must make a record (which must be available at the premises) of—
 - (a) who the responsible pharmacist is in relation to the premises on any day and at any time, and
 - (b) such other matters as the ^{F34}... Ministers specify in regulations.
- (5) It is the duty of the person carrying on the business to secure that—
 - (a) the record is properly maintained, and
 - (b) it is preserved for at least as long as is specified in regulations made by the ^{F35}... Ministers.
- (6) The ^{F36}... Ministers may make further provision in regulations in relation to the responsible pharmacist.
- (7) The regulations may, in particular, make further provision about the matters mentioned in subsections (1) to (4) of this section, and make provision about—
 - (a) the qualifications and experience which a person must have if he is to be a responsible pharmacist,
 - (b) the responsible pharmacist's absence from the premises,
 - (c) the supervision by the responsible pharmacist, when he is not present on the premises, of relevant activities there,
 - (d) circumstances in which the responsible pharmacist may supervise relevant activities at a pharmacy of which he is not the responsible pharmacist,
 - (e) the form in which the procedures referred to in subsection (3) of this section are to be recorded and matters which must be covered by them,
 - (f) the form in which the record referred to in subsection (4) of this section is to be kept and particulars which must be included in it.
- (8) In subsection (7)(c) and (d), “ relevant activities ” means things mentioned in section 10 and transactions mentioned in section 52(1)(c) of this Act.]

Textual Amendments

F32 Ss. 72A, 72B inserted (19.7.2006 for specified purposes) by [Health Act 2006 \(c. 28\)](#), **ss. 30(1)**, 83(1)
(e)

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- F33** Word in s. 72A(2) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 38\(a\)](#) (with regs. 2(4), 3)
- F34** Word in s. 72A(4)(b) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 38\(b\)](#) (with regs. 2(4), 3)
- F35** Word in s. 72A(5)(b) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 38\(c\)](#) (with regs. 2(4), 3)
- F36** Word in s. 72A(6) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 38\(d\)](#) (with regs. 2(4), 3)

[^{F32}72B Section 72A: supplementary

- [^{F37}(1) The failure by a person to comply with any requirements of section 72A of this Act, or of regulations made under that section, may constitute misconduct for the purposes of section 80 of this Act, article 51(1)(a) of the Pharmacy Order 2010 and Article 20 of the Pharmacy (Northern Ireland) Order 1976 and the relevant disciplinary committee may deal with such a failure accordingly.]
- (2) A person who does not have the qualifications and experience required by regulations made by virtue of section 72A(7)(a) of this Act is not to be considered as a responsible pharmacist for the purposes of sections 70 to 72 of this Act.
- (3) Subsection (4) of this section applies if a person—
- fails to comply with the requirements of subsection (2) of section 72A of this Act, or of regulations made under that subsection,
 - fails to comply with any requirements as to absence from the premises contained in regulations made by virtue of subsection (7)(b) of that section.
- (4) If this subsection applies, the person in question is not to be considered while the failure continues as being in charge of the business at the premises in question (or in a subsection (3)(a) case at any of them) for the purposes of sections 70 to 72 of this Act.]

Textual Amendments

- F32** Ss. 72A, 72B inserted (19.7.2006 for specified purposes) by [Health Act 2006 \(c. 28\)](#), [ss. 30\(1\)](#), [83\(1\)\(e\)](#)
- F37** S. 72B(1) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), [Sch. 4 para. 1\(6\)](#); [S.I. 2010/1621](#), art. 2(1), Sch.

73 Power to extend or modify conditions.

- (1) The ^{F38}... Ministers may by order add to, revoke or vary any of the provisions of sections 70 to 72 of this Act, so as either—
- to modify, or provide new conditions in substitution for, the conditions referred to in any of the paragraphs of section 69(1) of this Act, or
 - for the purposes of any of those paragraphs, to provide alternative conditions compliance with which is to have the like effect as compliance with the conditions referred to in that paragraph.
- (2) Any provision made by an order in accordance with subsection (1) of this section may be made either generally or in relation to any particular circumstances specified in the order.

Status: Point in time view as at 27/09/2010.

Changes to legislation: Medicines Act 1968, Cross Heading: Persons lawfully conducting retail pharmacy business is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Any order made under this section may direct that subsection (1) or subsection (2) of section 69 of this Act shall have effect subject to such exceptions or modifications as appear to the ^{F39}... Ministers to be necessary or expedient in consequence of the provision made by the order in accordance with subsection (1) of this section.
- (4) Where an order under this section is for the time being in force, any reference to section 69 of this Act in any other enactment as amended by this Act shall be construed as a reference to that section as modified by the order.
- (5) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

- F38** Word in s. 73(1) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 39\(a\)](#) (with regs. 2(4), 3)
- F39** Word in s. 73(3) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 39\(b\)](#) (with regs. 2(4), 3)

Status:

Point in time view as at 27/09/2010.

Changes to legislation:

Medicines Act 1968, Cross Heading: Persons lawfully conducting retail pharmacy business is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.