



Medicines Act 1968

1968 CHAPTER 67

PART IV

PHARMACIES

Provisions as to use of certain titles, descriptions and emblems

78 Restrictions on use of titles, descriptions and emblems.

- (1) The provisions of this section shall have effect subject to section 79 of this Act.
- (2) ^{F1}... No person shall—
 - (a) take or use any of the following titles, that is to say, chemist and druggist, druggist, dispensing chemist, and dispensing druggist, or
 - (b) take or use the title of chemist in connection with the sale of any goods by retail or the supply of any goods in circumstances corresponding to retail sale, unless the conditions specified in the next following subsection are fulfilled.
- (3) Those conditions are—
 - (a) in the case of an individual, that he is a person lawfully conducting a retail pharmacy business (either alone or as a member of a partnership) and that he does not take or use the title in question in connection with any premises at [^{F2}or from] which any goods are sold by retail, or are supplied in circumstances corresponding to retail sale, unless those premises are a registered pharmacy, and
 - (b) in the case of a body corporate, that the body is a person lawfully conducting a retail pharmacy business and that the title in question is not taken or used by that body in connection with any premises at [^{F3}or from] which any goods are sold by retail, or are supplied in circumstances corresponding to retail sale, unless those premises are a registered pharmacy ^{F4}....
- (4) ^{F1}... No person shall, in connection with a business carried on by him which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, use the description “pharmacy” except in respect of a

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registered pharmacy or in respect of the pharmaceutical department of a hospital or a health centre.

[^{F5}(5) A person who is not registered in the register of pharmaceutical chemists for Northern Ireland ^{F6}... made out and maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976 may not—

- (a) take or use the title pharmaceutical chemist, pharmacist, member of the Pharmaceutical Society of Northern Ireland or Fellow of the Pharmaceutical Society of Northern Ireland; or
- (b) take or use any of the titles mentioned in paragraph (a) in connection with a business carried on (whether by him or by some other person) at [^{F7}or from] any premises which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, unless those premises are a registered pharmacy or a hospital or health centre.

(5A) A person who is not registered as a pharmacist in Part 1 ^{F8}... of the register maintained under article 19 of the Pharmacy Order 2010 may not take or use the title pharmacist or fferyllydd (its equivalent in the Welsh language) in connection with a business carried on (whether by him or by some other person) at [^{F9}or from] any premises which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, unless those premises are a registered pharmacy or a hospital or health centre.

(5B) Subsection (5) extends to Northern Ireland only; and subsection (5A) does not extend there.]

(6) ^{F1}... No person shall, in connection with any business, use any title, description or emblem likely to suggest—

- (a) that he possesses any qualification with respect to the sale, manufacture or assembly of medicinal products which he does not in fact possess, or
- (b) that any person employed in the business possesses any such qualification which that person does not in fact possess.

(7) For the purposes of the last preceding subsection the use of the description “pharmacy”, in connection with a business carried on at [^{F10}or from] any premises, shall be taken to be likely to suggest that the person carrying on the business (where that person is not a body corporate) is a pharmacist and that any other person, [^{F11} who is in charge of [^{F12}the business carried on at or from] 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].

(8) Where a person is lawfully conducting a retail pharmacy business as being a representative of a pharmacist in the circumstances specified in section 69(1)(c) of this Act, subsections (5) to (7) of this section shall not have effect so as to prevent the representative from taking or using, in connection with that business, any title, description or emblem which the pharmacist himself could have used in accordance with those subsections.

Textual Amendments

- F1** Words in s. 78 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XII**
- F2** Words in s. 78(3)(a) inserted (1.12.2022) by **The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849)**, art. 1(3), **Sch. 2 para. 20(a)**; S.I. 2022/1023, art. 2

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- F3** Words in s. 78(3)(b) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 20(a)**; S.I. 2022/1023, art. 2
- F4** Words in s. 78(3)(b) omitted (1.12.2022) by virtue of The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(3)**; S.I. 2022/1023, art. 2
- F5** S. 78(5)-(5B) substituted for s. 78(5) (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(12)**; S.I. 2010/1621, art. 2(1), Sch.
- F6** Words in s. 78(5) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 2 para. 6(a)** (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(3)-(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 78(5)(b) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 20(b)**; S.I. 2022/1023, art. 2
- F8** Words in s. 78(5A) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 2 para. 6(b)** (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(3)-(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in s. 78(5A) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 20(c)**; S.I. 2022/1023, art. 2
- F10** Words in s. 78(7) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 20(d)(i)**; S.I. 2022/1023, art. 2
- F11** Words in s. 78(7) substituted (1.10.2009) by Health Act 2006 (c. 28), **ss. 27(2)**, 83(7); S.I. 2008/2714, art. 2(a)
- F12** Words in s. 78(7) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 20(d)(ii)**; S.I. 2022/1023, art. 2

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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](#)