

## SCHEDULES

### SCHEDULE 1

Article 9

#### AMENDMENTS CONSEQUENTIAL ON ARTICLES 5 AND 6

##### Medicines Act 1968

1. The 1968 Act is amended in accordance with paragraphs 2 to 8.
2. For the title to section 72B(1) substitute “Sections 72A and 72AA: supplementary”.
3. In section 72B—
  - (a) in subsection (1), for the words from “section 72A” to “under that section,” substitute “section 72A or 72AA of this Act, or of rules or regulations made under section 72A,”;
  - (b) omit subsection (2); and
  - (c) in subsection (3)—
    - (i) in paragraph (a), before “regulations made” insert “rules or”, and
    - (ii) in paragraph (b), before “regulations made” insert “rules or”, and for “subsection (7) (b)” substitute “subsection (7)”.
4. In section 84(2) (offences under Part 4), omit subsection (A1).
5. In section 84A(3) (rules by the General Pharmaceutical Council)—
  - (a) in subsection (2), for “Part 4 of this Act” substitute “any provision of Part 4 of this Act other than section 72A”; and
  - (b) after subsection (2), insert the following subsections—
    - “(3) The power of the General Pharmaceutical Council to make rules under section 72A may be exercised so as to make different provision for different areas or in relation to different cases or different circumstances to which the power is applicable, and to make any such provision subject to such exceptions, limitations and conditions (if any) as the General Pharmaceutical Council considers necessary or expedient.
    - (4) Before making rules under section 72A, the General Pharmaceutical Council must publish draft rules and invite representations to be made to it about the draft by—
      - (a) the Secretary of State, the Scottish Ministers and the Welsh Ministers, and
      - (b) any other persons appearing to it appropriate to consult about the draft.
    - (5) No rules made under section 72A by the General Pharmaceutical Council are to come into force until approved by order of the Privy Council.
    - (6) The power vested in the Privy Council to make an order under subsection (5) may be exercised by any two or more members of the Privy Council.
    - (7) The making of an order under subsection (5) is sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(1) Section 72B was inserted by the Health Act 2006, section 30(1), and then amended by [S.I. 2010/231](#).

(2) Subsection (A1) was inserted into section 84 by the Health Act 2006 (c. 28), section 30(3).

(3) Section 84A was inserted by [S.I. 2010/231](#).

(8) Where an order under subsection (5) is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that is evidence and in Scotland sufficient evidence of—

- (a) the fact that the order was duly made, and
- (b) the order's terms.”.

**6.** In section 108(4) (enforcement in England and Wales)—

- (a) omit subsection (6A);
- (b) in subsection (6B), for “the other provisions of section 72A of this Act, and any regulations made under them,” substitute “the provisions of sections 72A and 72AA of this Act, and any rules made under section 72A,”;
- (c) in subsection (6C), for “those other provisions, or any regulations made under them,” substitute “those provisions, or any rules made under section 72A,”;
- (d) in subsection (6D)—
  - (i) in paragraph (a), for “those other provisions, or any regulations made under them,” substitute “those provisions, or any rules made under section 72A,”; and
  - (ii) in paragraph (b), for “those other provisions or those regulations” substitute “those provisions or those rules”; and
- (e) in subsection (10), for the words from “subsections (6A) or (6B)” to the end of that subsection substitute “subsection (6B) to enforce any provisions or rules mentioned in that subsection, and that the public interest requires that the provisions or rules in question should be enforced in relation to it, the appropriate Minister may enforce those provisions or rules in relation to that matter.”.

**7.** In section 110(5) (enforcement in Northern Ireland)—

- (a) omit subsection (3A);
- (b) in subsection (3B), for “the other provisions of section 72A of this Act, and any regulations made under them,” substitute “the provisions of sections 72A and 72AA of this Act, and any regulations made under section 72A,”;
- (c) in subsection (3C), for “those other provisions, or any regulations made under them,” substitute “those provisions, or any regulations made under section 72A,”; and
- (d) in subsection (3D)—
  - (i) in paragraph (a), for “those other provisions, or any regulations made under them,” substitute “those provisions, or any regulations made under section 72A,”; and
  - (ii) in paragraph (b), omit “other”.

**8.** In section 129(6) (orders and regulations)—

- (a) in subsection (2), before “paragraph 1” insert “section 72A of this Act or”; and
- (b) in subsection (3)(a), after “79” insert “, 84A(5)”.

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(4) Section 108 was amended by the Food Safety Act 1990 (c. 16), Schedule 3, paragraph 8, and the Health Act 2006 (c. 28), section 31(1), and by S.I. 1968/1699, 2006/2407, 2010/231 and 2012/1916.

(5) Section 110 was amended by the Health Act 2006 (c. 28), section 31(3), by S.R. (N.I.) 1973/211, and by S.I. 2006/2407 and 2012/1916.

(6) Section 129 was amended by the the Food Standards Act 1999 (c. 28), Schedule 3, paragraph 15, the Health Act 2006 (c. 28), section 32, and by S.I. 2006/2407 and 2012/1916.

## Pharmacy (Northern Ireland) Order 1976

**9.** In Article 25A of the Pharmacy (Northern Ireland) Order 1976(7) (regulations: procedure), at the end insert—

“(3) Before making regulations under section 72A of the Medicines Act 1968 the Council must publish draft regulations and invite representations to be made to it about the draft by—

- (a) the Department; and
- (b) any other persons appearing to it appropriate to consult about the draft.”.

## Health Act 2006

**10.** In the Health Act 2006(8), omit section 30(3) (the responsible pharmacist).

## Pharmacy Order 2010

**11.** Paragraph 66 of Schedule 4 to the Pharmacy Order 2010(9) (amendments, repeals and revocations – amendment of the Medicines (Pharmacies) (Responsible Pharmacist) Regulations 2008) is revoked.

## SCHEDULE 2

Article 11

### AMENDMENTS RELATING TO CARRYING ON OF RETAIL PHARMACY BUSINESS FROM PREMISES

- 1.** The 1968 Act is amended in accordance with paragraphs 2 to 21.
- 2.** In section 10(10) (exemptions for pharmacists)—
  - (a) in subsection (1)(b)(i), after “at”, in each place, insert “or from”;
  - (b) in subsection (4)(b), after “at”, in both places, insert “or from”;
  - (c) in subsection (5)(b), after “at”, in the first place it occurs, insert “or from”; and
  - (d) in subsection (6), after “at” insert “or from”.
- 3.** In section 70(11) (business carried on by individual pharmacist or by partners)—
  - (a) in subsection (1), for “where” substitute “at or from which”;
  - (b) in subsection (2)—
    - (i) for “the business at” substitute “the business carried on at or from”,
    - (ii) in paragraph (a), after “retail sale at” insert “or from”, and
    - (iii) in paragraph (b), after “supply at” insert “or from”; and
  - (c) in subsection (3)(c), for “the business at” substitute “the business carried on at or from”.
- 4.** In section 71(12) (business carried on by body corporate)—
  - (a) in subsection (1)(b), for “where” substitute “at or from which”;

(7) S.I. 1976/1213 (N.I. 22), as amended by S.R. 2012/308.

(8) 2006 c. 28.

(9) S.I. 2010/231.

(10) Section 10 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), Schedule 3, paragraph 5, the Health Act 2006 (c. 28), section 26, and S.I. 1971/1445, 1994/2987, 2006/2407, 2011/2581 and 2012/1916.

(11) Section 70 was amended by the Health Act 2006 (c. 28), section 27(1), and by S.I. 2010/231 and 2011/2647.

(12) Section 71 was substituted by the Health Act 2006 (c. 28), section 28, and then amended by S.I. 2010/231, 2011/2647 and 2019/593.

- (b) in subsection (2)—
    - (i) for “the business at” substitute “the business carried on at or from”,
    - (ii) in paragraph (a), after “retail sale at” insert “or from”, and
    - (iii) in paragraph (b), after “supply at” insert “or from”; and
  - (c) in subsection (3)(c), for “the business at” substitute “the business carried on at or from”.
- 5.** In section 72(13) (representative of pharmacist in case of death or disability)—
- (a) in subsection (2)(b), after “premises at” insert “or from”;
  - (b) in subsection (2A)—
    - (i) for “the business at” substitute “the business carried on at or from”,
    - (ii) in paragraph (a), after “retail sale at” insert “or from”, and
    - (iii) in paragraph (b), after “supply at” insert “or from”; and
  - (c) in subsection (2B)(c), for “the business at” substitute “the business carried on at or from”.
- 6.** In section 72A(14) (the responsible pharmacist), in subsection (1)—
- (a) for “business at” substitute “business carried on at or from”;
  - (b) in paragraph (a), after “retail sale at” insert “or from”; and
  - (c) in paragraph (b), after “supply at” insert “or from”.
- 7.** In section 72B(15) (supplementary), in subsection (4), for “the business at” substitute “the business carried on at or from”.
- 8.** In section 74B(16) (conditions for registration: Great Britain)—
- (a) in subsection (4)—
    - (i) in paragraph (a)(ii), after “business at” insert “or from”, and
    - (ii) in paragraph (b), after “business at” insert “or from”; and
  - (b) in subsection (5)—
    - (i) in paragraph (a), after “business at” insert “or from”, and
    - (ii) in paragraph (b)(i) and (ii), after “business at” insert “or from”.
- 9.** In section 74C(17) (supplementary provision in respect of registration of premises: Great Britain), in subsection (3)—
- (a) after “previously carried on at” insert “or from”; and
  - (b) in paragraph (b), after “business at” insert “or from”.
- 10.** In section 74D(18) (conditional registration: Great Britain)—
- (a) in subsection (1), for “at” substitute “in the course of the business carried on at or from”;
  - (b) in subsection (3), after “business at” insert “or from”; and
  - (c) in subsection (5), after “business at” insert “or from”.

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(13) Section 72 was amended by: the Insolvency Act 1985 (c. 65), Schedule 8, paragraph 15, and Schedule 9, paragraph 11(2); the Insolvency Act 1986 (c. 45), Schedule 14; the Adults with Incapacity (Scotland) Act 2000 (asp 4), Schedule 5, paragraph 12, and Schedule 6, paragraph 1; the Mental Capacity Act 2005 (c. 9), Schedule 6, paragraph 14; the Health Act 2006 (c. 28), section 29; and S.I. 2007/289, 2010/231 and 2012/1916.

(14) Section 72A was inserted by the Health Act 2006 (c. 28), section 30(1), and then amended by S.I. 2006/2407.

(15) Section 72B was inserted by the Health Act 2006, section 30(1), and then amended by S.I. 2010/231.

(16) Section 74B was inserted by S.I. 2010/231 and then amended by S.I. 2016/372.

(17) Section 74C was inserted by S.I. 2010/231.

(18) Section 74D was inserted by S.I. 2010/231.

**11.** In section 74E(19) (supplementary provision in respect of conditional registration: Great Britain)—

- (a) in subsection (1), after “business at” insert “or from”; and
- (b) in subsection (5), after “business at” insert “or from”.

**12.** In section 74F(20) (giving of notice by registrar: Great Britain), in subsection (6), for “the premises, or at” substitute “or from the premises, or at or from”.

**13.** In section 74G(21) (voluntary removal from the register: Great Britain), in subsection (1), after “business at” insert “or from”.

**14.** In section 74H(22) (change of ownership of retail pharmacy business: Great Britain)—

- (a) in subsections (1) and (3)—
  - (i) after “carried on at” insert “or from”, and
  - (ii) after “business at” insert “or from”;
- (b) in subsection (6)(c), after “business at” insert “or from”; and
- (c) in subsection (9), after “business at” insert “or from”.

**15.** In section 74I(23) (supplementary provision in respect of change of ownership of retail pharmacy business: Great Britain), in subsection (2)(b), after “business at” insert “or from”.

**16.** In section 74J(24) (temporary registration with regard to emergencies involving loss of human life or human illness etc.)—

- (a) in subsection (4), for “at” substitute “in the course of the business carried on at or from”; and
- (b) in subsection (8), after “business at” insert “or from”.

**17.** In section 75(25) (registration of premises: Northern Ireland), in subsection (7)(b), after “business at” insert “or from”.

**18.** In section 76(26) (supplementary provisions as to registration of premises: Northern Ireland)

- (a) in subsections (1) and (2), after “business at” insert “or from”;
- (b) in subsection (3), after “carried on at” insert “or from”; and
- (c) in subsection (5)(b), after “business at” insert “or from”.

**19.** In section 77(27) (annual return of premises to registrar)—

- (a) after “business at” insert “or from”; and
- (b) in paragraph (a), after “premises at” insert “or from”.

**20.** In section 78(28) (restrictions on use of titles, descriptions and emblems)—

- (a) in subsection (3)(a) and (b), after “premises at” insert “or from”;

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(19) Section 74E was inserted by [S.I. 2010/231](#).

(20) Section 74F was inserted by [S.I. 2010/231](#).

(21) Section 74G was inserted by [S.I. 2010/231](#).

(22) Section 74H was inserted by [S.I. 2010/231](#) and then amended by [S.I. 2016/372](#).

(23) Section 74I was inserted by [S.I. 2010/231](#).

(24) Section 74J was inserted by [S.I. 2010/231](#).

(25) Section 75 was amended by [S.I. 2010/231](#) and [2016/372](#).

(26) Section 76 was amended by the Statute Law (Repeals) Act 1993 (c. 50), Schedule 1(12), paragraph 1, and [S.I. 2006/2407](#) and [2010/231](#).

(27) Section 77 was amended by the Health Act 2006 (c. 28), Schedule 9, paragraph 1, and [S.I. 2010/231](#).

(28) Section 78 was amended by the Statute Law (Repeals) Act 1993 (c. 50), Schedule 1(12), paragraph 1, the Health Act 2006 (c. 28), section 27, and [S.I. 2010/231](#) and [2019/593](#).

- (b) in subsection (5)(b), after “other person) at” insert “or from”;
- (c) in subsection (5A), after “other person) at” insert “or from”; and
- (d) in subsection (7)—
  - (i) after “a business carried on at” insert “or from”, and
  - (ii) for “the business at” substitute “the business carried on at or from”.

**21.** In section 124(**29**) (offences by bodies corporate), in subsection (2)(b), for “at any premises where” substitute “in respect of any premises at or from which”.

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(29) Section 124 was amended by the Health Act 2006 (c. 28), section 28(2).