



# Medicines Act 1968

## 1968 CHAPTER 67

### PART IV

#### PHARMACIES

##### *Registration of pharmacies*

#### 74 Meaning of “registered pharmacy”.

- (1) Subject to the next following subsection, in this Act “registered pharmacy” means premises for the time being entered in the register required to be kept under section 75 of this Act.
- (2) Where immediately before the appointed day any premises are entered in the register kept under section 12 of the <sup>M1</sup>Pharmacy and Poisons Act 1933, and are so entered otherwise than in the separate part of that register mentioned in section 1(5) of the <sup>M2</sup>Pharmacy and Medicines Act 1941, those premises, if they are not a registered pharmacy by virtue of the preceding subsection, shall be a registered pharmacy by virtue of this subsection until either they cease to be entered in that register or the year which includes the appointed day expires, whichever first occurs.
- (3) In this section and in section 76 of this Act “year” means a period of twelve months beginning on such date as the Council may from time to time determine.
- (4) In the application of this section to Northern Ireland, in subsection (2)—
  - (a) for the words from “any premises are entered” to “<sup>M3</sup>Pharmacy and Medicines Act 1941” there shall be substituted the words “an annual licence under section 17 of the <sup>M4</sup>Pharmacy and Poisons Act (Northern Ireland) 1925 is in force for any premises”;
  - (b) after the word “shall” there shall be inserted the words “(subject to the provisions of any order made under paragraph 1 of Schedule 4 to this Act)”; and
  - (c) for the words “entered in that register” there shall be substituted the words “the subject of such a licence”,

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and in subsection (3) the reference to the Council shall be construed as a reference to the Minister of Health and Social Services for Northern Ireland.

#### Marginal Citations

- M1 1933 c. 25.
- M2 1941 c. 42.
- M3 1941 c. 42.
- M4 1925 c. 8 (N.I.)

## 75 Registration of premises.

- (1) It shall be the duty of the registrar to keep a register for the purposes of this section (in this Part of this Act referred to as “the register”) and, subject to the following provisions of this section, on payment of the prescribed fee to enter in the register any premises in respect of which an application is made under this section.
- (2) Any application for the registration of premises under this section shall be made in the prescribed manner and shall specify the premises to which the application relates and shall contain such other particulars as may be prescribed.
- (3) On the making of any such application the registrar shall notify the appropriate Minister, specifying the premises to which the application relates and the date on which the application was made, and shall not enter those premises in the register before the end of the period of two months from that date, unless before the end of that period the appropriate Minister consents to his doing so.
- (4) If it appears to the appropriate Minister that in a material respect the premises do not comply with the requirements of regulations made under section 66 of this Act which are for the time being in force, and accordingly he proposes to certify that the premises are unsuitable for registration under this section, he shall, before the end of the period referred to in subsection (3) of this section, serve on the applicant a notice stating his proposals and the reasons for them, and shall serve a copy of that notice on the registrar; and, where a copy of such a notice is served on him, the registrar shall not enter the premises in the register except where required to do so in accordance with the following provisions of this section.
- (5) If, within the time allowed after the service on him of a notice under subsection (4) of this section, the applicant gives notice to the appropriate Minister of his desire to be heard with respect to the proposals, or makes representations in writing to the appropriate Minister with respect to the proposals, then, before determining whether to issue a certificate under this section in respect of the premises,—
  - (a) if the applicant has given notice of his desire to be heard, the appropriate Minister shall afford to him an opportunity of appearing before, and being heard by, a person appointed by that Minister for the purpose, or
  - (b) if he has made representations in writing, that Minister shall consider those representations.
- (6) Where the appropriate Minister has served a notice under subsection (4) of this section, then—
  - (a) if he determines not to issue a certificate certifying that the premises are unsuitable for registration under this section, he shall notify the applicant and

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- the registrar of his decision and (subject to subsection (7) of this section) the registrar shall forthwith enter the premises in the register;
- (b) if the appropriate Minister issues such a certificate, he shall transmit the certificate to the registrar and shall notify the applicant that he has done so, and, if so required by the applicant, shall inform him of the reasons for his decision to issue such a certificate.
- (7) Notwithstanding anything in the preceding provisions of this section, the registrar shall not enter any premises in the register in pursuance of an application under this section unless it is shown to his reasonable satisfaction either—
- (a) that at the time of the application the applicant is a person lawfully conducting a retail pharmacy business, or
- (b) that, if the premises are entered in the register, and the applicant begins to carry on a retail pharmacy business at those premises, then as from the time when he begins to do so he will be a person lawfully conducting a retail pharmacy business.
- (8) In this section “the appropriate Minister”—
- (a) in relation to premises in England or Wales, means [<sup>F1</sup>the Secretary of State];
- (b) in relation to premises in Scotland, means the Secretary of State; and
- (c) in relation to premises in Northern Ireland, means the Minister of Health and Social Services for Northern Ireland,
- and “the time allowed” means the period of twenty-eight days or such extended period as the appropriate Minister may in any particular case allow.

#### Textual Amendments

**F1** Words substituted by virtue of S.I. 1968/1699, arts. 2, 5(4)(a)

#### Modifications etc. (not altering text)

**C1** Functions of Secretary of State in matters only affecting Wales exercisable by Secretary of State for Wales: S.I. 1969/388, art. 2(1)

## 76 Supplementary provisions as to registration of premises.

- (1) Where any premises have been entered in the register, then, in respect of each year subsequent to the year in which the premises were so entered, a further fee (in this section referred to as a “retention fee”) of the prescribed amount shall be payable by the person carrying on a retail pharmacy business at those premises.
- (2) If, on demand being made to him in the prescribed manner, the person carrying on a retail pharmacy business at any premises entered in the register fails to pay a retention fee in respect of those premises within two months from the date on which the demand is made, the Council may direct the registrar to remove the premises from the register; but if, before the end of the year in respect of which the retention fee is payable or such longer period as in any particular case the Council may allow, the person carrying on the business pays to the registrar the retention fee in respect of that year, together with such additional sum (if any) by way of penalty as may be prescribed,—
- (a) the registrar shall restore the premises to the register, and
- (b) if the Council so direct, the restoration shall be deemed to have had effect as from the date on which the premises were removed from the register.

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- (3) Where a change occurs in the ownership of a retail pharmacy business carried on at any premises registered under section 75 of this Act, the registration of the premises under that section—
- (a) if the change occurs on the death of the person carrying on the business, or, in the case of a partnership, on the death of one of the partners, shall become void at the end of the period of three months from the date of the death, and
  - (b) in any other case, shall become void at the end of the period of twenty-eight days from the date on which the change occurs.
- (4) Where section 74(2) of this Act has effect in relation to any premises, an application for the premises to be entered in the register may be made in the prescribed manner at any time before the end of the year which includes the appointed day; and where such an application is made by virtue of this subsection—
- (a) the provisions of section 75 of this Act shall not apply, and
  - (b) on payment of a fee equal to a retention fee, the registrar shall enter the premises in the register.
- (5) Where the registration of any premises under section 75 of this Act in respect of a business becomes void by virtue of subsection (3) of this section, an application for the premises to be restored to the register may be made by the person who, in consequence of the change of ownership, has become the owner of the business; and where such an application is made, and it is shown to the reasonable satisfaction of the registrar either—
- (a) that at the time of the application the applicant is a person lawfully conducting a retail pharmacy business, or
  - (b) that, if the premises are restored to the register, and the applicant thereafter carries on a retail pharmacy business at those premises, then as from the time when he begins to do so he will be a person lawfully conducting a retail pharmacy business,
- and (in a case where, if the registration had not become void, a retention fee would have become payable) a fee equal to a retention fee has been paid, the registrar shall restore the premises to the register.
- (6) Any regulations prescribing anything for the purposes of section 75 of this Act or this section shall be made by the Health Ministers.
- (7) A document purporting to be a certificate signed by the registrar and stating that, on a specified date, specified premises were, or were not, entered in the register shall be admissible in any proceedings as evidence (and, in Scotland, shall be sufficient evidence) that those premises were, or were not, entered in the register on that date.
- (8) Any fees received by the registrar by virtue of the last preceding section or this section shall be applicable for the purposes of the Pharmaceutical Society.
- (9) In the application of this section to Northern Ireland, any reference to the Council shall be construed as a reference to the Minister of Health and Social Services for Northern Ireland, the reference to subsection (2) of section 74 of this Act shall be construed as a reference to that subsection as modified by subsection (4) of that section, and subsection (8) shall be omitted.

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## **77 Annual return of premises to registrar.**

Every person who carried on a retail pharmacy business shall, in the month of January in each year, send to the registrar—

- (a) a list of all premises at which his business, so far as it consists of the retail sale of medicinal products, is carried on, and
- (b) in the case of any premises where medicinal products, other than medicinal products on a general sale list, are sold by retail, or are supplied in circumstances corresponding to retail sale, the name of the pharmacist under whose personal control the business, so far as concerns the retail sale or supply of medicinal products at those premises, is carried on.

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