



# Pharmacy Act 1954

1954 CHAPTER 61 2 and 3 Eliz 2

An Act to consolidate certain enactments relating to pharmacy with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [25th November 1954]

## Textual Amendments

- F1 Act: power to modify conferred (15.3.2000) by 1999 c. 8, s. 60(1)(2)(a)(4), Sch. 3; S.I. 2000/779, art. 2(1)

## *Registration of pharmaceutical chemists*

### **1 Appointment of registrar and other officers.**

- (1) The Council of the Pharmaceutical Society of Great Britain shall keep a fit and proper person appointed as registrar for the purposes of this Act, and may, for those purposes, appoint a deputy registrar and such clerks and other subordinate officers as the Council think fit.
- (2) The Council may pay a suitable salary to any person appointed in pursuance of this section.
- (3) The Council may terminate the appointment of any person so appointed.

### **2 The registers and registration.**

- (1) It shall be the duty of the registrar—
  - (a) to maintain, in accordance with byelaws and the provisions of this Act, the Register of Pharmaceutical Chemists established in pursuance of the <sup>M1</sup>Pharmacy Act 1852, which shall contain the names and addresses, and such other particulars (if any) as are prescribed, of all persons who in accordance with those provisions are entitled to have their names registered;
  - (b) to cause to be prepared, in such form as is for the time being prescribed, and to be printed, published and put on sale in every year, a list (to be known as

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“The Annual Register of Pharmaceutical Chemists”) of all names which were on the register on the last day of the preceding year.

- (2) Subject to the provisions of this Act, a person shall be entitled to have his name registered if he—
- (a) satisfies the registrar, or on appeal the Council, that, in accordance with provisions of <sup>F2</sup>section 3 or 4A of this Act] or of any byelaw made under section four of this Act, he is qualified to have his name registered; and
  - (b) pays to the Society such fee in respect of the registration as is prescribed; and different fees may be prescribed in relation to registrations in pursuance of different provisions mentioned in paragraph (a) of this subsection.
- (3) Every registered pharmaceutical chemist shall pay to the Society such fee as is prescribed in respect of the retention of his name on the register in any year or, in the case of a person whose name is first registered in or after the year in which this Act comes into operation (other than a person whose name has at any time been registered under the <sup>M2</sup>Pharmacy Act 1868) in respect of such retention in any year subsequent to the year in which his name is first registered; and different fees may be prescribed for different classes of registered pharmaceutical chemists, and provision may be made by byelaws for exempting any class of registered pharmaceutical chemists from liability to pay any such fee.

#### Textual Amendments

**F2** Words substituted by [S.I. 1987/2202, art. 2\(2\)](#)

#### Marginal Citations

**M1** 1852 c. 56.

**M2** 1868 c. 121.

### 3 Qualification by examination for registration.

- (1) It shall be the duty of the Council to appoint examiners to hold examinations for the purposes of this Act (including separate examiners for Scotland to hold examinations at such place or places in Scotland as the Council determine); but the appointment of any person as such an examiner shall not—
- (a) take effect until it is approved by the Privy Council;
  - (b) continue in force for more than five years from the date on which it is made.
- (2) Such examination fee as is prescribed shall be payable to the Society by every candidate at any such examination.
- (3) It shall be the duty of the Society to permit any person appointed in that behalf by the Privy Council to be present throughout any such examination.
- (4) The subjects at any such examination shall be the latin language, botany, materia medica, pharmaceutical and general chemistry and such other subjects (excluding the theory and practice of medicine, surgery and midwifery) as are prescribed; and byelaws may provide—
- (a) for periods of time and courses of study in connection with such examinations and for dividing such examinations into two or more parts;

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- (b) that no person may be a candidate at any such examination unless he satisfies the Council that he has received such a general education as the Council consider adequate for a registered pharmaceutical chemist;
  - (c) that no such certificate as is mentioned in the next following subsection shall be granted to any person in consequence of any such examination unless he satisfies the Council that he has received such practical training in the subjects of the examination as the Council consider adequate.
- (5) Subject to the foregoing provisions of this section, the examiners may grant a certificate of competence to practise as a pharmaceutical chemist to any person who satisfies them at any such examination that he is competent so to practise; and a person to whom such a certificate is granted shall be qualified to have his name registered.

#### 4 Qualification by degree, diploma, etc. for registration.

- (1) Byelaws may provide that any person who satisfies such conditions as to character and otherwise as are prescribed by the byelaws and either holds or has held a degree granted in respect of pharmacy by any university in the United Kingdom or a diploma granted in respect of pharmacy in any place outside the United Kingdom or has passed the examinations necessary for obtaining such a diploma shall be qualified to have his name registered—
- (a) without his qualifying to have his name registered in accordance with the requirements of the last foregoing section and of byelaws made thereunder; or
  - (b) upon his so qualifying in accordance with those requirements relaxed to the prescribed extent.
- (2) Byelaws may provide that any person who is—
- (a) a qualified military dispenser; or
  - (b) .....<sup>F3</sup>
  - (c) registered as a pharmaceutical chemist in Northern Ireland,

and who satisfies the Council that he has sufficient skill and knowledge to practise as a pharmaceutical chemist shall be qualified to have his name registered without his qualifying as mentioned in paragraph (a) of the last foregoing subsection.

[<sup>F4</sup>(3) The references in subsection (1) above to a diploma granted in respect of pharmacy in any place outside the United Kingdom shall not include references to a diploma by which a person is qualified by virtue of section 4A(2)(a) of this Act to have his name registered.]

#### Textual Amendments

- F3** S. 4(2)(b) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. V**
- F4** S. 4(3) inserted by S.I. 1987/2202, **art. 2(3)**

#### [<sup>F5</sup>4A Qualification by appropriate European diploma for registration

- (1) Any national of a member State who holds an appropriate European diploma and satisfies such conditions (if any) as to character and as to physical and mental health as may be prescribed shall be qualified to have his name registered; and where a name is registered by virtue of this section an indication that the name has been registered

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in respect of an appropriate European diploma shall be entered in the register against that name.

- (2) Subject to subsections (3) to (5) of this section, the following diplomas are appropriate European diplomas for the purposes of this section, namely—
- (a) any diploma specified in Schedule 1A to this Act; and
  - (b) any diploma in pharmacy which is not so specified but has been granted in a member State either before the implementation date or to a person who commenced the training of which the diploma is evidence before that date.
- (3) A diploma granted in a member State before the implementation date or granted to a person who began the training of which the diploma is evidence before that date is not an appropriate European diploma for the purposes of this section unless—
- (a) in the case of a diploma specified in Schedule 1A to this Act, either—
    - (i) the diploma guarantees that the holder of the diploma has undergone training that would have satisfied the requirements laid down by the Pharmacists Training Directive; or
    - (ii) the competent authorities of any member State have certified that the holder of the diploma has lawfully practised pharmacy for at least three consecutive years during the five years preceding the date of the certificate;
  - or
  - (b) in the case of any diploma which is not so specified, the competent authorities of any member State have certified as mentioned in paragraph (a)(ii) of this subsection.
- (4) Where under subsection (2) of section 2 of this Act it falls to the registrar or the Council to determine whether or not any of the conditions specified in subsection (3) of this section is satisfied in relation to any diploma—
- (a) the satisfaction of the condition specified in paragraph (a)(i) of the said subsection (3) may be established by the production of a certificate of the competent authorities of the member State in relation to which the diploma is specified in Schedule 1A to this Act, or otherwise; and
  - (b) the satisfaction of the condition specified in paragraph (a)(ii) or (b) of the said subsection (3) shall be established by the production of the relevant certificate, and not otherwise.
- (5) Where at any time during the period of the Greek derogation the name of any person is registered in respect of the qualification specified in paragraph 5 of Schedule 1A to this Act or in respect of any other diploma awarded in the Hellenic Republic—
- (a) an indication that the registration is subject to the provisions of this subsection shall be entered in the register against that name; and
  - (b) the registration shall not authorise the person whose name is registered to do anything for which registration is required by any provision made by or under the Medicines Act <sup>M3</sup>1968, the Misuse of Drugs Act <sup>M4</sup>1971 or the Poisons Act <sup>M5</sup>1972, except as an employed person.
- (6) In this section and Schedule 1A to this Act—
- “competent authorities”, in relation to a member State, means any authority or body designated by that member State in accordance with Community Council Directive No. <sup>M6</sup>85/433/EEC, as amended by Community Council

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Directive <sup>M7</sup>85/584/EEC, concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy;

“employed person” means an employed person in accordance with Council Regulation (EEC) No. <sup>M8</sup>1612/68 on freedom of movement for workers within the Community;

“the implementation date”, in relation to a member State, means the date on which that State implemented the Pharmacists Training Directive;

“national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of <sup>M9</sup>Accession is not to benefit from Community provisions relating to the free movement of persons and services;

“the period of the Greek derogation” means the period during which the Hellenic Republic makes use of the derogation provided by paragraph 1 of Article 3 of Community Council Directive No. [85/433/EEC](#); and

“the Pharmacists Training Directive” means Community Council Directive No. <sup>M10</sup>85/432/EEC concerning the co-ordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy.

- (7) For the purposes of this section a member State is to be regarded as having implemented the Pharmacists Training Directive on the date notified to the Commission of the European Communities as that on which it did so.]

#### Textual Amendments

**F5** [S. 4A](#) inserted by [S.I. 1987/2202](#), [art. 2\(4\)](#)

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

**C1** [S. 4A](#) restricted (31.3.1995) by [S.I. 1995/414](#), [reg. 5\(13\)](#)

#### Marginal Citations

**M3** [1968 c.67\(84\)](#).

**M4** [1971 c.38\(84\)](#).

**M5** [1972 c.66\(84\)](#).

**M6** [O.J. No. L253/37](#).

**M7** [O.J. No. L372/42](#).

**M8** [O.J. No. L257/2](#).

**M9** [Cmnd. 5179–I/247](#).

**M10** [O.J. No. L253/34](#).

## 5 Certificates of registration.

- (1) Subject to the provisions of the next following subsection, it shall be the duty of the Council, on the demand of any registered pharmaceutical chemist, to issue to him without fee a certificate of registration signed by the registrar and countersigned by either the President of the Society or two members of the Council.
- (2) There shall be no obligation on the Council to issue a further such certificate as aforesaid to a person to whom such a certificate has already been issued, unless the person—

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- (a) satisfies the registrar that the original certificate, and any further certificate already issued to him, has been lost or destroyed; and
- (b) pays to the Society such fee (if any) in respect of the further certificate as is prescribed.

[<sup>F6</sup>(3) Any certificate of registration issued to any person under this section shall reproduce any indication entered in the register against that person's name in pursuance of section 4A(1) or (5)(a) of this Act.]

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**Textual Amendments**

**F6** S. 5(3) inserted by S.I. 1987/2202, art. 2(5)

**6 Evidence of registration.**

- (1) Any document purporting to be a print of the Annual Register of Pharmaceutical Chemists printed and published by authority of the registrar in any year shall, at any time before the publication of the said Annual Register for the succeeding year, be admissible in any proceedings as evidence that any person named therein is, and that any person not named therein is not, a registered pharmaceutical chemist.
- (2) Any such certificate as is mentioned in the last foregoing section shall be admissible in any proceedings as evidence that the person named therein as a registered pharmaceutical chemist is a registered pharmaceutical chemist.

*Removal from and restoration to the register, etc.*

**7 The Statutory Committee.**

For the purposes of this Act there shall be appointed a committee of the Society (to be known as "the Statutory Committee"), and the provisions of the First Schedule to this Act shall have effect in relation to the Statutory Committee.

**8 Control of registrations by Statutory Committee.**

- (1) Where—
  - (a) a person applying to have his name registered, or
  - (b) a registered pharmaceutical chemist or any person employed by him in the carrying on of his business, or
  - (c) a person whose name has been removed from the register under section twelve of this Act or any person employed by him as aforesaid,
 has been convicted of any such criminal offence or been guilty of such misconduct (being in a case falling within paragraph (c) of this subsection a conviction or misconduct which took place either before or after the removal of the name) as in the opinion of the Statutory Committee renders the convicted or guilty person unfit to have his name on the register, the Committee may, after enquiring into the matter—
  - (i) in a case falling within paragraph (a) of this subsection, direct that the applicant's name shall not be registered, or shall not be registered until the Committee otherwise directs;

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- (ii) in a case falling within paragraph (b) thereof, direct the registrar to remove the name of the registered pharmaceutical chemist from the register;
- (iii) in a case falling within paragraph (c) thereof, direct that the name removed from the register shall not be restored thereto, or shall not be restored thereto until the Committee otherwise directs;

and, where the Committee directs that a name shall be removed from the register or shall not until the Committee otherwise directs be registered or restored to the register, the Committee may also direct that no application to the Committee in respect of its registration, or as the case may be its restoration to the register, shall be entertained thereafter until the expiration of such period as is specified in the direction or the fulfilment of such conditions as are so specified.

[<sup>F7</sup>(1A) Where the Statutory Committee is satisfied that any person is subject to a disqualifying decision the Committee shall be entitled to exercise its powers under subsection (1) of this section in relation to that person on the assumption that the grounds on which the decision was expressed to be made constitute such misconduct rendering that person unfit to have his name on the register as would (apart from this subsection) justify the exercise of those powers.

- (1B) For the purposes of this section a person is subject to a disqualifying decision if—
- (a) a decision is made in respect of that person by responsible authorities in a member State other than the United Kingdom;
  - (b) that decision has the effect in that State either that that person ceases to be registered or otherwise officially recognised to practise pharmacy in that State or that he is prohibited from practising pharmacy there;
  - (c) that decision is expressed to be made on the grounds that that person has committed a criminal offence or has been guilty of any misconduct.]

(2) Where the name of any person has been removed from the register in pursuance of a direction under paragraph (ii) of [<sup>F8</sup>subsection (1) of this section], the Committee may, either of its own motion or on the application of that person, direct the registrar to restore the name to the register, either without fee or on the payment to the Society of such fee as is prescribed in that behalf, not exceeding the fee prescribed for registration in pursuance of section three of this Act.

- (3) It shall be the duty of the Statutory Committee—
- (a) to give notice of any direction under this section to the person to whom the direction relates;
  - (b) to give notice of any refusal of an application made under the last foregoing subsection to the applicant;

and any notice required by this subsection to be given to any person shall be given by being sent to him in a registered letter which, in the case of a registered pharmaceutical chemist, shall be addressed to his address on the register.

#### Textual Amendments

- F7** S. 8(1A)(1B) inserted by S.I. 1987/2202, art. 2(6)
- F8** Words substituted by S.I. 1987/2202, art. 2(6)

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## **9 Restriction on directions by Statutory Committee.**

- (1) No direction (other than a direction authorising the registration or restoration to the register of a name) shall be given by the Statutory Committee under subsection (1) of the last foregoing section without the assent of the chairman of the Committee.
- (2) Where an act or omission which, under the last foregoing section, may be made the ground of a direction by the Statutory Committee involving the cesser or restriction of the right of a person to have his name registered is an act or omission on the part of an employee of that person, the Committee shall not give any such direction unless proof is given to its satisfaction of some one or more of the facts specified in the next following subsection and the Committee is of opinion that, having regard to the facts so proved, the said person ought to be regarded as responsible for the act or omission.
- (3) The facts as to some one or more of which the Committee must be satisfied before giving any such direction as is mentioned in subsection (2) of this section are—
  - (a) that the act or omission in question was instigated or connived at by the said person;
  - (b) that the said person or any employee of his had been guilty at some time within twelve months before the date on which the act or omission in question took place of a similar act or omission and that the said person had, or reasonably ought to have had, knowledge of that previous act or omission;
  - (c) if the act or omission in question was a continuing act or omission, that the said person had, or reasonably ought to have had, knowledge of the continuance thereof;
  - (d) in the case of a criminal offence being an offence under the Pharmacy Acts, that the said person had not used due diligence to enforce the execution of those Acts.

## **10 Appeals against directions, etc.**

- (1) A person aggrieved by a direction of the Statutory Committee under section eight of this Act or the refusal of an application made under subsection (2) of that section may at any time within three months from the date on which notice of the direction or, as the case may be, of the refusal is given to him appeal to the High Court against the direction or refusal; and the Society may appear as respondent on any such appeal.
- (2) The High Court may on any such appeal make such order as the court thinks fit in the matter including an order as to the costs of the appeal and in particular as to the payment of any such costs by the Society, whether or not the Society appear on the hearing of the appeal; and the order of the High Court on any such appeal shall be final.
- (3) It shall be the duty of the registrar to make such alterations in the register as are necessary to give effect to any such order as aforesaid.

## **11 Time of operation etc. of certain directions.**

- (1) A direction under paragraph (ii) of subsection (1) of section eight of this Act shall not take effect until the expiration of three months from the giving of notice of the direction as required by subsection (3) of that section or, where an appeal to the High Court is brought against the direction, until the appeal is determined or withdrawn.
- (2) If the High Court has dismissed an appeal against a direction under the said subsection (1) that a name shall be removed from the register or shall not, until the



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Committee otherwise directs, be registered or restored to the register, a direction by the Committee authorising the registration or restoration of the name shall not take effect unless it is approved by the Privy Council.

- (3) When any direction under the said section eight takes effect it shall be the duty of the registrar to make such alterations in the register as are necessary to give effect to the direction.

## **12 Removal from register for non-payment of retention fee, etc.**

- (1) If any registered pharmaceutical chemist on whom a demand has been made in the prescribed manner for the payment of any fee payable by him under subsection (3) of section two of this Act fails to pay the fee within two months from the date of the demand, the Council may direct the registrar to remove the chemist's name from the register.
- (2) If any person whose name has been removed from the register under the last foregoing subsection for non-payment of any fee pays to the Society, before the expiration of the year in respect of which the fee is payable or of such longer period as the Council allow, the fee and such additional sum (if any) by way of penalty as is prescribed, it shall be the duty of the registrar, subject to the provisions of any direction in force under paragraph (iii) of subsection (1) of section eight of this Act, to restore that person's name to the register.
- (3) Where a name removed from the register under subsection (1) of this section is restored thereto under the last foregoing subsection, the restoration shall, if the Council so direct, have effect from the date of the removal of the name.

## **13 Corrections of the register.**

- (1) It shall be the duty of the registrar—
  - (a) to remove from the register the name of any registered pharmaceutical chemist who has died;
  - (b) to remove from the register any entry which the Council, by an order in writing, direct him to remove therefrom as being in their opinion an entry which was procured by fraud;
  - (c) to correct in accordance with the Council's directions any entry in the register which the Council, by an order in writing, direct him to correct as being in their opinion an entry which was incorrectly made; and
  - (d) to make from time to time any necessary alterations in the registered particulars of registered pharmaceutical chemists.
- (2) The registrar may remove from the register any name to which this subsection applies by virtue of subsection (4) of this section, and the Council may direct the registrar to restore to the register any name removed therefrom under this subsection.
- (3) Every registrar of births and deaths shall, on registering the death of a pharmaceutical chemist, send forthwith by post to the registrar under this Act a copy certified under his hand of the entry relating to the death in the register of deaths; and the cost of the certificate and of sending it by post shall be payable by the registrar under this Act to the registrar of births and deaths from whom it is received.
- (4) If the registrar—

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- (a) sends by post to any registered pharmaceutical chemist a registered letter addressed to him at his address on the register enquiring whether he has ceased to practise as a pharmaceutical chemist or has changed his address and receives no reply to the letter within the period of six months from the date of posting it; and
- (b) upon the expiration of that period sends in like manner to the pharmaceutical chemist in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

subsection (2) of this section shall apply to the name of the registered pharmaceutical chemist in question.

*Miscellaneous provisions relating to the Pharmaceutical Society*

**14 Membership of the Society.**

Every person whose name is registered shall, by virtue of the registration, be a member of the Society, and shall, on his name ceasing to be registered, cease to be a member of the Society.

**15 Appointment of additional members of Council.**

- (1) The Privy Council may appoint three persons to be members of the Council of the Society in addition to the persons elected as members of the Council under the Society's Charter, and the persons appointed by the Privy Council under this section shall hold office as members of the Council for such period as the Privy Council determine.
- (2) A person may be appointed under this section as a member of the Council whether he is or is not a member of the Society.

**16 Byelaws.**

The Council may make such byelaws as they think necessary for the purposes of any provision of this Act referring to byelaws; but no byelaw made by virtue of this Act shall come into operation until it is approved by the Privy Council.

**17 The benevolent fund.**

The Council may, out of the property of the Society and out of any property for the time being comprised in the benevolent fund established in pursuance of the Society's Charter of Incorporation, make provision for such purposes relating to the relief of distressed persons, being—

- (a) members of the Society;
- (b) persons who at any time have been such members or have been registered as pharmaceutical chemists or chemists and druggists under this Act or any enactment repealed by, or by an enactment repealed by, this Act;
- (c) widows, orphans and other dependants of deceased persons who were at any time members of the Society or registered as aforesaid; or
- (d) students of the Society,

as the Council may, subject to byelaws, determine.

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## Offences

### 18 Falsifications by the registrar.

If the registrar wilfully makes or causes to be made any falsification in any matter relating to the register or the Annual Register of Pharmaceutical Chemists or any such certificate as is mentioned in subsection (5) of section three of this Act, he shall be guilty of a misdemeanour and, in the case of a falsification relating to the said Annual Register, liable to imprisonment for a term not exceeding twelve months.

### 19 .....<sup>F9</sup>

#### Textual Amendments

**F9** S. 19 repealed by [Medicines Act 1968 \(c. 67\)](#), [Sch. 6](#)

### 20 Offences relating to certificates.

(1) If any person fraudulently exhibits any certificate purporting to be a certificate of membership of the Society, he shall be guilty of a misdemeanour.

(2) If, with intent to deceive, any person—

- (a) [<sup>F10</sup>forges, or] uses, or lends to or allows to be used by any other person any certificate issued under the Pharmacy Acts; or
- (b) makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

he shall be liable on summary conviction, in respect of each offence, to a fine not exceeding [<sup>F11</sup>level 3 on the standard scale] and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day subsequent to the day on which he is convicted of the offence during which the contravention continues.

[<sup>F12</sup>In the application of this subsection to England or Wales, the expression “forges” has the same meaning as in the <sup>M11</sup>Forgery Act 1913.]

(3) If any person to whom a certificate of registration has been issued in pursuance of section five of this Act ceases to be a registered pharmaceutical chemist he shall, before the expiration of fourteen days from so ceasing, transmit the certificate to the registrar for cancellation, and, if he fails to do so, he shall be liable on summary conviction, in respect of each offence, to a fine not exceeding [<sup>F13</sup>level 1 on the standard scale] and to a further fine not exceeding one pound for every day subsequent to the day on which he is convicted of the offence during which the default continues.

#### Textual Amendments

**F10** Words repealed (E.W.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, [Sch. Pt. I](#)

**F11** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

**F12** Words repealed (E.W.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, [Sch. Pt. I](#)

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

**C2** S. 20(2)(3) amended by Poisons Act 1972 (c. 66), s. 9(1)

#### Marginal Citations

**M11** 1913 c. 27.

## 21 Extension of time for certain prosecutions.

Notwithstanding anything in [<sup>F14</sup>the Magistrates' Courts Act 1980] or [<sup>F15</sup>the <sup>M12</sup>Criminal Procedure (Scotland) Act 1975] proceedings for an offence under <sup>F16</sup> . . . subsection (2) or subsection (3) of the last foregoing section may be commenced at any time within the period of twelve months next after the date of the commission of the offence.

#### Textual Amendments

**F14** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(1), Sch. 7 para. 10

**F15** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a)

**F16** Words in s. 21 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.XII.

#### Marginal Citations

**M12** 1975 c. 21.

### *Supplemental*

## 22 Exercise of powers conferred on Privy Council.

(1) For the purpose of exercising any powers conferred by this Act on the Privy Council, the quorum of the Privy Council shall be three.

(2) Any document purporting to be—

- (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and
- (b) signed by the Clerk of the Privy Council or by any other person authorised by the Privy Council in that behalf,

shall be evidence of the fact that the instrument was so made and of the terms of the instrument.

## 23 Application of fees, etc.

Any sum received by the Society by way of fee or penalty in pursuance of any provision of this Act shall be applicable for the purposes of the Society.

## 24 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

<sup>F17</sup> . . .

“byelaws” means byelaws made by the Council;

*Status: Point in time view as at 05/11/1993. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Pharmacy Act 1954 (repealed). (See end of Document for details)*

“the Council” means the Council of the Society;  
[<sup>F18</sup>“the Pharmacy Acts” means <sup>F19</sup> . . . the <sup>M13</sup>Pharmacy Act 1954, sections 77 and 84(1) of the <sup>M14</sup>Medicines Act 1968 and the <sup>M15</sup>Poisons Act 1972, and includes rules made <sup>F19</sup> . . . under section 7 of the Poisons Act 1972].  
“prescribed” means prescribed by byelaws;  
“the register” means the Register of Pharmaceutical Chemists <sup>F19</sup> . . . maintained in pursuance of subsection (1) of section two of this Act;  
“registered” means registered in the register, and “to register” and “registration” shall be construed accordingly;  
“registered pharmaceutical chemist” means a person whose name is registered;  
“registrar” means the registrar appointed in pursuance of section one of this Act;  
“the Society” means the Pharmaceutical Society of Great Britain;  
“year”, in subsection (3) of section two and subsection (2) of section twelve, means a period of twelve months beginning on such date as is for the time being determined by the Council.

- (2) In the application of this Act to Scotland any reference to the High Court shall be construed as a reference to the Court of Session.
- (3) Any reference in this Act to any enactment is a reference to that enactment as amended by any subsequent enactment.

**Textual Amendments**

**F17** Definition in s. 24(1) of "the Act of 1933" repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch.XII**.

**F18** Definition substituted by **Poisons Act 1972** (c. 66), s. 12(2)

**F19** Words in s. 24(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch.XII**.

**Marginal Citations**

**M13** 1954 c. 61.

**M14** 1968 c. 67.

**M15** 1972 c. 66.

<sup>F20</sup>**25** .....

**Textual Amendments**

**F20** S. 25 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XII**.

**26 Short title, commencement and extent.**

- (1) This Act may be cited as the Pharmacy Act 1954, and shall come into operation at the expiration of one month beginning with the date of its passing.
- (2) This Act shall not extend to Northern Ireland.

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## SCHEDULES

### FIRST SCHEDULE

Section 7.

#### THE STATUTORY COMMITTEE

##### *Constitution*

- 1 (1) Subject to the provisions of the next following sub-paragraph, the Statutory Committee (hereafter in this Schedule referred to as “the committee”) shall consist of six members, of whom one, who shall be chairman, shall be appointed by the Privy Council, and of whom five shall be appointed by the Council.
- (2) If by reason of illness or other infirmity the chairman becomes temporarily incapable of performing the duties of his office, the Privy Council may appoint another person to be a member of the committee and to act in the place of the chairman; and in relation to any period during which any person is appointed under this sub-paragraph, any reference to the chairman of the Statutory Committee in any enactment (other than the foregoing provisions of this Schedule) shall be construed as a reference to that person.
- 2 A person may be appointed to be a member of the committee whether he is or is not a member of the Society or of the Council, but—
- (a) the chairman shall be a person having practical legal experience; and
  - (b) if, on the occurrence of a vacancy among the members appointed by the Council, none of the remaining members so appointed is a pharmaceutical chemist resident in Scotland, the person appointed to fill the vacancy shall be a pharmaceutical chemist so resident.
- 3 (1) Subject to the provisions of the next following sub-paragraph, a member of the committee, other than a person appointed under sub-paragraph (2) of paragraph 1 of this Schedule, shall hold office for a period of five years, and a person appointed under the said sub-paragraph (2) shall hold office for the period (not exceeding six months) for which he is appointed; and any member shall be eligible for re-appointment at the expiration of his period of office.
- (2) Any member of the committee may at any time resign his office by giving notice in writing of his resignation—
- (a) in the case of a member appointed by the Council, to the registrar;
  - (b) in any other case, to the Clerk of the Privy Council;
- and the body by whom a member of the committee is appointed may remove the member from his appointment for inability to perform his duties or for misbehaviour.

##### *Procedure*

- 4 (1) The quorum of the committee shall be three, of whom the chairman shall be one.
- (2) The committee may act by a majority of the members present, and in the case of an equality of votes the chairman shall have a casting vote.

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*Changes to legislation:* There are currently no known outstanding effects for the Pharmacy Act 1954 (repealed). (See end of Document for details)

- 5
- (1) The committee may make regulations as to the procedure to be followed by the committee in exercising the jurisdiction conferred upon it by this Act and the Act of 1933, but no such regulations shall come into operation until they are approved by the Privy Council.
  - (2) The Privy Council may approve any such regulations with or without modifications; but where the Privy Council propose to modify any such regulations, they shall give the committee a reasonable opportunity of making observations to the Privy Council on the proposed modifications and shall, before approving the regulations, take into consideration any observations made by the committee by virtue of this sub-paragraph.
  - (3) The power conferred by this paragraph to approve regulations shall be exercisable by statutory instrument, and any statutory instrument approving regulations made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Expenses*

- 6
- The Society shall pay to members of the committee such reasonable travelling expenses as are fixed by the Council with the approval of the Privy Council, and may pay to any member of the committee such fees as are so fixed; and all other expenses of the committee shall be defrayed by the Society.

### [<sup>F21</sup>SCHEDULE 1A

#### QUALIFYING EUROPEAN DIPLOMAS

##### **Textual Amendments**

**F21** Sch. 1A inserted by S.I. 1987/2202, art. 2(7)

#### *Belgium*

- 1
- Le diplôme légal de pharmacien/het wettelijk diploma van apoteker (the legal diploma in pharmacy) awarded by the faculties of medicine and pharmacy of the Universities, by the Central examining board or by the State examining boards for university education.

#### *Denmark*

- 2
- Bevis for bestået farmaceutisk kandidatexamen (the university pharmacy certificate).

#### *France*

- 3
- The State diploma in pharmacy awarded by the universities or the State diploma of Doctor in Pharmacy awarded by the universities.

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### *Germany*

- 4 (1) Zeugnis uÜber die staatliche Pharmazeutische PruÄfung (the State examination certificate in pharmacy) awarded by the competent authorities.
- (2) Certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8 May 1945 by the competent authorities of the German Democratic Republic are recognized as equivalent to those referred to in sub-paragraph (1) above.

### *Greece*

- 5 Pistopoihtikó twn armodíwn arxón, ikanóthtas úskhshç thç farmaceutikhç; xorhgóumeno metá kratiké ezétash (the certificate attesting competence to pursue the activity of a pharmacist) issued by the competent authorities following a State examination.

### *Ireland*

- 6 The certificate of Registered Pharmaceutical Chemist.

### *Italy*

- 7 The diploma or certificate giving the right to practise pharmacy, obtained by passing a State examination.

### *Luxembourg*

- 8 (1) The State pharmacy diploma awarded by the State Examining Board and signed by the National Minister of Education.
- (2) A diploma conferring on a national of the Grand Duchy a degree in respect of pharmacy which—
- (a) has been granted otherwise than in a member State;
  - (b) is accorded official recognition by the National Minister for Education in accordance with the law of the Grand Duchy of 1st June 1969 on higher education and the recognition of foreign degrees and diplomas; and
  - (c) is approved for the purposes of section 4A of this Act by the Council.

### *The Netherlands*

- 9 Het getuigschrift van met goed gevolg afgelegd apothekersexamen (the university pharmacy certificate).

### *Portugal*

- 10 Carta de curso de licenciatura em Cieâncias Farmaceâuticas (the certificate in pharmaceutical sciences awarded by the universities).



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*Changes to legislation:* There are currently no known outstanding effects for the Pharmacy Act 1954 (repealed). (See end of Document for details)

*Spain*

- 11      Título de licenciado en farmacia (university degree in pharmacy awarded by the Ministry of Education and Science or by the universities).]

PROSPECTIVE

<sup>F22</sup>SCHEDULE 1B

THE HEALTH COMMITTEE

**Textual Amendments**

- F22** Act repealed (30.3.2007 as notified in the Belfast, Edinburgh and London Gazettes dated 23.3.2007) by [The Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\)](#), art. 1(3), [Sch. 1 para. 1](#) (with [Sch. 2](#))

<sup>F22</sup> *Interpretation*

<sup>F22</sup><sub>1</sub> .....

<sup>F22</sup> *Constitution*

<sup>F22</sup><sub>2</sub> .....

<sup>F22</sup> *Term of office and resignation*

<sup>F22</sup><sub>3</sub> .....

<sup>F22</sup> *Procedure*

<sup>F22</sup><sub>4</sub> .....

<sup>F22</sup> *Expenses*

<sup>F22</sup><sub>5</sub> .....

<sup>F22</sup> *Legal assessors*

<sup>F22</sup><sub>6</sub> .....

*Status: Point in time view as at 05/11/1993. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Pharmacy Act 1954 (repealed). (See end of Document for details)*

PROSPECTIVE

<sup>F22</sup> SCHEDULE 1C

APPEAL TRIBUNALS

<sup>F22</sup> *Interpretation*

<sup>F22</sup><sub>1</sub> .....

<sup>F22</sup> *Constitution*

<sup>F22</sup><sub>2</sub> .....

<sup>F22</sup> *Appeal tribunals panel*

<sup>F22</sup><sub>3</sub> .....

<sup>F22</sup> *Term of office and resignation*

<sup>F22</sup><sub>4</sub> .....

<sup>F22</sup> *Clerks of tribunals*

<sup>F22</sup><sub>5</sub> .....

<sup>F22</sup> *Expenses*

<sup>F22</sup><sub>6</sub> .....

<sup>F23</sup> SECOND SCHEDULE

**Textual Amendments**

**F23** Sch. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.XII.

- 1 The Council may direct the registrar to register any name which was removed in pursuance of section ten of the Pharmacy Act 1868 from the register of chemists and druggists.
- 2 If any person whose name has been removed in pursuance of subsection (4) of section one of the Act of 1933 from the register of chemists and druggists for non-payment of

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any fee pays to the Society, before the expiration of such period (if any) as the Council allow, the fee and any additional sum prescribed in pursuance of subsection (2) of section twelve of this Act, it shall be the duty of the registrar, subject to the provisions of any direction of the Statutory Committee which is in force in relation to the name, to register the name of that person; and, if the Council so direct, the registration shall have effect from the date on which the name was removed from the register of chemists and druggists.

- 3 Where any person whose name has been removed as mentioned in the last foregoing paragraph or a person employed by him in the carrying on of his business, has (whether before or after the removal of the name) been convicted of any such criminal offence or been guilty of such misconduct as, in the opinion of the Statutory Committee, renders the convicted or guilty person unfit to have his name on the register, the Committee may, after inquiring into the matter, direct that the name removed as aforesaid shall not be registered or shall not be registered until the Committee otherwise directs; and where the Committee directs that a name shall not be registered until the Committee otherwise directs, it may further direct that no application to the Committee in respect of the registration of the name shall be entertained until the expiration of such period as is specified in the direction or the fulfilment of such conditions as are so specified.
- 4 Where the name of any person was absent from the register immediately before the commencement of this Act in pursuance of a direction given under subsection (1) of section seven of the Act of 1933 for the removal of the name from the register of chemists and druggists, the Statutory Committee may, either of its own motion or on the application of that person, being an application made consistently with any direction of the Statutory Committee applicable to him, direct the registrar to register the name of that person, either without fee or on payment to the Society of such fee as is prescribed in pursuance of subsection (2) of section eight of this Act; but where the High Court has dismissed an appeal against the direction given under the said subsection (1), a direction under this paragraph shall not take effect unless it is approved by the Privy Council.
- 5 The provisions of subsection (3) of section eight, section nine, section ten and subsection (3) of section eleven of this Act shall apply in relation to a direction of the Statutory Committee under paragraph 3 of this Schedule and the said provisions (except section nine) shall apply in relation to such a direction under paragraph 4 thereof as they apply in relation to a direction under the said section eight, and the provisions of subsection (3) of the said section eight and the said section ten shall apply in relation to a refusal of an application under the said paragraph 4 as they apply in relation to such a refusal as is mentioned in paragraph (b) of subsection (3) of the said section eight.
- 6 Any direction given under subsection (1) or subsection (2) of section seven of the Act of 1933 or section four of the Pharmacy and Medicines Act 1941 which, immediately before the commencement of this Act, related to the Register of Pharmaceutical Chemists shall be deemed to be a direction duly given under the corresponding provision of this Act on the date on which the direction was actually given.

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- 7 Nothing in subsection (2) of section twenty-five of this Act shall affect any appointment, byelaw, demand, nomination, order or regulation made, approval, certificate, confirmation, direction or notice given, register published, registration effected, proceeding instituted or thing done under any enactment repealed by this Act, and, subject to the provisions of the last foregoing paragraph, any such appointment, approval, byelaw, certificate, confirmation, demand, direction, nomination, notice, order, register, registration, proceeding or thing shall, if in force immediately before the commencement of this Act, continue in force and be deemed to be made, given, published, effected, instituted or done, as the case may be, under the corresponding provision of this Act, and, in the case of an appointment or demand be deemed to have been duly made under the said corresponding provision on the date on which it was actually made.
- 8 Any reference in any document (excluding the Act of 1933) to any Act or enactment repealed by this Act shall be construed as a reference to this Act or to the corresponding enactment in this Act; and any reference in any document (including the Act of 1933) to the Statutory Committee appointed under the Act of 1933 shall be construed as a reference to the Statutory Committee appointed under this Act.
- 9 Every certificate of registration which was issued before the thirty-first day of December nineteen hundred and fifty-three and which certifies that the person therein specified is registered as a chemist and druggist according to the provisions of the Pharmacy Act 1868, shall, for such period as is prescribed, be deemed to be a certificate of registration issued in pursuance of section five of this Act certifying that the person therein specified is a registered pharmaceutical chemist, and the said certificate shall throughout the said period have effect accordingly.
- 10 Where any offence (being an offence for the continuance of which a penalty was provided) has been committed under any enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence had been committed under the corresponding provisions of this Act.
- .....
- 11 In this Schedule “the register of chemists and druggists” means the register of chemists and druggists established under the Pharmacy Act 1868.

#### F24 THIRD SCHEDULE

##### Textual Amendments

F24 Sch. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.XII.

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*Status:* Point in time view as at 05/11/1993. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Pharmacy Act 1954 (repealed). (See end of Document for details)

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*The Pharmacy and Poisons Act, 1933 (23 & c 24 Geo. 5. c. 25)*

After section eleven there shall be inserted the following section—

“(11A) The Statutory Committee shall not, without the assent of the chairman of the Committee, direct—

- (a) that a body corporate shall cease to be or shall be disqualified for any period from being an authorised seller of poisons or that all or any of the premises of a body corporate shall be removed from the register of premises or be disqualified for any period from being registered therein ; or
- (b) that the representatives of a pharmacist shall cease to be authorised sellers of poisons or cease to be entitled to use any title, emblem or description.”

In section twenty-five, in subsections (1) AND (4), after the words “ Part I of this Act” there shall be inserted the words “ and of section nineteen and subsections (2) and (3) of section twenty of the Pharmacy Act 1954”.

In section twenty-nine, in the definition of “ Byelaws” after the word “ Society” there shall be inserted the words “ and approved by the Privy Council”; in the definition of “ Certificate of registration” for the words “ section thirteen of the Pharmacy Act, 1868” there shall be substituted the words “ section five of the Pharmacy Act, 1954”; in the definition of “ Pharmacy Acts” for the words from “ Pharmacy Act, 1852” to “ Pharmacy Act, 1908” there shall be substituted the words “ Pharmacy Act, 1954”; and in the definition of “ Registrar” for the words “ section four of the Pharmacy Act, 1852” there shall be substituted the words “ section one of the Pharmacy Act, 1954”.

F25F25 FOURTH SCHEDULE

**Textual Amendments**

**F25** S. 25(2), Sch. 4 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F25

**Status:**

Point in time view as at 05/11/1993. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Pharmacy Act 1954 (repealed).