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STATUTORY INSTRUMENTS

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**2009 No. 3071**

**MEDICINES**

**The Medicines (Pharmacies) (Applications for Registration and Fees) Amendment No. 2 Regulations 2009**

*Made* - - - - *19th November 2009*  
*Laid before Parliament* *26th November 2009*  
*Coming into force* - - *1st January 2010*

The Secretary of State and the Minister of Health, Social Services and Public Safety, acting jointly, make the following Regulations in exercise of the powers conferred by sections 75(1), 76(1) and (2) and 129(1) and (5) of the Medicines Act 1968(1), or in the case of the Minister, the powers conferred by those provisions and now vested in the Minister(2).

In accordance with section 129(6) of that Act, they have consulted such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Medicines (Pharmacies) (Applications for Registration and Fees) Amendment No. 2 Regulations 2009 and come into force on 1st January 2010.

**Amendment of the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973**

2. In regulation 3 (fees) of the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973(3)—

- (a) in paragraph (1) (fee for registration of premises), for “£529” substitute “£541” and for “£102” (fee where premises are in Northern Ireland) substitute “£108”;
- (b) in paragraph (2) (retention fee), for “£168” substitute “£172” and for “£142” (fee where premises are in Northern Ireland) substitute “£150”; and

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(1) 1968 c.67; section 129(5) has been amended by the Health Act 2006 (c. 28), section 32. The expression “the Ministers”, which is relevant to the powers being exercised in the making of these Regulations, is defined in section 1 of the 1968 Act as amended by paragraph 1(1) of the Schedule to S.I. 1999/3142 and paragraph 2 of Part 1 of Schedule 8 to S.I. 2006/2407. The word “prescribed”, which is also relevant to the powers being exercised in the making of these Regulations, is defined in section 132(1) of the 1968 Act (none of the amendments to that section have amended the definition of “prescribed”).

(2) By virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c.47); the Department was renamed by virtue of Article 3(6) of S.I. 1999/283 (N.I.1).

(3) S.I. 1973/1822; the relevant amending instruments are S.I. 1980/1806, 2007/3282, 2008/2946 and 2009/2502.

- (c) in paragraph (3) (additional sum by way of penalty), for “£529” substitute “£541” and for “£295” (sum where premises are in Northern Ireland) substitute “£306”.

### **Revocations**

3. The following Regulations are revoked—
- (a) The Medicines (Pharmacies) (Applications for Registration and Fees) Amendment Regulations 2008<sup>(4)</sup>; and
  - (b) The Medicines (Pharmacies) (Applications for Registration and Fees) Amendment Regulations 2007<sup>(5)</sup>.

Signed by authority of the Secretary of State for Health.

19th November 2009

19th November 2009

*Mike O'Brien*  
Minister of State,  
Department of Health  
*Michael McGimpsey*  
Minister of Health, Social Services and Public  
Safety

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<sup>(4)</sup> S.I. 2008/2946.  
<sup>(5)</sup> S.I. 2007/3282.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973 as follows—

- (a) regulation 2(a) increases the fee for the registration of premises at which a retail pharmacy business is, or is to be, carried on from £529 to £541 (where the premises are in Great Britain) and from £102 to £108 (where the premises are in Northern Ireland);
- (b) regulation 2(b) increases the subsequent annual retention fee from £168 to £172 (where the premises are in Great Britain) and from £142 to £150 (where the premises are in Northern Ireland); and
- (c) regulation 2(c) increases the penalty for failure to pay a retention fee (payable in circumstances specified in section 76(2) of the Medicines Act 1968) from £529 to £541 (where the premises are in Great Britain) and from £295 to £306 (where the premises are in Northern Ireland).

These Regulations also revoke the Medicines (Pharmacies) (Applications for Registration and Fees) Amendment Regulations 2007 and the Medicines (Pharmacies) (Applications for Registration and Fees) Amendment Regulations 2008, the provisions of both of which are spent.

An Impact Assessment relating to this instrument is available from the Department of Health, Skipton House, 80 London Road, London SE1 6LH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.