



Medicines Act 1968

1968 CHAPTER 67

PART IV

PHARMACIES

Persons lawfully conducting retail pharmacy business

69 General provisions.

- (1) Subject to the provisions of any order made under section 73 of this Act, a person carrying on a retail pharmacy business shall be taken to be a person lawfully conducting such a business if, not being disqualified by virtue of section 80 of this Act,—
- (a) that person (or, if the business is carried on by a partnership, each, or, in Scotland, one or more, of the partners) is a pharmacist and the conditions specified in section 70 of this Act are fulfilled in relation to the business, or
 - (b) that person is a body corporate and the conditions specified in section 71 of this Act are fulfilled in relation to the business, or
 - (c) that person is a representative of a pharmacist (as defined by section 72 of this Act) and the conditions specified in subsection (2) of that section are fulfilled in relation to him and in relation to the business and the period applicable in accordance with subsection (3) of that section has not expired.

^{F1}(1ZA)

^{F2}(2) For the purposes of the application of this Part of this Act to a business which—

- (a) is or is to be carried on in one or more separate or distinct parts (but not the whole) of a building, whether it is or is to be also carried on elsewhere or not, or
- (b) so far as concerns the retail sale of medicinal products, or the supply of such products in circumstances corresponding to retail sale, is or is to be carried on in one or more separate or distinct parts (but not the whole) of a building, whether it is or is to be carried on elsewhere or not,

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each such part of that building shall be taken to be separate premises.

(3) In this Part of this Act—

^{F3}
...

“the board”, in relation to a body corporate, means the body of persons controlling the body corporate, by whatever name called;

^{F4}
...

[^{F5}“the register” means—

- (a) in relation to Great Britain, the register established and maintained under article 19 of the Pharmacy Order 2010; and
- (b) in relation to Northern Ireland, the register kept for the purposes of section 75;]

[^{F6}“the registrar” means—

- (a) in relation to Great Britain, the person appointed under article 18 of the Pharmacy Order 2010 as registrar for the purposes of that Order; and
- (b) in relation to Northern Ireland, the person appointed under Article 9(1) of the Pharmacy (Northern Ireland) Order 1976 as registrar for the purposes of that Order;]

[^{F7}“the relevant disciplinary committee” means—

- (a) in relation to Great Britain, the Fitness to Practise Committee established under article 4(6) of the Pharmacy Order 2010; and
- (b) in relation to Northern Ireland, the Statutory Committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976;]

“relevant European State” means either an EEA State other than the United Kingdom or Switzerland.

^{F8}
...]

Textual Amendments

- F1** S. 69(1ZA) 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. 4** (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)
- F2** Words in s. 69(1ZA) inserted (N.I.) (22.5.2008) by [The European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008](#) (S.R. 2008/192), regs. 1(2), **13(a)**
- F3** Definition in s. 69(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XII**
- F4** Words in s. 69(3) omitted (27.9.2010) by virtue of [The Pharmacy Order 2010](#) (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(2)(b)(i)** (with Sch. 6 para. 1(1)); S.I. 2010/1621, art. 2(1), Sch.
- F5** Words in s. 69(3) inserted (27.9.2010) by [The Pharmacy Order 2010](#) (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(2)(b)(ii)** (with Sch. 6 para. 1(1)); S.I. 2010/1621, art. 2(1), Sch.
- F6** Words in s. 69(3) substituted (27.9.2010) by [The Pharmacy Order 2010](#) (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(2)(b)(iii)** (with Sch. 6 para. 1(1)); S.I. 2010/1621, art. 2(1), Sch.
- F7** Words in s. 69(3) substituted (27.9.2010) by [The Pharmacy Order 2010](#) (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(2)(b)(iv)** (with Sch. 6 para. 1(1)); S.I. 2010/1621, art. 2(1), Sch.
- F8** Words in s. 69(3) omitted (coming into force in accordance with art. 1(2)(3)) by virtue of [Pharmacists and Pharmacy Technicians Order 2007](#) (S.I. 2007/289), art. 1(2)(3), **Sch. 1 para. 2(4)(c)**

Modifications etc. (not altering text)

- C1** S. 69(3) amendment continued (11.2.2010) by [The Pharmacy Order 2010](#) (S.I. 2010/231), art. 1(2)(c), **Sch. 6 para. 1(1)**

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[^{F9} 70 Business carried on by individual pharmacist or by partners.

- (1) The conditions referred to in section 69(1)(a) of this Act are that subsections (2) and (3) of this section are both satisfied as respects each of the premises [^{F10}at or from which] the retail pharmacy business is carried on and medicinal products, other than medicinal products on a general sale list, are sold by retail.
- (2) This subsection is satisfied if a responsible pharmacist who satisfies [^{F11}the requirement of subsection (4)] of this section is in charge of [^{F12}the business carried on at or from] those premises, so far as concerns—
 - (a) the retail sale at [^{F13}or from] those premises of medicinal products (whether they are on a general sale list or not), and
 - (b) the supply at [^{F14}or from] those premises of such products in circumstances corresponding to retail sale.
- (3) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—
 - (a) the name of the responsible pharmacist for the time being,
 - [^{F15}(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under the Pharmacy (Northern Ireland) Order 1976, and]
 - (c) the fact that he is for the time being in charge of [^{F16}the business carried on at or from] those premises.
- (4) The responsible pharmacist must be—
 - (a) the person carrying on the business, or
 - [^{F17}(b) if the business is carried on by a partnership, one of the partners or, in Scotland, one of the partners who is a person registered in Part 1 of the register maintained under article 19 of the Pharmacy Order 2010 (pharmacists other than visiting practitioners), or]
 - (c) another pharmacist.

^{F18}(5)

^{F18}(6)]

Textual Amendments

- F9** S. 70 substituted (1.10.2009) by Health Act 2006 (c. 28), ss. 27(1), 83(7) (as amended by S.I. 2007/3101, regs. 1(2), 103(a)); S.I. 2008/2714, art. 2(a)
- F10** Words in s. 70(1) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), Sch. 2 para. 3(a); S.I. 2022/1023, art. 2
- F11** Words in s. 70(2) substituted (4.11.2011) by The Medicines Act 1968 (Pharmacy) Order 2011 (S.I. 2011/2647), arts. 1, 3(a); and (N.I.) (4.11.2011) by The Medicines Act 1968 (Pharmacy) Order 2011 (S.R. 2011/442), arts. 1, 3(a)
- F12** Words in s. 70(2) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), Sch. 2 para. 3(b)(i); S.I. 2022/1023, art. 2
- F13** Words in s. 70(2)(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. 3(b)(ii); S.I. 2022/1023, art. 2
- F14** Words in s. 70(2)(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. 3(b)(iii); S.I. 2022/1023, art. 2
- F15** S. 70(3)(b) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), Sch. 4 para. 1(3)(a); S.I. 2010/1621, art. 2(1), Sch.

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- F16** Words in s. 70(3)(c) substituted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), art. 1(3), **Sch. 2 para. 3(c)**; S.I. 2022/1023, art. 2
- F17** S. 70(4)(b) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 1(3)(b)**; S.I. 2010/1621, art. 2(1), Sch.
- F18** S. 70(5)(6) omitted (4.11.2011) by virtue of [The Medicines Act 1968 \(Pharmacy\) Order 2011 \(S.I. 2011/2647\)](#), arts. 1, **3(b)**; and (N.I.) (4.11.2011) by virtue of [The Medicines Act 1968 \(Pharmacy\) Order 2011 \(S.R. 2011/442\)](#), arts. 1, **3(b)**

[F19 71 Business carried on by body corporate

- (1) The conditions referred to in section 69(1)(b) of this Act are—
 - [F20(a) that there is a superintendent in relation to the retail pharmacy business in respect of whom the requirements specified in subsection (6) are fulfilled, and]
 - (b) that subsections (2) and (3) of this section are both satisfied as respects each of the premises [F21at or from which] the business is carried on and medicinal products, other than medicinal products on a general sale list, are sold by retail.
- (2) This subsection is satisfied if a responsible pharmacist who satisfies [F22the requirement of subsection (4)] of this section is in charge of [F23the business carried on at or from] the premises mentioned in subsection (1)(b) of this section, so far as concerns—
 - (a) the retail sale at [F24or from] those premises of medicinal products (whether they are on a general sale list or not), and
 - (b) the supply at [F25or from] those premises of such products in circumstances corresponding to retail sale.
- (3) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—
 - (a) the name of the responsible pharmacist for the time being,
 - [F26(b) the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under the Pharmacy (Northern Ireland) Order 1976, and]
 - (c) the fact that he is for the time being in charge of [F27the business carried on at or from] those premises.
- (4) The responsible pharmacist must be—
 - (a) the superintendent mentioned in subsection (1)(a) of this section, or
 - (b) a manager or assistant subject to the directions of the superintendent and who is a pharmacist.

[F28(5)

[F28(5A)

- (6) The requirements referred to in subsection (1)(a) of this section in relation to a superintendent are that—
 - (a) he is a pharmacist,
 - [F29(aa) he is a senior manager of the retail pharmacy business who has the authority to make decisions that affect the running of the retail pharmacy business so far as concerns—

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- (i) the retail sale of medicinal products (whether they are on a general sale list or not), and
 - (ii) the supply of such products in circumstances corresponding to retail sale,
- and]
- (b) a statement in writing signed by him, and signed on behalf of the body corporate, specifying his name ^{F30} ..., has been sent to the registrar ^{F30} ...
- ^{F31}(c)
- ^{F32}(7)
- [^{F33}(7A) For the purposes of subsection (6)(aa), a person is a senior manager of a retail pharmacy business if the person plays a significant role (irrespective of whether other individuals also do so) in—
- (a) the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
 - (b) the actual managing or organising of the whole or a substantial part of those activities.]
- [^{F34}(8) [^{F35}If a person who has been the superintendent in relation to a retail pharmacy business ceases to be the superintendent in relation to the business] (otherwise than by reason of death) the person must notify the registrar in writing of that fact within the period of 28 days beginning with the day on which the person ceases to [^{F36}be the superintendent in relation to the business].]
- ^{F37}(9)

Textual Amendments

- F19** S. 71 substituted (1.10.2009) by Health Act 2006 (c. 28), ss. **28(1)**, 83(7) (as amended by S.I. 2007/3101, regs. 1(2), **103(b)** and S.R. 2008/192, regs. 1(2), **15**); S.I. 2008/2714, **art. 2(a)**
- F20** S. 71(1)(a) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(a)**; S.I. 2022/1023, **art. 2**
- F21** Words in s. 71(1)(b) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 4(a)**; S.I. 2022/1023, art. 2
- F22** Words in s. 71(2) substituted (4.11.2011) by The Medicines Act 1968 (Pharmacy) Order 2011 (S.I. 2011/2647), arts. 1, **4(a)**; and (N.I.) (4.11.2011) by The Medicines Act 1968 (Pharmacy) Order 2011 (S.R. 2011/442), arts. 1, **4(a)**
- F23** Words in s. 71(2) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 4(b)(i)**; S.I. 2022/1023, art. 2
- F24** Words in s. 71(2)(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. 4(b)(ii)**; S.I. 2022/1023, art. 2
- F25** Words in s. 71(2)(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. 4(b)(iii)**; S.I. 2022/1023, art. 2
- F26** S. 71(3)(b) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(4)(a)**; S.I. 2010/1621, art. 2(1), Sch.
- F27** Words in s. 71(3)(c) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 4(c)**; S.I. 2022/1023, art. 2
- F28** S. 71(5)(5A) omitted (4.11.2011) by virtue of The Medicines Act 1968 (Pharmacy) Order 2011 (S.I. 2011/2647), arts. 1, **4(b)**; and (N.I.) (4.11.2011) by virtue of The Medicines Act 1968 (Pharmacy) Order 2011 (S.R. 2011/442), arts. 1, **4(b)**

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- F29** S. 71(6)(aa) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(b)(i)**; S.I. 2022/1023, art. 2
- F30** Words in s. 71(6)(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(1)(b)(ii)**; S.I. 2022/1023, art. 2
- F31** S. 71(6)(c) omitted (1.12.2022) by virtue of The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(b)(iii)**; S.I. 2022/1023, art. 2
- F32** S. 71(7) 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. 5** (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)
- F33** S. 71(7A) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(c)**; S.I. 2022/1023, art. 2
- F34** S. 71(8)(9) inserted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(4)(d)**; S.I. 2010/1621, art. 2(1), Sch.
- F35** Words in s. 71(8) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(d)(i)**; S.I. 2022/1023, art. 2
- F36** Words in s. 71(8) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(d)(ii)**; S.I. 2022/1023, art. 2
- F37** S. 71(9) omitted (1.12.2022) by virtue of The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), arts. 1(3), **6(1)(e)**; S.I. 2022/1023, art. 2

72 Representative of pharmacist in case of death or disability.

(1) The provisions of this section shall have effect where a pharmacist carries on a retail pharmacy business and—

- (a) he dies, or
- (b) he is adjudged bankrupt or enters into a composition or scheme or deed of arrangement with his creditors, or, in Scotland, sequestration of his estate is awarded or he makes a trust deed for behoof of his creditors or a composition contract, or
- (c) [^{F38}he becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to carry on the business], or, in Scotland, a [^{F39}guardian] or judicial factor is appointed for him on the ground that he suffers from mental disorder, or, in Northern Ireland, [^{F40}a controller is appointed in his case under the Mental Health (Northern Ireland) Order 1986],

and a representative of his thereafter carries on his business.

[^{F41}(1A) In subsection (1)(c), the reference to a person who lacks capacity to carry on the business is to a person—

- (a) in respect of whom there is a donee of an enduring power of attorney or lasting power of attorney (within the meaning of the Mental Capacity Act 2005), or
- (b) for whom a deputy is appointed by the Court of Protection,

and in relation to whom the donee or deputy has power for the purposes of this Act.]

[^{F42}(2) The conditions referred to in section 69(1)(c) of this Act are—

- (a) that the name and address of the representative, and the name of the pharmacist whose representative he is, have been notified to the registrar, and
- (b) that subsections (2A) and (2B) of this section are both satisfied as respects each of the premises at [^{F43}or from] which the business is carried on and

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medicinal products, other than medicinal products on a general sale list, are sold by retail.

(2A) This subsection is satisfied if a responsible pharmacist is in charge of [^{F44}the business carried on at or from] the premises mentioned in subsection (2)(b) of this section, so far as concerns—

- (a) the retail sale at [^{F45}or from] those premises of medicinal products (whether they are on a general sale list or not), and
- (b) the supply at [^{F46}or from] those premises of such products in circumstances corresponding to retail sale.

(2B) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—

- (a) the name of the responsible pharmacist for the time being,
- (b) [^{F47}the number of his registration under Part 4 of the Pharmacy Order 2010 or, in relation to Northern Ireland, under the Pharmacy (Northern Ireland) Order 1976, and]
- (c) the fact that he is for the time being in charge of [^{F48}the business carried on at or from] those premises.]

(3) The period referred to in section 69(1)(c) of this Act—

- (a) in the case of the death of a pharmacist, is a period of five years from the date of his death;
- (b) in the case of the bankruptcy or sequestration of the estate of a pharmacist, is a period of three years from the date on which he is adjudged bankrupt or the date of the award of sequestration, as the case may be;
- (c) in the case of a composition or scheme or deed of arrangement, or of a trust deed or composition contract, is a period of three years from the date on which the trustee appointed thereunder becomes entitled to carry on the business; and
- (d) in a case falling within subsection (1)(c) of this section, is a period of three years from the date of the appointment of the [^{F49}deputy], [^{F50}curator bonis,] judicial factor, committee or guardian [^{F51}or from the date of registration of the instrument appointing the donee],

or, in any such case, is such longer period as, on the application of the representative, [^{F52}the relevant disciplinary committee], having regard to all the circumstances of the case, may direct.

(4) In this section “representative”—

- (a) in relation to a pharmacist who has died, means his executor or administrator and, in respect of a period of three months from the date of his death, if he has died leaving no executor who is entitled and willing to carry on the business, includes any person beneficially interested in his estate;
- (b) in a case falling within paragraph (b) of subsection (1) of this section, means the trustee in bankruptcy or the trustee in the sequestration or any trustee appointed under the composition scheme, deed of arrangement, trust deed or composition contract; and
- (c) in a case falling within paragraph (c) of that subsection, means the [^{F53}donee, deputy], [^{F50}curator bonis,] judicial factor, [^{F54}controller] or guardian [^{F55}; and in paragraph (b) above the reference to a trustee appointed under a composition, scheme or deed of arrangement includes a reference to the supervisor of a [^{F56}voluntary arrangement proposed for the purposes of, and

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approved under, Part VIII of the Insolvency Act 1986]^{F57} or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989].]

Textual Amendments

- F38** Words in s. 72(1)(c) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 14\(a\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F39** Words in s. 72(1) substituted (S.) (1.4.2002) by [2000 asp 4, s. 88\(2\), Sch. 5 para. 12\(a\)](#); [S.S.I. 2001/81, art. 3, Sch. 2](#)
- F40** Words in s. 72(1)(c) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\), reg. 1\(2\), Sch. 34 para. 10\(a\)](#) (with [Sch. 32](#))
- F41** S. 72(1A) inserted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 14\(b\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F42** S. 72(2)-(2B) substituted for s. 72(2) (1.10.2009) by [Health Act 2006 \(c. 28\), ss. 29, 83\(7\)](#); [S.I. 2008/2714, art. 2\(a\)](#)
- F43** Words in s. 72(2)(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. 5\(a\)](#); [S.I. 2022/1023, art. 2](#)
- F44** Words in s. 72(2A) substituted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\), art. 1\(3\), Sch. 2 para. 5\(b\)\(i\)](#); [S.I. 2022/1023, art. 2](#)
- F45** Words in s. 72(2A)(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. 5\(b\)\(ii\)](#); [S.I. 2022/1023, art. 2](#)
- F46** Words in s. 72(2A)(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. 5\(b\)\(iii\)](#); [S.I. 2022/1023, art. 2](#)
- F47** S. 72(2B)(b) substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\), art. 1\(5\), Sch. 4 para. 1\(5\)](#); [S.I. 2010/1621, art. 2\(1\), Sch.](#)
- F48** Words in s. 72(2B)(c) substituted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\), art. 1\(3\), Sch. 2 para. 5\(c\)](#); [S.I. 2022/1023, art. 2](#)
- F49** Word in s. 72(3)(d) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 14\(c\)\(i\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F50** Words in s. 72(3)(d)(4)(c) repealed (S.) (1.4.2002) by [2000 asp 4, s. 88\(2\)\(3\), Sch. 5 para. 12\(b\), Sch. 6](#); [S.S.I. 2001/81, art. 3, Sch. 2](#)
- F51** Words in s. 72(3)(d) inserted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 14\(c\)\(ii\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F52** Words in s. 72(3) substituted (coming into force in accordance with [art. 1\(2\)\(3\)](#)) by [Pharmacists and Pharmacy Technicians Order 2007 \(S.I. 2007/289\), art. 1\(2\)\(3\), Sch. 1 para. 2\(9\)\(b\)](#)
- F53** Words in s. 72(4)(c) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 14\(d\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F54** Word in s. 72(4)(c) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\), reg. 1\(2\), Sch. 34 para. 10\(b\)](#) (with [Sch. 32](#))
- F55** Words inserted by [Insolvency Act 1985 \(c. 65, SIF 66\), s. 235, Sch. 8 para. 15, Sch. 9 para. 11\(2\)](#)
- F56** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\), s. 439\(2\), Sch. 14](#)
- F57** Words in s. 72(4) added (N.I.) (1.10.1991) by [S.I. 1989/2405 \(N.I. 19\), art. 381, Sch. 9 Pt. II para. 24](#); [S.R. 1991/411, art. 2](#)

Modifications etc. (not altering text)

- C2** S. 72(3) amendments continued (11.2.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\), art. 1\(2\)\(c\), Sch. 6 para. 1\(2\)\(a\)](#)

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[^{F58}72A **The responsible pharmacist**

[Nothing in this Part is to be taken as requiring there to be a responsible pharmacist in
^{F59}(A1) respect of premises at or from which a retail pharmacy business is carried on at a time when no medicinal products (whether they are on a general sale list or not) are being—
(a) offered or exposed for sale by retail or supply in circumstances corresponding to retail sale at or from the premises, or
(b) assembled, prepared or dispensed at or from the premises with a view to such sale or supply.]

(1) It is the duty of the responsible pharmacist mentioned in sections 70, 71 and 72 of this Act to secure the safe and effective running of the pharmacy [^{F60}business carried on at or from] the premises in question so far as concerns—

- (a) the retail sale at [^{F61}or from] those premises of medicinal products (whether they are on a general sale list or not), and
- (b) the supply at [^{F62}or from] those premises of such products in circumstances corresponding to retail sale.

(2) A person may not be the responsible pharmacist in respect of more than one set of premises at the same time, except in circumstances specified by [^{F63}the General Pharmaceutical Council in rules in relation to premises in Great Britain or the Council of the Pharmaceutical Society of Northern Ireland in regulations in relation to premises in Northern Ireland], and then only if such conditions as may be so specified are complied with.

^{F64}(3)

^{F64}(4)

^{F64}(5)

[^{F65}(6) The General Pharmaceutical Council may make further provision in rules in relation to the responsible pharmacist in respect of premises in Great Britain, and the Council of the Pharmaceutical Society of Northern Ireland may make further provision in regulations in relation to the responsible pharmacist in respect of premises in Northern Ireland.

(6A) In making any such provision, the General Pharmaceutical Council and the Council of the Pharmaceutical Society of Northern Ireland must have regard to the principle that the burdens imposed on businesses by rules or regulations should be the minimum necessary to secure the benefits, considered in general terms, which are expected to result from the rules or regulations.

- (7) The rules and regulations mentioned in subsection (6) may (amongst other things)—
(a) make further provision about the matters mentioned in subsection (1);
(b) make provision about the responsible pharmacist’s absence from the premises.

(7A) If such rules or regulations make provision about the responsible pharmacist’s absence from the premises, they must also provide that the retail sale of medicinal products on a general sale list may continue at or from the premises during any period in which the responsible pharmacist is absent from the premises.]

^{F66}(8)]

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Textual Amendments

- F58** Ss. 72A, 72B inserted (19.7.2006 for specified purposes) by [Health Act 2006 \(c. 28\)](#), **ss. 30(1)**, 83(1) (e)
- F59** S. 72A(A1) inserted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), arts. 1(3), **5(2)**; S.I. 2022/1023, art. 2
- F60** Words in s. 72A(1) substituted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), art. 1(3), **Sch. 2 para. 6(a)**; S.I. 2022/1023, art. 2
- F61** Words in s. 72A(1)(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. 6(b)**; S.I. 2022/1023, art. 2
- F62** Words in s. 72A(1)(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. 6(c)**; S.I. 2022/1023, art. 2
- F63** Words in s. 72A(2) substituted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), arts. 1(3), **5(3)**; S.I. 2022/1023, art. 2
- F64** S. 72A(3)-(5) omitted (1.12.2022) by virtue of [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), arts. 1(3), **5(4)** (with art. 8(2)); S.I. 2022/1023, art. 2
- F65** S. 72A(6)-(7A) substituted for s. 72A(6)(7) (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), arts. 1(3), **5(5)**; S.I. 2022/1023, **art. 2**
- F66** S. 72A(8) omitted (1.12.2022) by virtue of [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), arts. 1(3), **5(6)**; S.I. 2022/1023, art. 2

[^{F67}72AA]The superintendent

It is the duty of the superintendent in relation to a retail pharmacy business to secure that the business is at all times carried on in ways that ensure its safe and effective running so far as concerns—

- (a) the retail sale of medicinal products (whether they are on a general sale list or not), and
- (b) the supply of such products in circumstances corresponding to retail sale.]

Textual Amendments

- F67** S. 72AA inserted (1.12.2022) by [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), arts. 1(3), **6(2)**; S.I. 2022/1023, art. 2

[^{F58}72B] [^{F68}Sections 72A and 72AA: supplementary]

[^{F69}(1) The failure by a person to comply with any requirements of [^{F70}section 72A or 72AA of this Act, or of rules or regulations made under section 72A,] may constitute misconduct for the purposes of section 80 of this Act, article 51(1)(a) of the Pharmacy Order 2010 and Article 20 of the Pharmacy (Northern Ireland) Order 1976 and the relevant disciplinary committee may deal with such a failure accordingly.]

^{F71}(2)

(3) Subsection (4) of this section applies if a person—

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- (a) fails to comply with the requirements of subsection (2) of section 72A of this Act, or of [^{F72}rules or] regulations made under that subsection,
 - (b) fails to comply with any requirements as to absence from the premises contained in [^{F73}rules or] regulations made by virtue of [^{F74}subsection (7)] of that section.
- (4) If this subsection applies, the person in question is not to be considered while the failure continues as being in charge of [^{F75}the business carried on at or from] the premises in question (or in a subsection (3)(a) case at any of them) for the purposes of sections 70 to 72 of this Act.]

Textual Amendments

- F58** Ss. 72A, 72B inserted (19.7.2006 for specified purposes) by Health Act 2006 (c. 28), **ss. 30(1)**, 83(1) (e)
- F68** S. 72B heading substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 1 para. 2**; S.I. 2022/1023, art. 2
- F69** S. 72B(1) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 1(6)**; S.I. 2010/1621, art. 2(1), Sch.
- F70** Words in s. 72B(1) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 1 para. 3(a)**; S.I. 2022/1023, art. 2
- F71** S. 72B(2) omitted (1.12.2022) by virtue of The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 1 para. 3(b)**; S.I. 2022/1023, art. 2
- F72** Words in s. 72B(3)(a) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 1 para. 3(c)(i)**; S.I. 2022/1023, art. 2
- F73** Words in s. 72B(3)(b) inserted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 1 para. 3(c)(ii)**; S.I. 2022/1023, art. 2
- F74** Words in s. 72B(3)(b) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 1 para. 3(c)(ii)**; S.I. 2022/1023, art. 2
- F75** Words in s. 72B(4) substituted (1.12.2022) by The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022 (S.I. 2022/849), art. 1(3), **Sch. 2 para. 7**; S.I. 2022/1023, art. 2

73 Power to extend or modify conditions.

- (1) The ^{F76}... Ministers may by order add to, revoke or vary any of the provisions of sections 70 to 72 of this Act, so as either—
- (a) to modify, or provide new conditions in substitution for, the conditions referred to in any of the paragraphs of section 69(1) of this Act, or
 - (b) for the purposes of any of those paragraphs, to provide alternative conditions compliance with which is to have the like effect as compliance with the conditions referred to in that paragraph.
- (2) Any provision made by an order in accordance with subsection (1) of this section may be made either generally or in relation to any particular circumstances specified in the order.

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- (3) Any order made under this section may direct that subsection (1) or subsection (2) of section 69 of this Act shall have effect subject to such exceptions or modifications as appear to the ^{F77}... Ministers to be necessary or expedient in consequence of the provision made by the order in accordance with subsection (1) of this section.
- (4) Where an order under this section is for the time being in force, any reference to section 69 of this Act in any other enactment as amended by this Act shall be construed as a reference to that section as modified by the order.
- (5) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Textual Amendments

- F76** Word in s. 73(1) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 39\(a\)](#) (with regs. 2(4), 3)
- F77** Word in s. 73(3) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 1, [Sch. 8 para. 39\(b\)](#) (with regs. 2(4), 3)

Changes to legislation:

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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](#)