Draft Order laid before Parliament under section 73(5) of the Medicines Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

PHARMACY

The Medicines Act 1968 (Pharmacy) Order 2011

Made - - - - 2011

Coming into force in accordance with article 1

The Secretary of State and the Minister for Health, Social Services and Public Safety, acting jointly, make the following Order in exercise of powers conferred by section 73(1)(a) and (2) of the Medicines Act 1968(**a**), and now exercisable by them(**b**).

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 this Order.

A draft of this Order has been approved by resolution of each House of Parliament in accordance with section 73(5) of that Act.

Citation, commencement and interpretation

1. This Order may be cited as the Medicines Act 1968 (Pharmacy) Order 2011 and comes into force on the day after the day on which it is made.

2. In this Order, "the Act" means the Medicines Act 1968.

Amendment of section 70 of the Act

3. In section 70 of the Act(**c**) (business carried on by individual pharmacist or by partners)—

(**a**) 1968 c.67; section 73 was amended by paragraph 39 of Schedule 8 to S.I.2006/2407. *See* section 1(1) of that Act for the definition of "the Ministers", which is relevant to the powers being exercised.

(**b**) In the case of the Secretary of State, by virtue of: article 2(1) of, and paragraph 1(1) of the Schedule to, S.I.1999/3142, which transferred certain functions from the Secretaries of State respectively concerned with health in Scotland and in Wales to the Secretary of State concerned with health in England; and paragraph 2 of Schedule 8 to S.I.2006/2407, which had the effect of transferring certain functions of the Secretary of State concerned with health in England to any one of Her Majesty's Principal Secretaries of State (paragraph 2 of Schedule 8 to S.I.2006/2407 also removed "the Agriculture Ministers" from the definition of "the Ministers" in section 1(1) of the Medicines Act 1968). In the case of the Minister for Health, Social Services and Public Safety, by virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c.47). The Department for which the Minister is responsible was renamed by virtue of article 3(6) of S.I. 1999/283 (N.I.1.).

(**c**) Section 70 was substituted by section 28 of the Health Act 2006 (c.28) (as amended by S.I.2007/3101) and was amended by paragraph 1(3)(c) of Schedule 4 to S.I.2010/231, which substituted subsections (5) and (6) of section 70 as substituted by section 28 of the Health Act 2006.

(a) in subsection (2), for "the requirements of subsections (4) and (5)" substitute "the requirement of subsection (4)"; and

(b) omit subsections (5) and (6).

Amendment of section 71 of the Act

4. In section 71 of the Act(**a**) (business carried on by body corporate)—

(a) in subsection (2), for "the requirements of subsections (4) and (5)" substitute "the requirement of subsection (4)"; and

(b) omit subsections (5) and (5A).

Signed by authority of the Secretary of State for Health.

Name
Parliamentary Under-Secretary of State,
Department of Health

Name
Minister for Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the removal of the restrictions, contained in sections 70(5) and 71(5) of the Medicines Act 1968, on certain pharmacists who are entered in Part 1 of in the register established and maintained in relation to Great Britain by the General Pharmaceutical Council under article 19 of the Pharmacy Order 2010 (S.I.2010/231) ("the register") from undertaking the role of a responsible pharmacist in relation to a newly established pharmacy. These are pharmacists who were awarded their pharmacy qualification by a "relevant European State" (i.e. by an EU Member State not including the United Kingdom or by Iceland, Norway, Liechtenstein or Switzerland). A newly established pharmacy is, for these purposes, a pharmacy with premises in Great Britain which have been entered in Part 3 of the register for a period of less than three years.

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(**a**) Section 71 was substituted by section 29 of the Health Act 2006 (c.28) and was amended by paragraph 1(4)(b) of Schedule 4 to S.I.2010/231, which substituted subsections (5) and (5A) of section 71 as substituted by section 29 of the Health Act 2006.

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