STATUTORY INSTRUMENTS

2009 No. 2502

MEDICINES

The Medicines (Pharmacies) (Applications for Registration and Fees – Amendment) Regulations 2009

Made - - - -	*14th September 2009*
Laid before Parliament	*16th September 2009*
Coming into force - -	*5th October 2009*

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

Citation and commencement

1. These Regulations may be cited as the Medicines (Pharmacies) (Applications for Registration and Fees – Amendment) Regulations 2009 and come into force on 5th October 2009.

New regulation 3A of the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973

2. After regulation 3 of the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973(**c**), insert the following regulation—

"Registration of additional premises during an influenza pandemic

3A.—(1) In the circumstances set out in paragraph (2), the registrar may—

(a) accept an application under section 75 of the Act in respect of premises which is not accompanied by all of the particulars specified in the Schedule (but may insist on some of those particulars being provided);

(**a**) 1968 c.67; section 129(5) has been amended by the Health Act 2006, 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 S.I. 1969/388, 1999/3142 and 2006/2407. The expression "prescribed", which is also relevant to the powers being exercised in the making of these Regulations, is defined in section 132 of the 1968 Act (none of the amendments to that section have amended the definition of "prescribed").

(**b**) 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 Article 3(6) of S.I. 1999/283 (N.I.1).

(**c**) S.I. 1973/1822; there are no relevant amending instruments.

(b) determine that the fee otherwise payable in respect of registration of premises under regulation 3(1) is to be waived in whole or in part.

(2) Those circumstances are—

(a) in the case of—

(i) an application, it is made during an outbreak of pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza), or

(ii) a fee, it is in respect of such an application;

(b) for the purposes of mitigating the effects of that outbreak, a person carrying on a retail pharmacy business at premises entered in the register has agreed to enter into arrangements with—

(i) in England, a Primary Care Trust (established under, or continuing in existence by virtue of, section 18 of the National Health Service Act 2006(**a**)),

(ii) in Scotland, a Health Board (constituted under section 2 of the National Health Service (Scotland) Act 1978(**b**)),

(iii) in Wales, a Local Health Board (established under section 11 of the National Health Service (Wales) Act 2006(**c**)), or

(iv) in Northern Ireland, the Regional Health and Social Care Board (established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**d**)),

in order to provide, for a limited period, pharmaceutical services or local pharmaceutical services at other premises which are not registered; and

(c) the application or the fee in respect of the application relate to those other premises.".

Signed by authority of the Secretary of State for Health.

Mike O'Brien
Minister of State,
9th September 2009 Department of Health

Michael McGimpsey
14th September 2009 Minister for Health, Social Services and Public Safety

(**a**) 2006 c. 41.

(**b**) 1978 c.29. Section 2 has been amended by: the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 7, paragraph 1; the National Health Service and Community Care Act 1990 (c.19), section 28, Schedule 9, paragraph 19(1), and Schedule 10, paragraph 1; the National Health Service Reform (Scotland) Act 2004 (asp 7), Schedule 1, paragraph 1(2); the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), Schedule 2, paragraph 2(2); and the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 2(1).

(**c**) 2006 c.42.

(**d**) 2009 c.1 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Medicines (Pharmacies) (Applications for Registration and Fees) Regulations 1973 to allow the registrars of the Royal Pharmaceutical Society of Great Britain and the Pharmaceutical Society of Northern Ireland, who hold registers of pharmacy premises, to accept applications from existing pharmacy businesses for registration of additional pharmacy premises during an outbreak of pandemic influenza without the need to supply all the information usually required to accompany such applications – and to waive all or part of the registration fee.

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