

SCHEDULES

SCHEDULE 7

Section 135(3).

AMENDMENTS OF ENACTMENTS OF PARLIAMENT OF NORTHERN IRELAND

The Pharmacy and Poisons Act (Northern Ireland) 1925 c. 8 (N.I.)

- 1 In section 10(2) for the words " open shop is kept for any of the purposes mentioned in paragraphs (a) and (b) of subsection (1) of section 15 of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 " there shall be substituted the words " a retail pharmacy business is carried on ", for the words " such shop " (twice) and " the shop " there shall be substituted the words " the business ", and for the words " keep open shop for any of the purposes mentioned in paragraphs (a) and (b) of subsection (1) of the said section 15 " there shall be substituted the words " carry on a retail pharmacy business " : and after the said subsection (2) there shall be inserted the following subsection:—

“(3) In subsection (2) of this section the " expression ' retail pharmacy business' has the meaning assigned to it by section 132(1) of the Medicines Act 1968.”
- 2 Sections 17 and 18 shall cease to have effect.
- 3 In section 25 for the word " poisons " there shall be substituted the words " non-medicinal poisons ".
- 4 In section 27(2) for the words from the beginning to the words " such portion " there shall be substituted the following words:—

“The fees paid to the registrar under section 75(1) of the Medicines Act 1968 on the entry of premises in the register required to be kept under that section and the retention or other fees, or any other sums, paid to him under section 76 of that Act shall be paid by him to the Ministry of Health and Social Services. Of the fees so paid to the Ministry of Health and Social Services such portion”;

and after the words "under this Act" there shall be inserted the words " and any expenses attributable to the functions of the registrar under Part IV of the Medicines Act 1968 ".
- 5 In section 30 for the definition of " poison" there shall be substituted the following definition—

“The expression ' non-medicinal poison ' has the meaning assigned to it by section 38(1A) of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.”
- 6 Schedule 3 shall cease to have effect.

Status: This is the original version (as it was originally enacted).

The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945

1945 c. 9 (N.I.)

- 7 Part I shall cease to have effect.
- 8 In section 14(1) the words " if he is a registered person " and the words from " and, if he is a representative " onwards, and in section 14(2) the proviso, shall cease to have effect.
- 9 In section 14(6) for the words ", or in respect of any annual licence under section seventeen of the Act of 1925," there shall be substituted the words " , and in the register of premises required to be kept under section 75 of the Medicines Act 1968, ".
- 10 Sections 15 to 18 shall cease to have effect.
- 11 In section 19 in subsection (1) for the words "carry on the business of " there shall be substituted the words " be registered as a " ; and in that subsection the words " or to be an authorised seller of poisons " and the words from ", or if the owner is a body corporate " to " employee of the body corporate," in subsection (2) in paragraph (a) the words from " or, if the owner " onwards and in paragraph (b) the words from " or, if the owner is a body corporate " to " employee of the body corporate," and subsection (3) shall cease to have effect.
- 12 In section 26A(3) for the words from " those poisons" to " authorised sellers of poisons " in each place where those words occur, there shall be substituted the words " those substances which, where they are non-medicinal poisons, are by virtue of and subject to the provisions of this Act prohibited from being sold except by a person lawfully conducting a retail pharmacy business " and for the words "and those persons who are authorised by the local authority " there shall be substituted the words " or a person whose name is entered in a register kept under this Part of this Act by a local authority (in this Act referred to as a ' local authority's register'). "
- 13 In section 27, in subsection (1) for paragraphs (a) and (b) there shall be substituted the following paragraphs:—
- “(a) for a person to sell any non-medicinal poison which is a substance included in Part I of the Poisons Schedule unless—
- (i) he is a person lawfully conducting a retail pharmacy business ; and
- (ii) the sale is effected on premises which are a registered pharmacy ; and
- (iii) the sale is effected by, or under a personal control of, a pharmacist;
- (b) for a person to sell any non-medicinal poison which is a substance included in Part II of the Poisons Schedule unless—
- (i) he is a person lawfully conducting a retail pharmacy business and the sale is effected on premises which are a registered pharmacy ; or
- (ii) his name is entered in a local authority's register in respect of the premises on which the poison is sold,”
- 14 Section 28 shall cease to have effect.
- 15 In section 30, in subsection (1), for the words from " who, not being entitled to sell poisons included in Part I" to "such poisons on those premises " there shall be substituted the words " as being persons entitled, on premises in respect of which

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- their names are entered in the register, to sell non-medicinal poisons which are substances included in Part II of the Poisons Schedule, and shall enter in the register the name of any person who, having premises in the area of the authority, makes an application to the local authority in the prescribed form to have his name entered in the register in respect of those premises " ; and in subsection (3), for the words from " on which " to " the said Part II " there shall be substituted the words " in respect of which the name of any person is entered in the register ".
- 16 In section 31, before the word "poison" there shall be inserted the word " non-medicinal " .
- 17 In section 32, in subsection (1) and (2), before the word " poison" or " poisons" in each place where it occurs (except as part of the expression "the Poisons Board"), there shall be inserted the word " non-medicinal " ; and in subsection (1) paragraphs (a), (b)(ii) and (i) shall cease to have effect, and, in subsection (3), the references to paragraphs (a) and (i) of subsection (1), shall be omitted.
- 18 In section 33(2) before the word "poison" there shall be inserted the word " non-medicinal " .
- 19 In section 35(3) the words " section four, section five or " shall cease to have effect.
- 20 In section 36 in subsections (2) and (3) for the word " Parts " there shall be substituted the word " Part " and the words " I and " shall cease to have effect, in subsection (2) for the words " registered persons, authorised sellers of poisons " there shall be substituted the words " pharmacists, persons carrying on a retail pharmacy business and " ; and in subsection (3) for the words " premises having an annual licence or registered under section 30 of this Act" there shall be substituted the words " registered pharmacy or any premises in respect of which a person's name is entered in a local authority's register, " and for the word " poisons" there shall be substituted the words " substances included in Part I or Part II of the Poisons Schedule " .
- 21 Section 37 shall cease to have effect.
- 22 In section 38, in subsection (1), the definitions of " authorised seller of poisons ", " poison ", " premises having an annual licence " and "retailing" shall cease to have effect, and the following definitions shall be inserted at the appropriate points in alphabetical order—
- “ person lawfully conducting a retail pharmacy business ' shall be construed in accordance with section 69 of the Medicines Act 1968 ;
- ' pharmacist ' means a person who is, or is deemed to be, a pharmacist for the purposes of any provision of the Medicines Act 1968 ;
- ' registered pharmacy ' has the meaning assigned to it by section 74 of the Medicines Act 1968 ;
- ' retail pharmacy business ' has the meaning assigned to it by section 132(1) of the Medicines Act 1968 ;”
- and at the end of that subsection there shall be inserted the following subsection—
- “(1A) In this Act ' non-medicinal poison' means a substance which is for the time being included in Part I or II of the Poisons Schedule and is neither—
- (a) a medicinal product as defined by section 130 of the Medicines Act 1968, nor
- (b) a substance in relation to which, by virtue of an order under section 104 or section 105 of that Act for the time being in force (and

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whether, in the case of an order under section 104 of that Act, it is referred to in the order as a substance or as an article), the provisions of sections 51 to 54 and sections 69 to 74 of that Act (whether subject to exceptions and modifications or not and with or without other provisions of that Act) have effect as they have effect in relation to medicinal products as so defined.”

- 23 In Schedule 2 in the proviso to paragraph 1, the word " or " at the end of paragraph (a) and paragraphs (b) and (c) shall cease to have effect, and in paragraph 3 after the words " Part II of this Act " there shall be inserted the words " or Part IV of the Medicines Act 1968 ".

The Pharmacy and Poisons Act (Northern Ireland) 1955

1955 c. 31 (N.I.)

- 24 In sections 1 and 3 there shall be made the amendments to sections 26A and 30 respectively of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 set out above.
- 25 Section 2 shall cease to have effect.
- 26 In section 12(1) for paragraphs (a) and (b) there shall be substituted the following words:—

“the registrar shall remove from the register required to be kept under section 75 of the Medicines Act 1968 all premises entered in that register in respect of a business carried on by any body corporate of which that person is a director”.

- 27 Section 14 shall cease to have effect.

The Pharmacy Act (Northern Ireland) 1967

1967 c. 12 (N.I.)

- 28 Section 5 shall cease to have effect.
- 29 In Schedule 1—
- (a) the entries amending sections 17 and 27 of the Pharmacy and Poisons Act (Northern Ireland) 1925 shall cease to have effect;
 - (b) the entry amending the proviso to section 14(2) of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 and the entries amending sections 15, 16, 17 and 18 of, and paragraph 1 of Schedule 2 to, that Act shall cease to have effect;
 - (c) in the entry substituting a new subsection for subsection (1) of section 12 of the Pharmacy and Poisons Act (Northern Ireland) 1955 there shall be made the amendment to the said section set out in paragraph 26 above.

The Increase of Fines Act (Northern Ireland) 1967

1967 c. 29 (N.I.)

- 30 In the Schedule—

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- (a) in the entry relating to section 10(2) of the Pharmacy and Poisons Act (Northern Ireland) 1925, for the words " Keeping open shop " there shall be substituted the words " Carrying on a retail pharmacy business ";
- (b) the entries relating to sections 15(4) and 16(1A) of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 shall cease to have effect.