



Medicines Act 1968

1968 CHAPTER 67

PART IV

PHARMACIES

Provisions as to use of certain titles, descriptions and emblems

78 Restrictions on use of titles, descriptions and emblems

- (1) The provisions of this section shall have effect subject to section 79 of this Act.
- (2) On and after the appointed day no person shall—
 - (a) take or use any of the following titles, that is to say, chemist and druggist, druggist, dispensing chemist, and dispensing druggist, or
 - (b) take or use the title of chemist in connection with the sale of any goods by retail or the supply of any goods in circumstances corresponding to retail sale, unless the conditions specified in the next following subsection are fulfilled.
- (3) Those conditions are—
 - (a) in the case of an individual, that he is a person lawfully conducting a retail pharmacy business (either alone or as a member of a partnership) and that he does not take or use the title in question in connection with any premises at which any goods are sold by retail, or are supplied in circumstances corresponding to retail sale, unless those premises are a registered pharmacy, and
 - (b) in the case of a body corporate, that the body is a person lawfully conducting a retail pharmacy business and that the title in question is not taken or used by that body in connection with any premises at which any goods are sold by retail, or are supplied in circumstances corresponding to retail sale, unless those premises are a registered pharmacy, and that the pharmacist who, in relation to that business, is such a superintendent as is referred to in section 71(1) of this Act is a member of the board of the body corporate.

Status: This is the original version (as it was originally enacted).

- (4) On and after the appointed day no person shall, in connection with a business carried on by him which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, use the description " pharmacy" except in respect of a registered pharmacy or in respect of the pharmaceutical department of a hospital or a health centre.
- (5) On and after the appointed day—
- (a) no person who is not a pharmacist shall take or use any of the following titles, that is to say, pharmaceutical chemist, pharmacist, member of the Pharmaceutical Society, and Fellow of the Pharmaceutical Society, and
 - (b) without prejudice to the preceding paragraph, no person shall take or use any of those titles in connection with a business carried on (whether by him or by some other person) at any premises which consists of or includes the retail sale of any goods, or the supply of any goods in circumstances corresponding to retail sale, unless those premises are a registered pharmacy or a hospital or health centre.
- (6) On and after the appointed day no person shall, in connection with any business, use any title, description or emblem likely to suggest—
- (a) that he possesses any qualification with respect to the sale, manufacture or assembly of medicinal products which he does not in fact possess, or
 - (b) that any person employed in the business possesses any such qualification which that person does not in fact possess.
- (7) For the purposes of the last preceding subsection the use of the description " pharmacy ", in connection with a business carried on at any premises, shall be taken to be likely to suggest that the person carrying on the business (where that person is not a body corporate) is a pharmacist and that any other person, under whose personal control the business (so far as concerns the retail sale of medicinal products or the supply of such products in circumstances corresponding to retail sale) is carried on at those premises, is also a pharmacist.
- (8) Where a person is lawfully conducting a retail pharmacy business as being a representative of a pharmacist in the circumstances specified in section 69(1)(c) of this Act, subsections (5) to (7) of this section shall not have effect so as to prevent the representative from taking or using, in connection with that business, any title, description or emblem which the pharmacist himself could have used in accordance with those subsections.

79 Provision for modifying or extending restrictions under s. 78

- (1) The Health Ministers may by order provide that any of the restrictions imposed by section 78 of this Act shall cease to have effect, or shall have effect subject to such exceptions as may be specified in the order.
- (2) Without prejudice to the preceding subsection, regulations made by the Health Ministers may (in addition to the restrictions for the time being having effect by virtue of section 78 of this Act) impose such further restrictions or other requirements with respect to the use of titles, descriptions and emblems as may be specified in the regulations.
- (3) Without prejudice to the application of section 129(6) of this Act, before making any order or regulations under this section the Health Ministers shall consult the Council.

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

- (4) Regulations made under this section shall be of no effect unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.