

## SCHEDULES

### SCHEDULE 5

Section 135(1).

#### AMENDMENTS OF ENACTMENTS OF PARLIAMENT OF UNITED KINGDOM

##### *The Venereal Disease Act 1917 (c. 21)*

- 1 In the proviso to section 2 (restriction on advertisements relating to treatment for venereal disease), for the words " announcement, recommendation, or holding out" there shall be substituted the words " or announcement ".

##### *The Pharmacy and Poisons Act 1933 (c. 25)*

- 2 In section 17(2), for the words from "those poisons" to " authorised seller 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 and subject to the provisions of this Act prohibited from being sold except by a person lawfully conducting a retail pharmacy business ".

- 3 In section 18, 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 List 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 the supervision of, a pharmacist;

(b) for a person to sell any non-medicinal poison which is a substance included in Part II of the Poisons List 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 list in respect of the premises on which the poison is sold”,

and in paragraph (c), for the words "poison, whether" there shall be substituted the words " non-medicinal poison, whether it is a substance ; and in subsection (2), for the word " poison ", in the first place where it occurs, there shall be substituted the words " non-medicinal poison which is a substance "

- 4 In section 21, 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 their names are entered in the list, to sell non-medicinal poisons which are substances included in Part II of the Poisons List, and shall enter in the list the

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name of any person who, having premises in the area of the authority, makes an application to the local authority in the form prescribed by rules to have his name entered in the list 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 list ".

5 In section 22, before the word " poison " there shall be inserted the word " non-medicinal ".

6 In section 23, in subsections (1) and (2), before the word " poisons " in each place where it occurs (except where the reference is to the " Poisons Board " or " the Poisons List") there shall be inserted the word " non-medicinal ".

7 In section 24, in subsection (2), before the word " poison " there shall be inserted the word " non-medicinal ".

8 In section 25, in subsection (1), for the words " registered pharmacists and authorised sellers of poisons " there shall be substituted the words " pharmacists and persons carrying on a retail pharmacy business " ; in subsection (4), for the words " registered pharmacists and authorised sellers of poisons " there shall be substituted the words " pharmacists and persons carrying on a retail pharmacy business ", for the words " premises which are on the register of premises " there shall be substituted the words " registered pharmacy ", and for the word " poisons ", in the second and fourth places where it occurs, there shall be substituted the word " substances " ; in subsection (5), after the word " steps " there shall be inserted " (a) ", for the words " authorised sellers of poisons " there shall be substituted the words " persons lawfully conducting a retail pharmacy business ", for the word " poisons ", in the second place where it occurs, there shall be substituted the word " substances ", and for the words " for that purpose " there shall be substituted the words—

“(b) to secure compliance with those provisions and rules by persons lawfully conducting a retail pharmacy business, in so far as that business is carried on at premises which are not a registered pharmacy,”

9 In section 29, for the definition of "pharmacist" there shall be substituted the following:—

“‘ person lawfully conducting a retail pharmacy business ’ shall be construed in accordance with section 69 of the Medicines Act 1968 ;

‘ pharmacist ’ has the meaning assigned to it in relation to Great Britain by section 132(1) of the Medicines Act 1968”,

after the definition of "registered dentist" there shall be inserted the words " '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 that Act, " and at the end of section 29 there shall be inserted the following subsection:—

“(2) In this Act ' non-medicinal poison' means a substance which is for the time being included in Part I or Part II of the Poisons List 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 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 77 of that Act (whether subject

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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.”

*The Cancer Act 1939 (c. 13)*

- 10 In section 4, in subsection (4)(a)(v), for the words " authorised sellers of poisons " there shall be substituted the words " persons lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968 ".

*The National Health Service Act 1946 (c. 81)*

- 11 In section 39(2), for the words "authorised sellers of poisons within the meaning of the Pharmacy and Poisons Act 1933 " there shall be substituted the words " persons lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968 ".

*The National Health Service (Scotland) Act 1947 (c. 27)*

- 12 In section 41(2), for the words " authorised sellers of poisons within the meaning of the Pharmacy and Poisons Act 1933 " there shall be substituted the words " persons lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968 ".

*The Purchase Tax Act 1963 (c. 9)*

- 13 In Part II of Schedule 1, in paragraph 5(1)(a)(i) for the words " an authorised seller of poisons" there shall be substituted the words " a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968. "

*The Drugs (Prevention of Misuse) Act 1964 (c. 64)*

- 14 In section 1, in subsection (2), in paragraph (f), for the words " an authorised seller of poisons" there shall be substituted the words " a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968 ", and in paragraph (k), for the words " the said Act of 1955 " there shall be substituted the words " Schedule 3 to the Medicines Act 1968 "; and in subsection (6), for paragraph (a) there shall be substituted the following paragraph:—  
“(a) for the reference in paragraph (j) of subsection (2) to section 89 of the Food and Drugs Act 1955 there shall be substituted a reference to section 27 of the Food and Drugs (Scotland) Act 1956”.

*The Dangerous Drugs Act 1965 (c.15)*

- 15 In section 11, in subsection (2), for the words from "carrying on business " to " authorised seller of poisons " there shall be substituted the words " conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968 ", and for the words " duly registered under Part I" there shall be substituted the words " which are a registered pharmacy as defined by section 74 "; in subsection (3), for the words from " the sale by retail" to the end of the subsection there shall be substituted the words " any contravention of the Pharmacy and Poisons Act 1933 or of the Medicines Act 1968 or any rules, regulations or order made under either of those Acts " ; and in subsection (4), for the words from " subsections (2) and (3)"

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to the end of the subsection there shall be substituted the words " the reference in subsection (2) to the Pharmaceutical Society of Great Britain, of a reference to the Pharmaceutical Society of Northern Ireland, for the reference in subsection (3) to the Pharmacy and Poisons Act 1933, of a reference to the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967, and as if in subsection (2) the reference to a person lawfully conducting a retail pharmacy business included a reference to a person deemed to be a person lawfully conducting such a business by virtue of an order made under paragraph 1 of Schedule 4 to the said Act of 1968 ".

*The Trade Descriptions Act 1968 (c. 29)*

- 16 In section 2, in subsection (5), after the word " section " there shall be inserted " (a) ", and at the end of the subsection there shall be inserted the following paragraph :—
- “(b) where by virtue of any provision made under Part V of the Medicines Act 1968 (or made under any provisions of the said Part V as applied by an order made under section 104 or section 105 of that Act) anything which, in accordance with this Act, constitutes the application of a trade description to goods is subject to any requirements or restrictions imposed by that provision, any particular description specified in that provision, when applied to goods in circumstances to which those requirements or restrictions are applicable, shall be deemed not to be a trade description”.
- 17 In section 22, in subsection (2), after the words " the Food and Drugs Act (Northern Ireland) 1958 " there shall be inserted the words " or the Medicines Act 1968 " ; in paragraph (b) the word " and", where it occurs at the end of that paragraph, shall be omitted ; and at the end of paragraph (c) there shall be inserted the words “and
- (d) in relation to the said Act of 1968, so much of Schedule 3 to that Act as is applicable to the circumstances in which the sample was procured”,
- and at the end of the subsection there shall be inserted the words " or paragraph 27 of Schedule 3 to the said Act of 1968 ".