
STATUTORY INSTRUMENTS

2010 No. 231

The Pharmacy Order 2010

PART 1

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Pharmacy Order 2010.

(2) The following provisions come into force on the day after the day on which this Order is made—

- (a) this article;
- (b) articles 2, 3, 4(1), (2), (3)(b), (5) and (8) and 7 and Schedule 1; and
- (c) articles 65, 66, 69(1) to (4) and 70 and Schedules 5 and 6.

(3) Except as provided for by paragraph (2), the provisions of this Order which confer powers enabling rules or orders to be made, or which enable standards or requirements to be set by the Council, come into force on the making of this Order, but for the purpose only of the exercise of those powers.

(4) Rules under article 7(1) and (4) are not to come into force before the end of the period of two years beginning with the day on which this Order is made.

(5) Except as provided for by paragraphs (2) and (3), this Order comes into force on such day as the Privy Council may by order appoint.

(6) Different days may be appointed by an order under paragraph (5) for different provisions or different purposes.

Commencement Information

- I1** Art. 1 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)
- I2** Art. 1 in force at 11.2.2010 in so far as not already in force, see [art. 1\(2\)\(a\)](#)

Extent

2.—(1) Subject to paragraph (2), this Order extends to England and Wales and Scotland.

(2) The extent of any amendment, revocation, repeal or saving of any enactment set out in Schedules 4 and 6 is the same as that of the enactment amended, revoked, repealed or saved.

Commencement Information

- I3** Art. 2 in force at 10.2.2010 for specified purposes, see [art. 1\(3\)](#)
- I4** Art. 2 in force at 11.2.2010 in so far as not already in force, see [art. 1\(2\)\(b\)](#)

Interpretation

3.—(1) In this Order—

“the 2007 Order” means the Pharmacists and Pharmacy Technicians Order 2007⁽¹⁾;

[^{F1}“adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered pharmacist or registered pharmacy technician;]

“annotation” means an annotation in the Register;

[^{F1}“aptitude test” means an assessment with the aim of determining whether a specified state professional has the knowledge, skills and experience that the Council considers requisite for practising as a registered pharmacist or registered pharmacy technician;]

“assessment team” means an assessment team appointed under rules made under article 55;

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“controlled drugs” has the meaning given in section 2(1)(a) of the Misuse of Drugs Act 1971⁽²⁾ (controlled drugs and their classification);

“the Council” means the General Pharmaceutical Council established by article 4;

[^{F3}“the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before IP completion day;]

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“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽³⁾ (general interpretation);

“enactment” means an enactment contained in, or in an instrument made under—

- (a) an Act of Parliament;
- (b) an Act of the Scottish Parliament; or
- (c) a measure or Act of the National Assembly for Wales;

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“improvement notice” means a notice served on any person under article 13;

“individual assessor” means an individual assessor appointed under rules made under article 55;

“inspector” means an inspector appointed by the Council under article 8(1);

(1) S.I.2007/289; amended by S.I.2007/3101.
(2) 1971 c.38.
(3) 2000 c.7.

“medical device” has the meaning given in regulation 2(2) of the Medical Devices Regulations 2002(4);

“medicinal product” has the same meaning as it has in the Medicines Act 1968 by virtue of section 130 of that Act(5) (meaning of “medicinal product” and related expressions);

“medicinal product on a general sale list” means a medicinal product of a description, or falling within a class, specified in an order which is for the time being in force under section 51 of the Medicines Act 1968 (6)(general sale lists);

[^{F5}“the necessary knowledge of English”—

- (a) in relation to a person registered, or applying to be registered, as a pharmacist means a knowledge of English which is necessary for the safe and effective practice as a pharmacist in Great Britain;
- (b) in relation to a person registered, or applying to be registered, as a pharmacy technician means a knowledge of English which is necessary for the safe and effective practice as a pharmacy technician in Great Britain;]

“the Pharmacy Acts” means the Pharmacy Act 1852(7), the Pharmacy Act 1868(8), the Pharmacy Act 1908(9), the Pharmacy and Poisons Act 1933(10) and the Pharmacy Act 1954(11);

^{F6} ...

“prescribed” means prescribed by rules made by the Council;

[^{F7}“professional traineeship” means a period of professional practice, carried out under supervision, that—

- (a) constitutes a condition for access to the profession of pharmacist or pharmacy technician in the country in which it is carried out; and
- (b) takes place during or after completion of a course of education leading to an educational qualification pursued for the purpose of entry to that profession;]

“the Register” means the register established and maintained under article 19;

“registered pharmacist” means a person who is entered in Part 1 ^{F8}... of the Register;

“registered pharmacy technician” means a person who is entered in Part 2 ^{F9}... of the Register;

“registered pharmacy” means premises that are entered in Part 3 of the Register;

“registrant” means a registered pharmacist or a registered pharmacy technician;

“Registrar”, except where used in the expression “Registrar General”, is to be construed in accordance with article 18(1) and (6);

^{F10} ...

“regulatory body” means a regulatory body which has the function of authorising persons to practise as a member of a health or social care profession;

“relevant European State” means an EEA State or Switzerland;

(4) S.I.2002/618. There are no relevant amendments.

(5) 1968 c.67. Section 130 was amended by section 12(2) of, and paragraph 3 of Schedule 1 to, the Animal Health and Welfare Act 1984 (c.40) and by S.I.1994/3119, 2005/50 and 2006/2407.

(6) See the Medicines (Products other than Veterinary Drugs) (General Sale List) Order 1984 (S.I.1984/769).

(7) 1852 c.56; repealed by the Pharmacy Act 1954 (c.61).

(8) 1868 c.121; repealed by the Pharmacy Act 1954.

(9) 1908 c.55; repealed by the Pharmacy Act 1954.

(10) 1933 c.25; repealed by the Statute Law Revision Act 1950 (c.6), by Schedule 4 to the Pharmacy Act 1954, by Schedule 6 to the Medicines Act 1968 (c.67) and by Schedule 2 to the Poisons Act 1972 (c.66).

(11) 1954 c.61; repealed by S.I.2007/289.

“retail pharmacy business” has the meaning given in section 132 of the Medicines Act 1968⁽¹²⁾ (general interpretation provisions);

“retail sale” is to be construed in accordance with section 131(3) of the Medicines Act 1968⁽¹³⁾ (meaning of “wholesale dealing”, “retail sale” and related expressions);

“the Society” means the Royal Pharmaceutical Society of Great Britain;

[^{F1}“specified state professional” means a person who holds a specified state qualification;]

[^{F1}“specified state qualification” means a qualification in pharmacy or a pharmacy technician qualification awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;]

“statutory committees” means the Committees of the Council listed in article 4(6);

“superintendent pharmacist” means a pharmacist who is a superintendent for the purposes of section 71(1) of the Medicines Act 1968⁽¹⁴⁾ (business carried on by body corporate); and

“supply in circumstances corresponding to retail sale” is to be construed in accordance with section 131(4) of the Medicines Act 1968;

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...

[^{F11}“the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act)].

(2) For the purposes of this Order, a person practises as a pharmacist or a pharmacy technician if, whilst acting in the capacity of or purporting to be a pharmacist or a pharmacy technician, that person undertakes any work or gives any advice in relation to the preparation, assembly, dispensing, sale, supply or use of medicines, the science of medicines, the practice of pharmacy or the provision of healthcare.

(3) For the purposes of articles 34 and 35, “emergency” means an emergency of the type described in subsection (1)(a) of section 19 of the Civil Contingencies Act 2004⁽¹⁵⁾ (meaning of “emergency”), read with subsection (2)(a) and (b) of that section.

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| F1 | Words in art. 3(1) inserted (1.12.2023) by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286) , reg. 1, Sch. 3 para. 78 |
| F2 | Words in art. 3(1) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) , reg. 1(2), Sch. 2 para. 8(b) (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(2)-(7)); 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Words in art. 3(1) substituted (31.12.2020) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) , reg. 1(2), Sch. 2 para. 8(a) (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(2)-(7)); 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Words in art. 3(1) omitted (25.5.2018) by virtue of Data Protection Act 2018 (c. 12) , s. 212(1), Sch. 19 para. 352 (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) |
| F5 | Words in art. 3(1) inserted (4.1.2016) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806) , arts. 1(3), 45 ; S.I. 2015/1451, art. 3(a) |

⁽¹²⁾ 1968 c.67. There are no relevant amendments.

⁽¹³⁾ 1968 c.67. The definition of retail sale was amended by paragraph 138(2) of Schedule 4 to the National Health Service Reorganisation Act 1973 (c.32), by paragraph 30 of Schedule 16 to the National Health Service (Scotland) Act 1978 (c.29) and by paragraphs 43 and 44 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c.43).

⁽¹⁴⁾ Section 71 is substituted by section 28 of the Health Act 2006 (as amended by S.I.2007/3101) from 1 October 2007 (see S.I.2008/2714(C.119)).

⁽¹⁵⁾ 2004 c.36.

- F6** Words in art. 3(1) omitted (26.5.2015) by virtue of The Deregulation Act 2015 (Poisons and Explosives Precursors) (Consequential Amendments, Revocations and Transitional Provisions) Order 2015 (S.I. 2015/968), art. 1(3), **Sch. para. 10(2)**
- F7** Words in art. 3(1) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **30(3)** (with reg. 155)
- F8** Words in art. 3(1) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 2 para. 8(c)** (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(2)-(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in art. 3(1) omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 2 para. 8(d)** (with reg. 12A, Sch. 2 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 10(2)-(7)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in art. 3(1) omitted (24.5.2018) by virtue of The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **17**; S.I. 2018/512, art. 2(1)(b)
- F11** Words in art. 3(1) inserted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 85** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I5** Art. 3 in force at 10.2.2010 for specified purposes, see **art. 1(3)**
- I6** Art. 3 in force at 11.2.2010 in so far as not already in force, see **art. 1(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Pharmacy Order 2010, PART 1.