2012 No. 1916

The Human Medicines Regulations 2012

PART 12

Dealings with medicinal products

CHAPTER 3

Exemptions

Other exemptions

Exemption in cases involving another’s default

244.—(1) Regulation 214(1) does not apply to the sale or supply of a prescription only medicine by a person if the person, having exercised all due diligence, believes on reasonable grounds that the product is not a prescription only medicine.

(2) Regulation 220 does not apply to the sale or supply, or offer for sale or supply of a medicinal product by a person if—

(a) the person, having exercised all due diligence, believes on reasonable grounds that the product is subject to general sale;

(b) that belief is due to the act or default of another person; and

(c) the conditions in regulation 221 are met in relation to the sale or supply, or offer for sale or supply of the product.

Exemption in case of forged prescription

245. Regulation 214(1) does not apply to the sale or supply of a prescription only medicine by a pharmacist in accordance with a forged prescription if the pharmacist, having exercised all due diligence, believes on reasonable grounds that the prescription is genuine.

Exemption where requirements for prescriptions not met

246. Regulation 214(1) does not apply to the sale or supply of a prescription only medicine otherwise than in accordance with a prescription given by an appropriate practitioner if—

(a) the sale or supply is otherwise than in accordance with such a prescription because a condition in regulation 217, 218 or 219 is not met; and

(b) the person selling or supplying the prescription only medicine, having exercised all due diligence, believes on reasonable grounds that the condition is met.
Exemption for supply in the event or anticipation of pandemic disease

247.—(1) Regulations 214(1), 220 and 221 do not apply to the supply of a medicinal product that meets the following conditions.

(2) Condition A is that the supply is made whilst a disease is, or in anticipation of a disease being imminently—
   (a) pandemic; and
   (b) a serious risk, or potentially a serious risk, to human health.

(3) Condition B is that the supply is accordance with a protocol that—
   (a) is approved by the Ministers, an NHS body or the Health Protection Agency;
   (b) specifies the symptoms of and treatment for the disease; and
   (c) contains requirements as to the recording of—
      (i) the name of the person who supplies the product to the person to be treated (“the patient”) or to a person acting on the patient’s behalf, and
      (ii) evidence that the product was supplied to the patient or to a person acting on the patient’s behalf.

Exemption for certain collection and delivery arrangements

248.—(1) Regulations 220 and 221 do not apply to the supply of a medicinal product on premises that are not a registered pharmacy where the supply—
   (a) is in accordance with a prescription issued by a doctor, dentist, nurse independent prescriber, pharmacist independent prescriber or optometrist independent prescriber; and
   (b) forms part of a collection and delivery arrangement used by a person who lawfully conducts a retail pharmacy business.

(2) In this regulation “collection and delivery arrangement” means an arrangement whereby a person may—
   (a) take or send a prescription given by a doctor, dentist, nurse independent prescriber, pharmacist independent prescriber or optometrist independent prescriber to premises other than a registered pharmacy and which are capable of being closed by the occupier to exclude the public; and
   (b) collect or have collected on his or her behalf from such premises a medicinal product prepared or dispensed in accordance with such a prescription at a registered pharmacy by or under the supervision of a pharmacist.