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## STATUTORY INSTRUMENTS

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### 2016 No. 372

#### The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016

#### PART 2

#### Amendments to the Medicines Act 1968

##### Amendment of section 80 of the 1968 Act

**9.**—(1) Section 80 of the 1968 Act<sup>(1)</sup> (power for relevant disciplinary committee to disqualify and direct removal from register) is amended as follows.

(2) In subsection (1)(c)—

- (a) omit “in Great Britain”;
- (b) after “premises at” insert “or from”;
- (c) for “provided for in rules made under” substitute “set under Article 5A(1) of the Pharmacy (Northern Ireland) Order 1976<sup>(2)</sup> or”; and
- (d) after “business at” insert “or from”.

(3) After subsection (1), insert the following subsections—

“(1A) Where—

- (a) a pharmacist or partnership carries on a retail pharmacy business, and
- (b) in respect of premises that are entered in the register as premises at or from which that pharmacist or partnership carries on that business, there is a failure to meet the standards that are set under Article 5A(1) of the Pharmacy (Northern Ireland) Order 1976 or article 7(1) of the Pharmacy Order 2010<sup>(3)</sup> in connection with the carrying on of the business at or from those premises,

then, subject to the following provisions of this Part of this Act, the relevant disciplinary committee, after inquiring into the case, may direct that the pharmacist or partnership is to be disqualified for the purposes of this Part of this Act.

(1B) But, in a case falling within subsection (1)(c) or (1A), the relevant disciplinary committee may only give a direction under the subsection in question if they are satisfied that the body corporate, the pharmacist or the partnership is unfit to carry on a retail pharmacy business safely and effectively, so far as concerns—

- (a) the retail sale of medicinal products (whether they are on a general sale list or not), or
- (b) the supply of such products in circumstances corresponding to retail sale.”.

(4) In subsection (2)—

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<sup>(1)</sup> Section 80 has been amended by [S.I. 2007/289](#) and [2010/231](#).

<sup>(2)</sup> Paragraph 5A is inserted by article 13 of this Order.

<sup>(3)</sup> Article 7(1) is substituted by article 19(2) of this Order.

- (a) for “within the preceding subsection” substitute “within subsection (1) or (1A)”;
- (b) in paragraph (a)—
  - (i) for “that subsection” substitute “the subsection in question”,
  - (ii) after “premises at” insert “or from”, and
  - (iii) after “body corporate” insert “, the pharmacist or the partnership”; and
- (c) in paragraph (b), for “the preceding subsection” substitute “the subsection in question”.
- (5) After subsection (2), insert the following subsection—
 

“(2A) But, in a case falling within subsection (1)(c) or (1A), the relevant disciplinary committee may only direct the registrar under subsection (2)(b) to remove premises from the register if they are satisfied that the body corporate, the pharmacist or the partnership is unfit to carry on a retail pharmacy business safely and effectively at or from those premises, so far as concerns—

  - (a) the retail sale of medicinal products (whether they are on a general sale list or not), or
  - (b) the supply of such products in circumstances corresponding to retail sale.”.
- (6) In subsection (3)—
  - (a) after “subsection (1)” insert “or (1A)”;
  - (b) for “the last preceding subsection”, at each place where it occurs, substitute “subsection (2)”.

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**Commencement Information**

- I1** Art. 9 not in force at made date, see [art. 1\(3\)](#)
- I2** [Art. 9](#) in force at 24.5.2018 for E.W.S. by [S.I. 2018/512](#), [art. 2\(1\)\(a\)\(ii\)\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016, Section 9.