

## SCHEDULE 1

### AMENDMENTS, REPEALS AND REVOCATIONS

## PART 2

### Secondary legislation

#### **Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

**12.** In Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(1) (excepted professions, offices, employments, work and occupations)—

(a) in Part 1 (professions), for paragraph 8 substitute the following paragraphs—

“**8.** Registered pharmacist.

**8A.** Registered pharmacy technician.”; and

(b) in Part 4 (interpretation), after the definition of “registered osteopath” insert the following definitions—

““registered pharmacist” means a person who is registered in the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;

“registered pharmacy technician” means a person who is registered in the register maintained under article 21(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

#### **Amendment of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980**

**13.** In regulation 1 of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(2) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

#### **Amendment of the Medicines (Pharmacy and General Sale – Exemption) Order 1980**

**14.** In regulation 1 of the Medicines (Pharmacy and General Sale – Exemption) Order 1980(3) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

#### **Amendment of the Pharmaceutical Qualifications (EEC Recognition) Order 1987**

**15.** Omit article 2 of the Pharmaceutical Qualifications (EEC Recognition) Order 1987(4) (amendment of the Pharmacy Act 1954).

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(1) S.I. 1975/1023; a relevant amendment was made by the Osteopaths Act 1993 (c.21), section 39(4).

(2) S.I. 1980/1923; the definition of “relevant register” was inserted by S.I. 2003/698.

(3) S.I. 1980/1924; the definition of “relevant register” was inserted by S.I. 2004/1.

(4) S.I. 1987/2202.

### **Amendment of the National Health Service (Pharmaceutical Services) Regulations 1992**

**16.** In the National Health Service (Pharmaceutical Services) Regulations 1992(5)—

(a) in regulation 2 (interpretation), in paragraph (1)—

(i) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 (the registers and registration)” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”, and

(ii) in the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—

“(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,”; and

(b) in regulation 4 (pharmaceutical lists), in paragraph (5), for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland,”.

### **Amendment of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994**

**17.** In regulation 1 of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994(6) (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

### **Amendment of the National Health Service (Pharmaceutical Services) (Scotland) 1995**

**18.** In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(7)—

(a) in regulation 2 (interpretation), in paragraph (1)—

(i) in the definition of “supplementary prescriber”, for paragraph (b) substitute the following paragraph—

“(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,”; and

(b) in regulation 5 (pharmaceutical lists), in paragraph (13), for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland,”.

### **Revocation of the Pharmaceutical Qualifications (Recognition) Regulations 1996**

**19.** The Pharmaceutical Qualifications (Recognition) Regulations 1996(8) are hereby revoked.

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(5) S.I. 1992/662. These Regulations have been revoked in relation to England and now only apply in relation to Wales: *see* S.I. 2005/641. Relevant amendments have been made by S.I. 2005/916 and 1013.

(6) S.I. 1994/3144; the definition of “relevant register” was inserted by S.I. 2005/768.

(7) S.I. 1995/414; the relevant amending instruments are S.I. 1996/840 and 1504, 1997/696, and 1998/2224 and 3031, and S.S.I. 1999/57, 2001/70, 2002/111 and 153, 2003/296, 2004/39 and 212, 2005/327 and 618 and 2006/143 and 245.

(8) S.I. 1996/1405.

### **Amendment of the Prescription Only Medicines (Human Use) Order 1997**

**20.** In article 1 of the Prescription Only Medicines (Human Use) Order 1997<sup>(9)</sup> (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

### **Amendment of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999**

**21.** In the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999<sup>(10)</sup> (functions transferred from the Lord Advocate to the Secretary of State), omit “Pharmacy Act 1954 (c.61), Schedule 1C, paragraph 3;”.

### **Amendment of the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999**

**22.** In Schedule 1 to the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999<sup>(11)</sup> (functions exercisable in or as regards Scotland: general), omit paragraph 2 (Pharmacy Act 1954 (c.61)).

### **Amendment of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999**

**23.** In Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999<sup>(12)</sup> (enactments conferring functions transferred to the Scottish Ministers)—

- (a) in column 1 (enactment), omit “The Pharmacy Act 1954 (c.61), Schedule 1C, paragraph 3(4)(b)”;
- and
- (b) in column 2 (restrictions and requirements), opposite the entry to be omitted by virtue of sub-paragraph (a), omit “Functions of the Secretary of State only.”.

### **Amendment of the National Health Service (Charges for Drugs and Appliances) Regulations 2000**

**24.** In regulation 2 of the National Health Service (Charges for Drugs and Appliances) Regulations 2000<sup>(13)</sup> (interpretation)—

- (a) in sub-paragraph (a) of the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (b) in sub-paragraph (a) of the definition of “supplementary prescriber” in paragraph (1), for paragraph (ii) substitute the following paragraph—
  - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

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<sup>(9)</sup> S.I. 1997/1830; the definition of “relevant register” was inserted by S.I. 2003/696 and has been amended by S.I. 2004/1189 and 1771 and 2005/765.

<sup>(10)</sup> S.I. 1999/678; a relevant amendment was made by S.I. 2002/3135.

<sup>(11)</sup> S.I. 1999/1748; there are no relevant amending instruments.

<sup>(12)</sup> S.I. 1999/1750; there are no relevant amending instruments.

<sup>(13)</sup> S.I. 2000/620; the definition of “supplementary prescriber” is as substituted by S.I. 2005/578.

### **Amendment of the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001**

25. In regulation 2 of the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(14) (interpretation), in the definition of “supplementary prescriber” in paragraph (1), for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007; or”.

### **Amendment of the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001**

26. In the Adults with Incapacity (Countersignatories of Applications for Authority to Intromit) (Scotland) Regulations 2001(15)—

- (a) in regulation 2 (interpretation), for the definition of “registered pharmaceutical chemist” substitute the following definition—
- ““registered pharmacist” means a person registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”; and
- (b) in the Schedule (classes of persons who may countersign an application under section 26 of the Act), for “Registered pharmaceutical chemists” substitute “Registered pharmacists”.

### **Amendment of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001**

27. In regulation 2 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(16) (interpretation), in the definition of “supplementary prescriber” in paragraph (1), for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

### **Amendment of the Council for the Regulation of Health Care Professionals (Appointment etc.) Regulations 2002**

28. In regulation 4 of the Council for the Regulation of Health Care Professionals (Appointment etc.) Regulations 2002(17) (conditions of appointment applicable to certain appointments), in paragraph (2)(b), for “the Pharmacy Act 1954” substitute “the Pharmacists and Pharmacy Technicians Order 2007”.

### **Amendment of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002**

29. In Part 1 of Schedule 2 to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(18) (regulated professions – professions regulated by law or public authority)—

- (a) in the column headed “Profession”, after “licensed lighterman” insert “pharmacy technician”; and

(14) S.I. 2001/1358; the definition of “supplementary prescriber” is as substituted by S.I. 2004/1771.

(15) S.S.I. 2001/78; amended by S.S.I. 2005/445 and 631.

(16) S.S.I. 2001/430; the relevant amending instruments are S.S.I. 2003/295, 2004/212, 2005/617 and 2006/246.

(17) S.I. 2002/2376.

(18) S.I. 2002/2934; the relevant amending instruments are S.I. 2004/1771 and 2033.

- (b) in the column headed “Designated Authority”, opposite “pharmacy technician” in the column headed “Profession” insert “Royal Pharmaceutical Society of Great Britain”.

#### **Amendment of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002**

**30.** In regulation 3 of the Adults with Incapacity (Ethics Committee) (Scotland) Regulations 2002<sup>(19)</sup> (membership of the Committee) for “registered pharmaceutical chemist defined by section 24(1) of the Pharmacy Act 1954” substitute “pharmacist registered in Part 1 of one of the registers maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

#### **Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**

**31.** In Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003<sup>(20)</sup> (excepted professions, offices, employments, and occupations)—

- (a) in Part 1 (professions), for paragraph 8 substitute the following paragraph—

“8. Registered pharmacist.”; and

- (b) in Part 4 (interpretation), after the definition of “registered osteopath” insert the following definition—

““registered pharmacist” means a person who is registered in the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;”.

#### **Amendment of the European Qualifications (Health Care Professions) Regulations 2003**

**32.** In the European Qualifications (Health Care Professions) Regulations 2003<sup>(21)</sup>—

- (a) in regulation 1 (citation, commencement, interpretation and extent), in paragraph (2), omit the definition of “the Pharmacy Act”; and
- (b) omit regulation 8 (Pharmacy Act) and Schedule 3 (pharmacists).

#### **Amendment of the Medicines (Child Safety) Regulations 2003**

**33.** In regulation 1 of the Medicines (Child Safety) Regulations 2003<sup>(22)</sup> (citation, commencement and interpretation), in the definition of “relevant register” in paragraph (2), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

#### **Amendment of the National Health Service (General Medical Services Contracts) Regulations 2004**

**34.** In regulation 2 of the National Health Service (General Medical Services Contracts) Regulations 2004<sup>(23)</sup> (interpretation), in paragraph (1)—

- (a) in the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”;

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<sup>(19)</sup> S.S.I. 2002/190; the relevant amending instrument is S.I. 2003/1590.

<sup>(20)</sup> S.S.I. 2003/231; there are no relevant amending instruments.

<sup>(21)</sup> S.I. 2003/3148.

<sup>(22)</sup> S.I. 2003/2317; the definition of “relevant register” has been amended by S.I. 2004/1771 and 2005/1520.

<sup>(23)</sup> S.I. 2004/291; relevant amendments were made by S.I. 2005/893 and 2006/1501.

- (b) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (c) in sub-paragraph (b) of the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—
  - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”.

#### **Amendment of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

**35.** In regulation 2 of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004<sup>(24)</sup> (interpretation), in paragraph (1)—

- (a) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (b) in sub-paragraph (b) of the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—
  - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007, or”.

#### **Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2004**

**36.** In regulation 2 of the National Health Service (Personal Medical Services Agreements) Regulations 2004<sup>(25)</sup> (interpretation), in paragraph (1)—

- (a) in the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”;
- (b) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 (the registers and registration)” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (c) in sub-paragraph (b) of the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—
  - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”.

#### **Amendment of the Medicines for Human Use (Clinical Trials) Regulations 2004**

**37.** In regulation 2 of the Medicines for Human Use (Clinical Trials) Regulations 2004<sup>(26)</sup> (interpretation), in paragraph (1), for sub-paragraph (a) of the definition of “pharmacist” substitute the following sub-paragraph—

- “(a) in relation to Great Britain, a person registered in Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007, and”.

<sup>(24)</sup> S.I. 2004/478; there are no relevant amending instruments.

<sup>(25)</sup> S.I. 2004/627; relevant amendments were made by S.I. 2005/893 and 2006/1501.

<sup>(26)</sup> S.I. 2004/1031; there are no relevant amending instruments.

### **Amendment of the European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004**

**38.** Omit regulation 13 of the European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004<sup>(27)</sup> (Pharmacy Act 1954).

### **Amendment of the Cosmetic Products (Safety) Regulations 2004**

**39.** In regulation 9 of the Cosmetic Products (Safety) Regulations 2004<sup>(28)</sup> (product information), in paragraph (5), for sub-paragraph (a) substitute the following sub-paragraph—

- “(a) subject to paragraph (6) below, a person who is “appropriately qualified” within the meaning of article 11(1)(a)(i) of the Pharmacists and Pharmacy Technicians Order 2007 or any other person who has the right, granted by a competent authority of a Member State, to take up and pursue the activities of a pharmacist;”.

### **Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

**40.** In regulation 2 of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004<sup>(29)</sup> (interpretation)—

- (a) in the definition of “relevant register”, for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (b) for sub-paragraph (b) of the definition of “supplementary prescriber” substitute the following sub-paragraph—
- “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”.

### **Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004**

**41.** In regulation 2 of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004<sup>(30)</sup> (interpretation)—

- (a) in the definition of “relevant register”, for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”; and
- (b) for sub-paragraph (b) of the definition of “supplementary prescriber” substitute the following sub-paragraph—
- “(b) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”.

### **Amendment of the National Health Service (Pharmaceutical Services) Regulations 2005**

**42.** In the National Health Service (Pharmaceutical Services) Regulations 2005<sup>(31)</sup>—

- (a) in regulation 2 (interpretation), in paragraph (1)—

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(27) S.I. 2004/1947.

(28) S.I. 2004/2152; there are no relevant amending instruments.

(29) S.S.I. 2004/115. Relevant amendments were made by S.S.I. 2004/215, 2005/337 and 2006/247.

(30) S.S.I. 2004/116. Relevant amendments were made by S.S.I. 2004/217, 2005/336 and 2006/248.

(31) S.I. 2005/641. Relevant amendments were made by S.I. 2006/913.

- (i) in the definition of “pharmacist independent prescriber”, for “the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”,
- (ii) in the definition of “relevant register” for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954 (the registers and registration)” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”, and
- (iii) in the definition of “supplementary prescriber”, for paragraph (ii) substitute the following paragraph—
  - “(ii) Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007.”;
- (b) in regulation 11 (refusal: general provisions), in paragraph (1), for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland.”; and
- (c) in paragraph (6) of regulation 54 (temporary provision of services during a period of suspension) for “to have his name registered under the Pharmacy Act 1954 by virtue of section 4A (qualification by appropriate European diploma for registration) of that Act” substitute “as a pharmacist in an EEA State other than the United Kingdom, or in Switzerland.”.

#### **Amendment of the Medicines for Human Use (Prescribing) Order 2005**

**43.** In article 1 of the Medicines for Human Use (Prescribing) Order 2005<sup>(32)</sup> (citation, commencement, extent and interpretation), in the definition of “relevant register” in paragraph (4), for “the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954” substitute “Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

#### **Amendment of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005**

**44.** In article 5 of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005<sup>(33)</sup> (disclosure for medical purposes), in paragraph (3)(c), for “a registered pharmaceutical chemist within the meaning of section 24(1) of the Pharmacy Act 1954” substitute “a pharmacist or pharmacy technician registered in Part 1 of one of the registers maintained under articles 10(1) and 21(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

#### **Amendment of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005**

**45.** In article 5 of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005<sup>(34)</sup> (disclosure for medical purposes), in paragraph (2)(b)(iii), for “a registered pharmaceutical chemist within the meaning of section 24(1) of the Pharmacy Act 1954” substitute “a pharmacist registered in Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.

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<sup>(32)</sup> S.I. 2005/765.

<sup>(33)</sup> S.I. 2005/916.

<sup>(34)</sup> S.S.I. 2005/125.



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**Draft Legislation:** *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Pharmacists and Pharmacy Technicians Order 2007 No. 289*