
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 1

General provisions

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016.

(2) This Part comes into force on the twenty-eighth day after the day on which this Order is made.

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

(4) Different days may be appointed under paragraph (3) for different purposes.

(5) In this Order—

“the 1968 Act” means the Medicines Act 1968⁽¹⁾;

“the 1976 Order” means the Pharmacy (Northern Ireland) Order 1976⁽²⁾; and

“the 2010 Order” means the Pharmacy Order 2010⁽³⁾.

Extent

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

(2) Part 3 extends only to Northern Ireland and Part 4 extends only to England and Wales and Scotland.

Transitional, transitory and saving provisions

3.—(1) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

(2) The power to make an order under paragraph (1) may be exercised—

(a) so as to make different provision—

(i) for different areas,

(ii) with respect to different cases or different classes of cases, and

(iii) in respect of the same case or class of case for different purposes;

⁽¹⁾ 1968 c. 67.

⁽²⁾ S.I. 1976/1213 (N.I. 22).

⁽³⁾ S.I. 2010/231.

- (b) in relation to all cases to which the power extends or in relation to those cases subject to specified exceptions; and
- (c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.

Privy Council procedures and legislative procedures

4.—(1) Any power vested in the Privy Council to make an order under this Part may be exercised by any two or more members of the Privy Council.

(2) Any power of the Privy Council to make an order under this Part is exercisable by statutory instrument, and for the purposes of section 1 of the Statutory Instruments Act 1946⁽⁴⁾ (definition of “Statutory Instrument”), any power of the Privy Council to make an order under this Part is to be taken to be conferred by an Act of Parliament.

(3) Before making an order under this Part that includes measures relating to the regulation of pharmacy technicians, the Privy Council must consult the Scottish Ministers.

(4) An order made (wholly or partly) under article 3(1) is subject to annulment by resolution of either House of Parliament.

(5) If an order of the description given in paragraph (4) includes measures relating to the regulation of pharmacy technicians in Scotland—

- (a) that order is in addition subject to the negative procedure in the Scottish Parliament; and
- (b) sections 28 and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010⁽⁵⁾ (negative procedure etc.) apply in relation to the order as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) that is subject to the negative procedure, but as if references to a Scottish statutory instrument were references to a statutory instrument.

(6) Before making an order under article 1(3) that commences—

- (a) an amendment of the 1968 Act as it applies in Northern Ireland; or
- (b) a provision of Part 3,

the Privy Council must obtain the agreement of the Minister for Health, Social Services and Public Safety to the making of the order.

(7) Any act of the Privy Council under this Part is sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(8) Where an order of the Privy Council under this Part is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that is evidence and in Scotland sufficient evidence of—

- (a) the fact that the order was duly made; and
- (b) the order’s terms.

(4) 1946 c. 36. Section 1(1A) was inserted by the Government of Wales Act 1998 (c. 38), Schedule 12, paragraph 2, and substituted by the Government of Wales Act 2006 (c. 32), Schedule 10, paragraph 2.

(5) 2010 asp 10.