

# HEALTH ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3 Chapter 2

#### Medicines and Pharmacies

##### *Sections 27 to 30: Pharmacy premises*

133. Under section 75 of the Medicines Act, a retail pharmacy must be registered. The register is administered by a registrar appointed by the Royal Pharmaceutical Society of Great Britain (or, in Northern Ireland, the Pharmaceutical Society of Northern Ireland). The applicant for registration must be a person “lawfully conducting a retail pharmacy business”. In addition, section 52 of the Medicines Act requires that a medicine, other than a general sale list medicine, must be sold or supplied by such a person. Sections 69 to 72 of the Medicines Act specify the conditions which must be complied with if a person is to be considered to be lawfully conducting the business. Section 70 specifies conditions for individual pharmacists or partners. Section 71 specifies those for corporate bodies. Section 72 specifies conditions that apply where a pharmacist carrying on a retail pharmacy business dies or is otherwise prevented from carrying on his business (e.g. if he is adjudged bankrupt) and a representative carries on his business.
134. Under the existing provisions, at each pharmacy premises the business of retail sale of medicines (whether general sale list medicines or not) or the supply of such medicines in circumstances corresponding to retail sale (e.g. the supply of medicines in response to NHS prescriptions) must at all times be under the personal control of a pharmacist.
135. *Sections 27 to 30* amend these provisions; in particular, to remove the requirement for personal control and replace this with a requirement that for each pharmacy premises, there must be a “responsible pharmacist” in charge of the business of retail sale or supply of medicines.