



# Health Act 2006

## 2006 CHAPTER 28

### PART 3

#### DRUGS, MEDICINES AND PHARMACIES

### CHAPTER 2

#### MEDICINES AND PHARMACIES

## **28 Control of pharmacy premises: bodies corporate**

- (1) For section 71 of the Medicines Act 1968 (pharmacy business carried on by body corporate) substitute—

### **“71 Business carried on by body corporate**

- (1) The conditions referred to in section 69(1)(b) of this Act are—
- (a) that the retail pharmacy business, so far as concerns the keeping, preparing and dispensing of medicinal products other than medicinal products on a general sale list, is under the management of a superintendent in respect of whom the requirements specified in subsection (6) of this section are fulfilled, and
  - (b) that subsections (2) and (3) of this section are both satisfied as respects each of the premises where the business is carried on and medicinal products, other than medicinal products on a general sale list, are sold by retail.
- (2) This subsection is satisfied if a responsible pharmacist who satisfies the requirements of subsections (4) and (5) of this section is in charge of the business at the premises mentioned in subsection (1)(b) of this section, so far as concerns—
- (a) the retail sale at those premises of medicinal products (whether they are on a general sale list or not), and

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Section 28. (See end of Document for details)*

- (b) the supply at those premises of such products in circumstances corresponding to retail sale.
- (3) This subsection is satisfied if a notice is conspicuously displayed at those premises stating—
- (a) the name of the responsible pharmacist for the time being,
  - (b) the number of his registration under the Pharmacy Act 1954 or (in relation to Northern Ireland) the Pharmacy (Northern Ireland) Order 1976, and
  - (c) the fact that he is for the time being in charge of the business at those premises.
- (4) The responsible pharmacist must be—
- (a) the superintendent mentioned in subsection (1)(a) of this section, or
  - (b) a manager or assistant subject to the directions of the superintendent and who is a pharmacist.
- (5) In relation to premises in Great Britain that have been registered pharmacies for less than three years, the responsible pharmacist may not be a person who is a pharmacist by virtue of section 4A of the Pharmacy Act 1954 (qualification by European diploma) or any corresponding provision applying to Northern Ireland.
- (6) The requirements referred to in subsection (1)(a) of this section in relation to a superintendent are that—
- (a) he is a pharmacist,
  - (b) a statement in writing signed by him, and signed on behalf of the body corporate, specifying his name and stating whether he is a member of the board of that body or not, has been sent to the registrar, and
  - (c) he does not act in a similar capacity for any other body corporate.
- [<sup>F1</sup>(7) In subsection (6)(a) “pharmacist” does not include a person registered in Part 3 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 (visiting pharmacists from relevant European States) [<sup>F2</sup>or a person registered in the register of visiting pharmaceutical chemists from a relevant European State maintained under Article 9 of the Pharmacy (Northern Ireland) Order 1976.].”]
- (2) In section 124 of the Medicines Act 1968 (c. 67) (offences by bodies corporate), in subsection (2)(b), for “subsection (1)(a)” substitute “ subsection (4)(b) ”.

#### Textual Amendments

- F1** Words in s. 28(1) added (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **103(b)**
- F2** Words in s. 28(1) inserted (22.5.2008) by [The European Qualifications \(Pharmacy\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/192\)](#), regs. 1(2), **15**

#### Commencement Information

- I1** S. 28 in force at 1.10.2009 by [S.I. 2008/2714](#), **art. 2(a)**

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 2006, Section 28.