



# Health Act 2006

## 2006 CHAPTER 28

### PART 3

#### DRUGS, MEDICINES AND PHARMACIES

### CHAPTER 2

#### MEDICINES AND PHARMACIES

### 30 The responsible pharmacist

(1) After section 72 of the Medicines Act 1968 (c. 67) insert—

**“72A The responsible pharmacist**

- (1) It is the duty of the responsible pharmacist mentioned in sections 70, 71 and 72 of this Act to secure the safe and effective running of the pharmacy business at the premises in question 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
  - (b) the supply at those premises of such products in circumstances corresponding to retail sale.
- (2) A person may not be the responsible pharmacist in respect of more than one set of premises at the same time, except in circumstances specified by the Health Ministers in regulations, and then only if such conditions as may be so specified are complied with.
- (3) The responsible pharmacist must establish (if they are not already established), maintain and keep under review procedures designed to secure the safe and effective running of the business as mentioned in subsection (1) of this section.

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*Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Section 30. (See end of Document for details)*

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- (4) The responsible pharmacist must make a record (which must be available at the premises) of—
  - (a) who the responsible pharmacist is in relation to the premises on any day and at any time, and
  - (b) such other matters as the Health Ministers specify in regulations.
- (5) It is the duty of the person carrying on the business to secure that—
  - (a) the record is properly maintained, and
  - (b) it is preserved for at least as long as is specified in regulations made by the Health Ministers.
- (6) The Health Ministers may make further provision in regulations in relation to the responsible pharmacist.
- (7) The regulations may, in particular, make further provision about the matters mentioned in subsections (1) to (4) of this section, and make provision about—
  - (a) the qualifications and experience which a person must have if he is to be a responsible pharmacist,
  - (b) the responsible pharmacist's absence from the premises,
  - (c) the supervision by the responsible pharmacist, when he is not present on the premises, of relevant activities there,
  - (d) circumstances in which the responsible pharmacist may supervise relevant activities at a pharmacy of which he is not the responsible pharmacist,
  - (e) the form in which the procedures referred to in subsection (3) of this section are to be recorded and matters which must be covered by them,
  - (f) the form in which the record referred to in subsection (4) of this section is to be kept and particulars which must be included in it.
- (8) In subsection (7)(c) and (d), “relevant activities” means things mentioned in section 10 and transactions mentioned in section 52(1)(c) of this Act.

### **72B Section 72A: supplementary**

- (1) The failure by a person to comply with any requirements of section 72A of this Act, or of regulations made under that section, may constitute misconduct for the purposes of section 80 of this Act, section 8 of the Pharmacy Act 1954 and Article 20 of the Pharmacy (Northern Ireland) Order 1976; and the Statutory Committee may deal with such a failure accordingly.
- (2) A person who does not have the qualifications and experience required by regulations made by virtue of section 72A(7)(a) of this Act is not to be considered as a responsible pharmacist for the purposes of sections 70 to 72 of this Act.
- (3) Subsection (4) of this section applies if a person—
  - (a) fails to comply with the requirements of subsection (2) of section 72A of this Act, or of regulations made under that subsection,
  - (b) fails to comply with any requirements as to absence from the premises contained in regulations made by virtue of subsection (7)(b) of that section.

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(4) If this subsection applies, the person in question is not to be considered while the failure continues as being in charge of the business at the premises in question (or in a subsection (3)(a) case at any of them) for the purposes of sections 70 to 72 of this Act.”

(2) In section 77 of the Medicines Act 1968 (c. 67) (annual return of premises to registrar), omit paragraph (b) and the “and” immediately preceding it.

<sup>F1</sup>(3) .....

**Textual Amendments**

**F1** S. 30(3) omitted (1.12.2022) by virtue of [The Pharmacy \(Responsible Pharmacists, Superintendent Pharmacists etc.\) Order 2022 \(S.I. 2022/849\)](#), art. 1(3), **Sch. 1 para. 10**; S.I. 2022/1023, art. 2

**Commencement Information**

**I1** S. 30 in force for certain purposes at Royal Assent, see [s. 83](#)

**I2** S. 30 in force at 1.10.2009 in so far as not already in force by [S.I. 2008/2714](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 2006, Section 30.