

SCHEDULE 1

Article 67

AMENDMENTS, REPEALS AND REVOCATIONS

PART 1

Primary legislation

Repeal of the Pharmacy Act 1954

1. The Pharmacy Act 1954⁽¹⁾ is repealed.

Amendment of the Medicines Act 1968

- 2.—(1) The Medicines Act 1968⁽²⁾ is amended as follows.

(2) In section 40⁽³⁾ (medicated animal feeding stuffs), in subsection (12), for the definition of “the registrar” substitute the following definition—

““the registrar” means the person appointed under article 9(1) of the Pharmacists and Pharmacy Technicians Order 2007 as Registrar for the purposes of that Order.”

(3) In section 57⁽⁴⁾ (power to extend or modify exemptions), in subsection (2D), for the definition of “the registrar” substitute the following definition—

““the registrar” means the person appointed under article 9(1) of the Pharmacists and Pharmacy Technicians Order 2007 as Registrar for the purposes of that Order.”

- (4) In section 69⁽⁵⁾ (general provisions for Part 4), in subsection (3)—

(a) in the definition of “the registrar”, for “appointed under section 1 of the Pharmacy Act 1954 as registrar for the purposes of that Act,” substitute “appointed under article 9(1) of the Pharmacists and Pharmacy Technicians Order 2007 as Registrar for the purposes of that Order,”;

- (b) after the definition of “the registrar” insert the following definitions—

““the relevant disciplinary committee” means—

- (a) in relation to Great Britain, the Disciplinary Committee established under article 7(1)(b) of the Pharmacists and Pharmacy Technicians Order 2007; and
- (b) in relation to Northern Ireland, the Statutory Committee appointed under Article 19 of the Pharmacy (Northern Ireland) Order 1976⁽⁶⁾;

“relevant European State” means either an EEA State other than the United Kingdom or Switzerland.”; and

- (c) omit the definition of “the Statutory Committee”.

(5) In section 70⁽⁷⁾ (business carried on by individual pharmacist or by partners), as it has effect before its substitution by section 27 of the Health Act 2006—

(1) 1954 c.61.

(2) 1968 c.67.

(3) Section 40 was substituted by the Animal Health and Welfare Act 1984 (c.40), section 13(1).

(4) Section 57(2D) was inserted by the Animal Health and Welfare Act 1984, section 14.

(5) Section 69(3) has been amended by the Statute Law Repeals Act 1993 (c.50), Schedule 1, Part 12, and by S.I. 1976/1213.

(6) S.I. 1976/1212 (N.I. 22).

(7) In section 70, subsection (1) has been amended by S.I. 1987/2202 and subsection (3) by S.I. 1976/1213, and is to be substituted by section 27 of the Health Act 2006 (c.28) on a date to be appointed.

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- (a) in subsection (1) for “section 4A of the Pharmacy Act 1954 (qualification by European diploma), or any corresponding provision applying to Northern Ireland,” substitute “a qualification in pharmacy awarded in a relevant European State,”; and
 - (b) in subsection (3), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”.
- (6) In section 70, as it has effect after its substitution by section 27 of the Health Act 2006—
- (a) in subsection (3)(b), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”; and
 - (b) in subsection (5) for “section 4A of the Pharmacy Act 1954 (qualification by European diploma), or any corresponding provision applying to Northern Ireland” substitute “a qualification in pharmacy awarded in a relevant European State”.
- (7) In section 71(8) (bodies corporate) as it has effect before its substitution by section 28 of the Health Act 2006, in subsection (1), for “section 4A of the Pharmacy Act 1954, or any corresponding provision applying to Northern Ireland,” substitute “a qualification in pharmacy awarded in a relevant European State,”.
- (8) In section 71 (business carried on by a body corporate) as it has effect after its substitution by section 28 of the Health Act 2006—
- (a) in subsection (3)(b), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”; and
 - (b) in subsection (5) for “section 4A of the Pharmacy Act 1954 (qualification by European diploma), or any corresponding provision applying to Northern Ireland” substitute “a qualification in pharmacy awarded in a relevant European State”.
- (9) In section 72 (representative of pharmacist in case of death or disability)—
- (a) in subsection (2B)(9), for “the Pharmacy Act 1954” substitute “Part 2 of the Pharmacists and Pharmacy Technicians Order 2007”; and
 - (b) in subsection (3)(10), for “the Statutory Committee” substitute “the relevant disciplinary committee”.
- (10) In section 72B(11) (section 72A: supplementary), in subsection (1)—
- (a) for “section 8 of the Pharmacy Act 1954” substitute “article 48(1)(a) of the Pharmacists and Pharmacy Technicians Order 2007”, and
 - (b) for “Statutory Committee” substitute “the relevant disciplinary committee”.
- (11) In section 78(12) (restrictions on use of titles, descriptions and emblems), in subsection (5), for “not a pharmacist” substitute “neither a pharmacist nor registered in Part 2 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007”.
- (12) In section 80(13) (power for Statutory Committee to disqualify and direct removal from register)—
- (a) in subsections (1) (twice), (2) (twice), (3) and (4) (twice), for “the Statutory Committee” substitute “the relevant disciplinary committee”; and

(8) Section 71(1) has been amended by [S.I. 1987/2202](#) and is to be substituted by section 28 of the Health Act 2006 on a date to be appointed.

(9) To be inserted by section 29 of the Health Act 2006 on a date to be appointed.

(10) Section 72(3) has been amended by the [Adults with Incapacity \(Scotland\) Act 2000 \(asp.4\)](#), Schedule 5, paragraph 12(b), and Schedule 6.

(11) To be inserted by section 30(1) of the Health Act 2006 on a date to be appointed.

(12) Section 78(5) has been amended by the Statute Law (Repeals) Act [1993 \(c.50\)](#), Schedule 1, Part 12.

(13) Section 80(5) has been amended by the Misuse of Drugs Act [1971 \(c.38\)](#), section 12(7), and by [S.I. 1976/1213](#).

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- (b) in subsection (5), after “the Pharmacy Act 1954,” insert “the Pharmacists and Pharmacy Technicians Order 2007,”
- and in the heading of that section, for “Statutory Committee” substitute “relevant disciplinary committee”.
- (13) In section 81 (grounds for disqualification in certain cases), in subsection (1)—
 - (a) for “the Statutory Committee” substitute “the relevant disciplinary committee”; and
 - (b) for “the Committee” (twice) substitute “the committee”.
 - (14) In section 82(14) (procedure relating to disqualification), in subsections (1) and (5), for “the Statutory Committee” substitute “the relevant disciplinary committee”.
 - (15) In section 83(15) (revocation of disqualification)—
 - (a) in subsections (1) and (2), for “the Statutory Committee” substitute “the relevant disciplinary committee”; and
 - (b) in subsection (2), for “the Committee” substitute “the committee”.
 - (16) In section 132(16) (general interpretation provisions), in subsection (1), in the definition of “pharmacist” for “the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of section 2(1) of the Pharmacy Act 1954,” substitute “Part 1 of the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,”.

Amendment of the Poisons Act 1972

- 3.—**(1) The Poisons Act 1972(17) is amended as follows.
- (2) In section 9(18) (inspection and enforcement)—
 - (a) in subsection (1)—
 - (i) in paragraph (a), for “subsections (2) and (3) of section 20 of the Pharmacy Act 1954 (offences relating to certificates)” substitute “articles 20 and 29 of the Pharmacists and Pharmacy Technicians Order 2007 (offences relating to the Register of Pharmacists and the Register of Pharmacy Technicians)”, and
 - (ii) for “such number of inspectors as the Privy Council may direct” substitute “inspectors”;
 - (b) in subsection (2), omit “, and every such appointment shall be subject to the approval of the Privy Council”;
 - (c) in subsection (3) omit “with the approval of the Privy Council”; and
 - (d) in subsection (4)(a), for the words “subsections (2) and (3) of section 20 of the Pharmacy Act 1954” substitute “articles 20 and 29 of the Pharmacists and Pharmacy Technicians Order 2007”.
 - (3) In section 11(19) (interpretation), in subsection (2), for the definition of “pharmacist” substitute the following definition—

(14) There are no relevant amendments to section 82.

(15) There are no relevant amendments to section 83.

(16) Section 132(1) has been amended by: the National Health Reorganisation Act 1973 (c.32), Schedule 4, paragraph 128(3); the National Health Service Act 1977 (c.49), Schedule 15, paragraph 50; the Medical Act 1983 (c.54), Schedule 5, paragraph 5; the Dentists Act 1984 (c.24), Schedule 5, paragraph 2; the Animal Health and Welfare Act 1984, section 13(3); the Food Safety Act 1990 (c.16), Schedule 3, paragraph 11, and Schedule 5; and by S.I. 1976/1213, 1992/3271, 1996/1496, 2002/236, 2003/232 and 2004/1031.

(17) 1972 c.66.

(18) There are no relevant amendments to section 9.

(19) Section 11(2) has been amended by: the Local Government (Scotland) Act 1973 (c.65), Schedule 24, paragraph 47; the Medical Act 1983, Schedule 5, paragraph 12; the Dentists Act 1984, Schedule 5, paragraph 4; the Local Government (Wales)

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““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;”.

Amendment of the National Health Service (Scotland) Act 1978

4.—(1) The National Health Service (Scotland) Act 1978(20) is amended as follows.

(2) In section 27(21) (arrangements for the provision of pharmaceutical services), in subsection (4)(ba), for “under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma)” substitute “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland,”

(3) In section 28(22) (persons authorised to provide pharmaceutical services), after subsection (2B) insert the following subsection—

“(2C) Where—

- (a) arrangements have been made under this Part with a registered pharmacist; and
- (b) his registration is suspended by virtue of any direction or order under the Pharmacists and Pharmacy Technicians Order 2007,

he shall not provide any services under those arrangements during the period of the suspension.”

(4) In section 108(23) (interpretation and construction), for the definition of “registered pharmacist” substitute the following definition—

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

Amendment of the Value Added Tax Act 1994

5.—(1) The Value Added Tax Act 1994(24) is amended as follows.

(2) In Part 2 of Schedule 8 (zero rating – the Groups: drugs, medicines, aids for the handicapped), in item 1 in Group 12, for “the register of pharmaceutical chemists kept under the Pharmacy Act 1954 or” substitute “the Register of Pharmacists maintained under the Pharmacists and Pharmacy Technicians Order 2007 or in the register of pharmaceutical chemists kept under”.

(3) In Part 2 of Schedule 9 (exemptions – the Groups: health and welfare), in item 3 in Group 7, for “the register of pharmaceutical chemists kept under the Pharmacy Act 1954 or” substitute “the Register of Pharmacists maintained under the Pharmacists and Pharmacy Technicians Order 2007 or in the register of pharmaceutical chemists kept under”.

Repeal of the Pharmacists (Fitness to Practise) Act 1997

6. The Pharmacists (Fitness to Practise) Act 1997(25) is repealed.

Act 1994 (c.19), Schedule 16, paragraph 39; the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 89; and S.I. 1996/1496.

(20) 1978 c.29.

(21) Section 27(4) has been amended by S.I. 1987/2022.

(22) Subsection (2B) was inserted by the National Health Service (Primary Care) Act 1977 (c.46), section 29(2).

(23) There are no relevant amendments to section 108(1).

(24) 1994 c.23; item 1 in Group 12 in Part 2 of Schedule 8 has been amended by S.I. 1997/2744 and 2006/1914.

(25) 1997 c.19; this Act has never been brought into force.

Amendment of the Data Protection Act 1998

7. In section 69 of the Data Protection Act 1998⁽²⁶⁾ (meaning of “health professional”), in subsection (1)(d), for “a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954” substitute “a registered pharmacist or registered pharmacy technician within the meaning of the Pharmacists and Pharmacy Technicians Order 2007”.

Amendment of the National Health Service Reform and Health Care Professions Act 2002

8.—(1) The National Health Service Reform and Health Care Professions Act 2002⁽²⁷⁾ is amended as follows.

(2) In section 26 (powers and duties of the Council for the Regulation of Health Care Professionals: general), in subsection (5)—

- (a) for “or an officer or committee of the Society”, where it first appears, substitute “a member of its staff or one of its committees”;
- (b) for paragraph (a) substitute the following paragraph—
 - “(a) conferred on the Society (or its Council, a member of its staff or one of its committees) by or by virtue of the Pharmacists and Pharmacy Technicians Order 2007.”;
- (c) in paragraph (b), for “an Order in Council” substitute “another Order in Council”; and
- (d) for paragraph (c) substitute the following paragraph—
 - “(c) otherwise conferred as mentioned in paragraph (a) and relate to the regulation of the professions regulated by the Pharmacists and Pharmacy Technicians Order 2007.”

(3) In section 29⁽²⁸⁾ (references of disciplinary cases by Council to court), in subsection (1), for paragraph (a) substitute the following paragraph—

- “(a) a direction of the Disciplinary Committee of the Royal Pharmaceutical Society of Great Britain under article 52 of the Pharmacists and Pharmacy Technicians Order 2007 (which gives the Disciplinary Committee powers to direct suspension of registration, the attachment of conditions to registration or removal from the registers) or section 80 of the Medicines Act 1968 (power to disqualify and direct removal from register).”

Amendment of the Income Tax (Earnings and Pensions) Act 2003

9. In section 343 of the Income Tax (Earnings and Pensions) Act 2003⁽²⁹⁾ (deduction for professional membership fees), in the Table in subsection (2), in paragraph 1 (health professionals) for sub-paragraph (l) substitute the following sub-paragraphs—

- “(l) the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007,
- (m) the Register of Pharmacy Technicians maintained under 21(1) of the Pharmacists and Pharmacy Technicians Order 2007,
- (n) the register of pharmaceutical chemists kept under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976.”

⁽²⁶⁾ 1998 c.29; section 69(1) has been amended by S.I. 2002/253 and 254, 2003/1590 and 2005/848.

⁽²⁷⁾ 2002 c.17.

⁽²⁸⁾ Section 29(1) has been amended by S.I. 2002/3135, 2004/1771 and 2005/848 and 2011.

⁽²⁹⁾ 2003 c.1; section 343(2) has been amended by S.I. 2003/1652, 2004/1360 and 2005/1091 and 2011.

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Amendment of the National Health Service Act 2006

10.—(1) The National Health Service Act 2006⁽³⁰⁾ is amended as follows.

(2) In section 129 (regulations as to pharmaceutical services), in subsection (6)(c), for “under the Pharmacy Act 1954 (c. 61) by virtue of section 4A of that Act (qualification by European diploma)” substitute “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland,”.

(3) In section 132 (persons authorised to provide pharmaceutical services)—

(a) in subsection (8), for paragraph (b) substitute the following paragraph—

“(b) his registration is suspended by virtue of any direction or order under the Pharmacists and Pharmacy Technicians Order 2007,”; and

(b) omit subsection (9).

(4) In section 275 (interpretation), in subsection (1), for the definition of “registered pharmacist” substitute the following definition—

““registered pharmacist” means a pharmacist registered in 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 (Wales) Act 2006

11.—(1) The National Health Service (Wales) Act 2006⁽³¹⁾ is amended as follows.

(2) In section 83 (regulations as to pharmaceutical services), in subsection (6)(c), for “under the Pharmacy Act 1954 (c. 61) by virtue of section 4A of that Act (qualification by European diploma)” substitute “in the Register of Pharmacists maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 by virtue of a qualification in pharmacy awarded in an EEA State other than the United Kingdom, or in Switzerland,”.

(3) In section 86 (persons authorised to provide pharmaceutical services)—

(a) in subsection (8), for paragraph (b) substitute the following paragraph—

“(b) his registration is suspended by virtue of any direction or order under the Pharmacists and Pharmacy Technicians Order 2007,”; and

(b) omit subsection (9).

(4) In section 206 (interpretation), in subsection (1), for the definition of “registered pharmacist” substitute the following definition—

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

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⁽³²⁾ (excepted professions, offices, employments, work and occupations)—

⁽³⁰⁾ 2006 c. 41.

⁽³¹⁾ 2006 c. 42.

⁽³²⁾ S.I. 1975/1023; a relevant amendment was made by the Osteopaths Act 1993 (c.21), section 39(4).

- (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⁽³³⁾ (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⁽³⁴⁾ (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⁽³⁵⁾ (amendment of the Pharmacy Act 1954).

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

- 16.** In the National Health Service (Pharmaceutical Services) Regulations 1992⁽³⁶⁾—
- (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

⁽³³⁾ [S.I. 1980/1923](#); the definition of “relevant register” was inserted by [S.I. 2003/698](#).

⁽³⁴⁾ [S.I. 1980/1924](#); the definition of “relevant register” was inserted by [S.I. 2004/1](#).

⁽³⁵⁾ [S.I. 1987/2202](#).

⁽³⁶⁾ [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](#).

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- (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⁽³⁷⁾ (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⁽³⁸⁾—

- (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⁽³⁹⁾ are hereby revoked.

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

20. In article 1 of the Prescription Only Medicines (Human Use) Order 1997⁽⁴⁰⁾ (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⁽⁴¹⁾ (functions transferred from the Lord Advocate to the Secretary of State), omit “Pharmacy Act 1954 (c.61), Schedule 1C, paragraph 3;”.

⁽³⁷⁾ S.I. 1994/3144; the definition of “relevant register” was inserted by S.I. 2005/768.

⁽³⁸⁾ S.I. 1995/414; the relevant amending instruments are S.I. 1996/840 and 1504, 1997/696, and 1998/2224 and 3031, and 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.

⁽³⁹⁾ S.I. 1996/1405.

⁽⁴⁰⁾ 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.

⁽⁴¹⁾ S.I. 1999/678; a relevant amendment was made by S.I. 2002/3135.

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⁽⁴²⁾ (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⁽⁴³⁾ (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⁽⁴⁴⁾ (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;”.

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⁽⁴⁵⁾ (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⁽⁴⁶⁾—

- (a) in regulation 2 (interpretation), for the definition of “registered pharmaceutical chemist” substitute the following definition—

⁽⁴²⁾ S.I. 1999/1748; there are no relevant amending instruments.

⁽⁴³⁾ S.I. 1999/1750; there are no relevant amending instruments.

⁽⁴⁴⁾ S.I. 2000/620; the definition of “supplementary prescriber” is as substituted by S.I. 2005/578.

⁽⁴⁵⁾ S.I. 2001/1358; the definition of “supplementary prescriber” is as substituted by S.I. 2004/1771.

⁽⁴⁶⁾ S.S.I. 2001/78; amended by S.S.I. 2005/445 and 631.

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““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⁽⁴⁷⁾ (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⁽⁴⁸⁾ (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⁽⁴⁹⁾ (regulated professions – professions regulated by law or public authority)—

- (a) in the column headed “Profession”, after “licensed lighterman” insert “pharmacy technician”; and
- (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⁽⁵⁰⁾ (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⁽⁵¹⁾ (excepted professions, offices, employments, and occupations)—

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

⁽⁴⁷⁾ S.S.I. 2001/430; the relevant amending instruments are S.S.I. 2003/295, 2004/212, 2005/617 and 2006/246.

⁽⁴⁸⁾ S.I. 2002/2376.

⁽⁴⁹⁾ S.I. 2002/2934; the relevant amending instruments are S.I. 2004/1771 and 2033.

⁽⁵⁰⁾ S.S.I. 2002/190; the relevant amending instrument is S.I. 2003/1590.

⁽⁵¹⁾ S.S.I. 2003/231; there are no relevant amending instruments.

- “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⁽⁵²⁾—
- (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⁽⁵³⁾ (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⁽⁵⁴⁾ (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”; and
- (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⁽⁵⁵⁾ (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

⁽⁵²⁾ S.I. 2003/3148.

⁽⁵³⁾ S.I. 2003/2317; the definition of “relevant register” has been amended by S.I. 2004/1771 and 2005/1520.

⁽⁵⁴⁾ S.I. 2004/291; relevant amendments were made by S.I. 2005/893 and 2006/1501.

⁽⁵⁵⁾ S.I. 2004/478; there are no relevant amending instruments.

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- (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⁽⁵⁶⁾ (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⁽⁵⁷⁾ (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”.

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⁽⁵⁸⁾ (Pharmacy Act 1954).

Amendment of the Cosmetic Products (Safety) Regulations 2004

39. In regulation 9 of the Cosmetic Products (Safety) Regulations 2004⁽⁵⁹⁾ (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;”.

⁽⁵⁶⁾ S.I. 2004/627; relevant amendments were made by S.I. 2005/893 and 2006/1501.

⁽⁵⁷⁾ S.I. 2004/1031; there are no relevant amending instruments.

⁽⁵⁸⁾ S.I. 2004/1947.

⁽⁵⁹⁾ S.I. 2004/2152; there are no relevant amending instruments.

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⁽⁶⁰⁾ (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⁽⁶¹⁾ (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⁽⁶²⁾—

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

⁽⁶⁰⁾ S.S.I. 2004/115. Relevant amendments were made by S.S.I. 2004/215, 2005/337 and 2006/247.

⁽⁶¹⁾ S.S.I. 2004/116. Relevant amendments were made by S.S.I. 2004/217, 2005/336 and 2006/248.

⁽⁶²⁾ S.I. 2005/641. Relevant amendments were made by S.I. 2006/913.

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- (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(**63**) (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(**64**) (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(**65**) (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”.

(63) [S.I. 2005/765](#).

(64) [S.I. 2005/916](#).

(65) [S.S.I. 2005/125](#).