
STATUTORY INSTRUMENTS

2010 No. 231

The Pharmacy Order 2010

PART 3

Registered Pharmacies: Standards in retail pharmacies

Improvement notices

13.—(1) If an inspector has reasonable grounds for believing that there is—

- (a) a failure in connection with the carrying on of a retail pharmacy business at [^{F1}or from] a registered pharmacy entered in the Register under section 74A of the Medicines Act 1968 (registration or premises: Great Britain) to meet the standards that are [^{F2}set] under article 7(1); ^{F3} ...
- (b) a failure to comply with conditions to which the entry of a registered pharmacy entered in the Register under section 74A of the Medicines Act 1968 is subject by virtue of section 74D(1)(1) of that Act (conditional registration: Great [^{F4}Britain]); or]
- [^{F5}(c) a failure to comply with a requirement contained in any rules made under article 7(4),]

the inspector may serve a notice on the person carrying on the retail pharmacy business at [^{F1}or from] the registered pharmacy (in this Order referred to as an “improvement notice”).

(2) An improvement notice must—

- (a) state the inspector’s grounds for believing that there is a failure referred to in [^{F6}paragraph (1)];
- (b) specify the measures that the person to whom the notice is addressed must take in order to rectify that failure;
- (c) require that person to take those measures, or measures that the inspector agrees are at least equivalent to them, within the period specified in the notice which may not be less than 28 days beginning with the day on which the notice is served; and
- (d) state—
 - (i) that there is a right of appeal to a magistrates’ court or to the sheriff under article 16, and
 - (ii) the period within which such an appeal may be brought.

(3) An improvement notice is served by an inspector—

- (a) on an individual—
 - (i) if it is delivered to that individual personally,
 - (ii) if it is left at that individual’s proper address, or

(1) Sections 74A and 74D are inserted into the Act by paragraph 1(8) of Schedule 4 to this Order.

- (iii) if it is sent by first class post or otherwise delivered to that individual at that individual's proper address;
- (b) on a partnership—
 - (i) if it is delivered personally to a partner in the partnership,
 - (ii) if it is delivered personally to a person having control or management of the partnership business, or
 - (iii) if it is sent by first class post or otherwise delivered to the partnership's proper address;
- (c) on a body corporate—
 - (i) if it is delivered personally to the secretary or clerk of that body,
 - (ii) if it is sent by first class post or otherwise delivered to that body's proper address.
- (4) For the purposes of paragraph (3), and of section 7 of the Interpretation Act 1978⁽²⁾ (which defines "service by post") in its application to that paragraph, the proper address of a person is—
 - (a) in the case of an individual, to that individual's home address in the Register;
 - (b) in the case of a partnership, the address of the principal office of the partnership;
 - (c) in the case of a body corporate, the address of the registered or principal office of the body.
- (5) An improvement notice is treated as having been served, where the notice is sent by post, at the time at which the notice would be delivered in the ordinary course of post or, where the notice has been left at an address, it is treated as having been served on the next working day following the day on which it was left at that address.
- (6) The Council may make rules providing for an improvement notice which is required to be served on any person under this article to be served by an electronic communication.
- (7) Rules under paragraph (6) must secure that—
 - (a) an improvement notice cannot be served by an electronic communication unless the person consents in writing to the receipt of notices from the Council by electronic communication and the communication is sent to the number or address specified by that person when giving consent;
 - (b) an electronic communication received outside of a person's normal business hours is to be taken to have been served on the next working day.
- (8) In this article "working day" means a day which is not a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽³⁾ in the part of Great Britain in which the premises to which the notice relates are located.

Textual Amendments

- F1** Words in art. 13(1) inserted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **22(2)(a)**; S.I. 2018/512, art. 2(1)(b)
- F2** Word in art. 13(1)(a) substituted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **22(2)(b)**; S.I. 2018/512, art. 2(1)(b)
- F3** Word in art. 13(1)(a) omitted (24.5.2018) by virtue of The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **22(2)(c)**; S.I. 2018/512, art. 2(1)(b)
- F4** Words in art. 13(1)(b) substituted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **22(2)(d)**; S.I. 2018/512, art. 2(1)(b)

(2) 1978 c.30.

(3) 1971 c.80.

Changes to legislation: *There are currently no known outstanding effects for the The Pharmacy Order 2010, Section 13. (See end of Document for details)*

- F5** Art. 13(1)(c) inserted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **22(2)(e)**; S.I. 2018/512, art. 2(1)(b)
- F6** Words in art. 13(2)(a) substituted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **22(3)**; S.I. 2018/512, art. 2(1)(b)

Commencement Information

- I1** Art. 13 in force at 10.2.2010 for specified purposes, see **art. 1(3)**
- I2** **Art. 13** in force at 27.9.2010 in so far as not already in force by S.I. 2010/1621, art. 2(1), **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the The Pharmacy Order 2010, Section 13.