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STATUTORY INSTRUMENTS

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**2010 No. 231**

**The Pharmacy Order 2010**

**PART 3**

**Registered Pharmacies: Standards in retail pharmacies**

**Non-compliance with improvement notices**

**14.**—(1) A person carrying on a retail pharmacy business at [<sup>F1</sup>or from] a registered pharmacy who fails to comply with the terms of an improvement notice served under article 13 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[<sup>F2</sup>(1A) But no offence is committed if the failure to comply with the terms of an improvement notice relates to matters included in the improvement notice—

- (a) pursuant to article 13(1)(a); or
- (b) pursuant to article 13(1)(b), if the failure is to comply with standards set under article 7(1) that the Registrar has made a condition of the entry of the registered premises in the Register pursuant to section 74D of the Medicines Act 1968 (conditional registration: Great Britain).]

(2) Where an inspector is reasonably satisfied that a person carrying on a retail pharmacy business at [<sup>F3</sup>or from] a registered pharmacy has failed to comply with the terms of an improvement notice served under article 13, the inspector must give notice of that fact in writing to the Registrar.

(3) The obligation imposed by paragraph (2) applies whether or not proceedings are to be brought against the person for an offence under paragraph (1).

(4) Upon receipt of a notice given under paragraph (2), the Registrar may—

- (a) remove the entry of the registered pharmacy from the Register; or
- (b) suspend that entry pending compliance by the person with such requirements or conditions as the Registrar considers it necessary to impose.

[<sup>F4</sup>(4A) But if the failure to comply with terms of the improvement notice relates to matters included in the improvement notice—

- (a) pursuant to article 13(1)(a); or
- (b) pursuant to article 13(1)(b), if the failure is to comply with standards set under article 7(1) that the Registrar has made a condition of the entry of the registered premises in the Register pursuant to section 74D of the Medicines Act 1968,

the Registrar must instead refer the matter for consideration by the Fitness to Practise Committee under section 80(1)(c) or (1A) of the Medicines Act 1968 (grounds for disqualification in certain cases).]

(5) Where under paragraph (4) the Registrar removes or suspends the entry of a registered pharmacy, the Registrar must send to the person carrying on the retail pharmacy business a statement in writing giving that person notice of the removal or suspension and the reasons for it and of the right of appeal to the Appeals Committee under article 40.

- (6) The notice under paragraph (5) must be sent—
- (a) where the retail pharmacy business is carried on by an individual, to that individual at that individual's home address in the Register;
  - (b) where the retail pharmacy business is carried on by a partnership, to that partnership at its principal office;
  - (c) where the retail pharmacy business is carried on by a body corporate, to that body corporate at its registered address or principal office.
- (7) Proceedings for an offence under this article may be begun—
- (a) in England and Wales, at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the Council to justify a prosecution came to the Council's knowledge;
  - (b) in Scotland, at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify a prosecution came to the prosecutor's knowledge;

but no proceedings may be begun after the expiry of the period of two years beginning with the date of the commission of the offence.

(8) For the purposes of paragraph (7), the date of the commission of the offence is the day after the day on which the period specified under paragraph (2)(c) of article 13 expires.

- F1** Words in art. 14(1) inserted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **23(2)**; S.I. 2018/512, art. 2(1)(b)
- F2** Art. 14(1A) inserted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **23(3)**; S.I. 2018/512, art. 2(1)(b)
- F3** Words in art. 14(2) inserted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **23(4)**; S.I. 2018/512, art. 2(1)(b)
- F4** Art. 14(4A) inserted (24.5.2018) by The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 (S.I. 2016/372), arts. 1(3), **23(5)**; S.I. 2018/512, art. 2(1)(b)

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**Commencement Information**

- I1** Art. 14 in force at 10.2.2010 for specified purposes, see **art. 1(3)**
- I2** Art. 14 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 14.