

2022 No. 1024 (C. 81)

MEDICINES

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The Pharmacy (Preparation and Dispensing Errors – Hospital
and Other Pharmacy Services) Order 2022 (Commencement)
Order of Council 2022**

Made - - - - *19th October 2022*

At the Council Chamber, Whitehall, the 19th day of October 2022

By the Lords of His Majesty's most Honourable Privy Council

Their Lordships, with the agreement of the Department of Health in Northern Ireland^(a), make the following Order of Council in exercise of the powers conferred by article 1(3) of the Pharmacy (Preparation and Dispensing Errors – Hospital and Other Pharmacy Services) Order 2022^(b).

Citation

1. This Order may be cited as the Pharmacy (Preparation and Dispensing Errors – Hospital and Other Pharmacy Services) Order 2022 (Commencement) Order of Council 2022.

Appointed day

2. 1st December 2022 is the appointed day for the coming into force of Parts 2 and 3 of the Pharmacy (Preparation and Dispensing Errors – Hospital and Other Pharmacy Services) Order 2022.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order of Council provides for the commencement of the Pharmacy (Preparation and Dispensing Errors – Hospital and Other Pharmacy Services) Order 2022 in so far as it is not yet in force.

(a) See article 4(4) of S.I. 2022/851.

(b) S.I. 2022/851.

The commenced provisions extend the defences inserted into the Medicines Act 1968 (c. 67) by the Pharmacy (Preparation and Dispensing Errors – Registered Pharmacies) Order 2018 (S.I. 2018/181). These defences relate to offences of contravening the following provisions of that Act: section 63, which relates to the adulteration of medicinal products; and section 64, which relates to the sale or supply in pursuance of a prescription of medicinal products that are not of the nature or quality demanded.

The new modifications to the defences relate to preparation and dispensing errors by registered pharmacists and registered pharmacy technicians, or persons supervised by them, in the course of the provision of hospital and other specified pharmacy services. Pharmacy technicians are not statutorily registered in Northern Ireland, and so, as regards Northern Ireland, the modifications only relate to preparation errors and dispensing errors by registered pharmacists and persons supervised by them.

In order for reliance to be placed on the modified defences, the pharmacy service must have a chief pharmacist. The commenced provisions also amend provisions in the Pharmacy Order 2010 (S.I. 2010/231) and the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)) so as to enable the relevant regulators (the General Pharmaceutical Council as regards Great Britain and the Pharmaceutical Society of Northern Ireland as regards Northern Ireland) to describe the responsibilities of chief pharmacists and to set standards of performance and conduct in relation to them.

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