
STATUTORY INSTRUMENTS

2022 No. 849

**The Pharmacy (Responsible Pharmacists,
Superintendent Pharmacists etc.) Order 2022**

PART 2

Responsible pharmacists and superintendent pharmacists

Superintendent pharmacists

- 6.—(1) In section 71 of the 1968 Act⁽¹⁾ (business carried on by body corporate)—
- (a) in subsection (1), for paragraph (a) (and the following “and”), substitute the following paragraph—
 - “(a) that there is a superintendent in relation to the retail pharmacy business in respect of whom the requirements specified in subsection (6) are fulfilled, and”;
 - (b) in subsection (6)—
 - (i) after paragraph (a), insert the following paragraph—
 - “(aa) he is a senior manager of the retail pharmacy business who has the authority to make decisions that affect the running of the retail pharmacy business so far as concerns—
 - (i) the retail sale of medicinal products (whether they are on a general sale list or not), and
 - (ii) the supply of such products in circumstances corresponding to retail sale,
 - and”;
 - (ii) in paragraph (b), omit “and stating whether he is a member of the board of that body or not”, and omit “, and” at the end of the paragraph, and
 - (iii) omit paragraph (c);
 - (c) before subsection (8), insert the following subsection—
 - “(7A) For the purposes of subsection (6)(aa), a person is a senior manager of a retail pharmacy business if the person plays a significant role (irrespective of whether other individuals also do so) in—
 - (a) the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
 - (b) the actual managing or organising of the whole or a substantial part of those activities.”;
 - (d) in subsection (8)—

⁽¹⁾ Section 71 was substituted by the Health Act 2006 (c. 28), section 28, and then amended by S.I. 2010/231, 2011/2647 and 2019/593.

- (i) for the words from “If a person” to “ceases to do so” substitute “If a person who has been the superintendent in relation to a retail pharmacy business ceases to be the superintendent in relation to the business”, and
 - (ii) for “manage the business” substitute “be the superintendent in relation to the business”; and
 - (e) omit subsection (9).
- (2) After section 72A of the 1968 Act (the responsible pharmacist) insert the following section—

“The superintendent

72AA. It is the duty of the superintendent in relation to a retail pharmacy business to secure that the business is at all times carried on in ways that ensure its safe and effective running so far as concerns—

- (a) the retail sale of medicinal products (whether they are on a general sale list or not), and
- (b) the supply of such products in circumstances corresponding to retail sale.”.

(3) In section 78 of the 1968 Act(2) (restrictions on use of titles, descriptions and emblems), in subsection (3)(b), omit the words from “, and that the pharmacist who” to “body corporate”.

Commencement Information

- I1** Art. 6 not in force at made date, see [art. 1\(3\)](#)
- I2** [Art. 6](#) in force at 1.12.2022 by [S.I. 2022/1023](#), [art. 2](#)

(2) Section 78 was amended by the Statute Law (Repeals) Act 1993 (c. 50), Schedule 1(12), paragraph 1, the Health Act 2006 (c. 28), section 27, and [S.I. 2010/231](#) and [2019/593](#).

Changes to legislation:

There are currently no known outstanding effects for the The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022, Section 6.