

SCHEDULE 1

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 The Pharmacy Act 1954(1) is repealed.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

(30) 2006 c. 41.

(31) 2006 c. 42.