



## Pharmacy Brief

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For a free copy of any of the articles mentioned in this Pharmacy Brief, please click on the link or contact Stephanie Palmer on 020 7203 5065 or email [stephanie.palmer@crsblaw.com](mailto:stephanie.palmer@crsblaw.com).

### Pharmacy Show

Visit Noel Wardle, David Reissner, Tim Jenkins and the rest of the pharmacy team at our stand at the Pharmacy Show on 8 and 9 October 2017, at the NEC. You can find us at Stand PK65.

### Market Entry in Wales

New market entry regulations in Wales are on the way. A newly-passed Act of Parliament paves the way for the Local Health Boards publishing Pharmaceutical Needs Assessments. There will be a new market entry test, linked to PNAs. There will also be new fitness to practise rules that will give power to remove pharmacy contracts. It isn't clear when these changes will come into force: the Welsh Assembly has to approve the arrangements first.

It's an unfortunate juxtaposition that in the new Act the change in pharmacy law appears next to sections on local toilets strategy.

### Fatal Distraction

The Court of Appeal has overturned the manslaughter conviction of optometrist Honey Rose. The Court's ruling will make it harder in future to prosecute healthcare professionals who make a fatal error. Look out for David Reissner's *Chemist & Druggist* article.

### Fit to Practise?

Following an allegation of misconduct, a client was referred to the GPhC's Investigating Committee with a recommendation from the Registrar that he be given a warning. The Investigating Committee is not bound to accept the Registrar's recommendation but if it does not do so, it must give reasons. Instead of giving our client a warning, the Investigating Committee decided to refer our client to a full-blown fitness to practise hearing. The main reason was that our client had received warnings in 2000 and 2001, although it was not clear what these warnings were for.

We wrote to the Investigating Committee and to the GPhC, challenging the lawfulness of the referral to the Fitness to Practise Committee. We pointed out that it was plainly unreasonable to take into account things that had occurred more than 15 years earlier – and the Investigating Committee did not even know what those things were. In addition, the Investigating Committee had failed to give any reasons for not accepting the Registrar's recommendation to give our client a warning.

After we sent our letter, the GPhC informed us that it intended to ask the Investigating Committee to rescind its decision, and the Investigating Committee agreed to do so, giving our client a warning instead.

### Our Recent Market Entry Cases:

Our recent market entry cases include:

- Successful application for a no significant change relocation in County Durham following an oral appeal hearing
- Successful application for a no significant change relocation in Penge, London following an oral appeal hearing



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@CRS\_Healthcare

Follow David Reissner

@davidreissner

### Contact

David Reissner

Partner

+44 (0)20 7203 5065

david.reissner@crsblaw.com

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Our understanding of pharmacy businesses enables us to offer a competitively priced, added value, full service for clients both large and small and whether buying or selling companies, pharmacy partnerships or sole trader businesses. We can offer a one-stop service by bringing in valuation and other expertise – for further details contact Tim Jenkins on 01483 252529 or email [tim.jenkins@crsblaw.com](mailto:tim.jenkins@crsblaw.com).

### Are you Losing your Appeal?

One of our clients made an application for a new contract in Wales, where appeals are decided by Welsh Government officials on behalf of Ministers. The appeal decision our client received was plainly inconsistent with guidance given by the courts on the relevant law. Since there was no further right of appeal, we wrote a formal letter to the Ministers, pointing out the flaws in the decision and explaining that if the Ministers did not agree to re-determine the appeal, our client would have to apply to the High Court for judicial review. The Ministers' representative wrote admitting that the decision had been unlawful, and agreed to re-determine the appeal, so we were able to resolve the case without our client having to incur the costs of a contested High Court hearing.

### Ingrid Saffin

We are delighted to announce that Ingrid Saffin has joined our pharmacy transactions team. Before joining us, Ingrid had experience of advising pharmacy clients on a range of property matters including the sale and purchase of pharmacy leases, and providing due diligence support for corporate pharmacy transactions.

### New Legal Obligations for Wholesalers

The Department of Health is consulting on draft requirements to provide quarterly information about sales and purchases of generic medicines and specials. If the requirements become law, importers and wholesalers will have to record, keep and provide information on request. The consultation is open until 14 November 2017.

### It's a Deal

It has been a busy period for pharmacy sales and purchases by clients of all shapes and sizes and we have a high volume of transactions in progress for completion over the coming months. Transactions recently concluded include:

- Sale of London based Lockyers Pharmacy to Pharmawell Limited (brokered by Frank Taylor Associates)
- Sale of Scunthorpe based Garners Pharmacy Limited to HI Weldrick Limited
- Sale of Manchester based 4 branch operator James Helgason Limited to Gorgemead Limited (brokered by Hutchings Consultants)
- Sale of London based Bids chemist to JMW Vicary Limited (sale brokered by Hutchings Consultants)
- Purchase of NHS Contract for O'Brien Limited from Boots UK (brokered by Pharmacy Sales & Consultancy)
- Sale of West Country based KL Reynolds Limited to Philip Beard Holdings Ltd (sale brokered by Hutchings Consultants)

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