STATUTORY INSTRUMENTS

1972 No. 640

MEDICINES

The Medicines (Exemption from Licences) (Wholesale Dealing) Order 1972

Made - - -	21*st April* 1972
Laid before Parliament	1*st May* 1972
Coming into Operation	22*nd May* 1972

The Secretaries of State respectively concerned with health in England and in Wales, the Secretary of State concerned with health and with agriculture in Scotland, the Secretary of State for Northern Ireland and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of their powers under section 15(1) of the Medicines Act 1968(**a**) (as having effect subject to the provisions of Article 2(2) of, and Schedule 1 to the Transfer of Functions (Wales) Order 1969(**b**) and section 1(1)(*a*) of the Northern Ireland (Temporary Provisions) Act 1972(**c**)) and of all other powers enabling them in that behalf, after consulting such organisations as appear to them to be representative of interests likely to be substantially affected by the following order, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Medicines (Exemption from Licences) (Wholesale Dealings) Order 1972 and shall come into operation on 22nd May 1972.

(2) In this order, unless the context otherwise requires—

"the Act" means the Medicines Act 1968;

"medicinal product" includes substances or articles specified in orders made under section 104 or section 105 of the Act which are for the time being in force and which direct that Part II of the Act shall have effect in relation to such substances or articles as that Part has effect in relation to medicinal products within the meaning of the Act;

and other expressions have the same meaning as in the Act.

(3) Except in so far as the context otherwise requires, any reference in this order to any enactment or order shall be construed as a reference to that enactment or order as the case may be amended or extended by any other enactment or order.

(4) The Interpretation Act 1889(**d**) applies for the purpose of the interpretation of this order as it applies for the purpose of the interpretation of an Act of Parliament.

(**a**) 1968 c. 67.
(**b**) S.I. 1969/388 (1969 I, p. 1070).
(**c**) 1972 c. 22.
(**d**) 1889 c. 63.

Exemption from wholesale dealer's licences

2.—(1) The restrictions imposed by section 8(3) of the Act (restrictions as to wholesale dealing) shall not apply to the sale or offer for sale of a medicinal product by way of wholesale dealing where such sale or offer for sale is either—

(*a*) by the holder of a product licence which relates to that medicinal product, including such holder of such product licence who is the person who assembled that medicinal product, or

(*b*) by a person who, not being the holder of such a product licence, assembled that medicinal product, where such assembly was to the order of a person who is the holder of such a product licence,

provided that throughout the period until such sale that medicinal product has not left the premises of any person who either manufactured or assembled that medicinal product being premises which by virtue of the relevant manufacturer's licence the person who so manufactures or, as the case may be, assembles that medicinal product is enabled or authorised to use for the purposes of that licence (hereinafter in this article referred to as "the authorised premises").

(2) For the purposes of this article a medicinal product shall not be regarded as having left the authorised premises whilst that medicinal product is being moved from any of the authorised premises to another, or from one part of the authorised premises to another part, or whilst it is being moved from any of the authorised premises by way of delivery to the purchaser.

Keith Joseph,
Secretary of State for Social Services.

18th April 1972.

Peter Thomas,
Secretary of State for Wales.

19th April 1972.

Gordon Campbell,
Secretary of State for Scotland.

20th April 1972.

W. S. I. Whitelaw,
Secretary of State for Northern Ireland.

21st April 1972.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st April 1972.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order exempts from the restrictions imposed by Section 8(3) of the Medicines Act 1968 as to wholesale dealing in medicinal products except in accordance with a licence granted under that Act, the sale or offer for sale by way of wholesale dealing of a medicinal product by the product licence holder or by the person who assembled that medicinal product to the order of the product licence holder where the product has not left the premises of a licensed manufacturer or assembler throughout the period until the sale of that medicinal product.

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