STATUTORY INSTRUMENTS

1977 No. 1054

MEDICINES

The Medicines (Exemption from Licences) (Wholesale Dealing) Order 1977

Made - - - -	21*st June* 1977
Laid before Parliament	24*th June* 1977
Coming into Operation	15*th July* 1977

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 Minister of Agriculture, Fisheries and Food, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of powers conferred by section 15(1) of the Medicines Act 1968**(a)** and now vested in them (**b**) 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 order, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Medicines (Exemption from Licences) (Wholesale Dealing) Order 1977 and shall come into operation on 15th July 1977.

(2) In this order, unless the context otherwise requires, "the Act" means the Medicines Act 1968, as amended**(c)**, and other expressions have the same meaning as in the Act and in sections 7(7) and 8(4) of the Act.

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

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(d)** shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1968 c. 67.

(b) In the case of the Secretaries of State concerned with health in England and in Wales by virtue of Article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388 (1969 I, p. 1070)), and in the case of the Northern Ireland Departments by virtue of section 40 of, and Schedule 5 to, the Northern Ireland Constitution Act 1973 (c. 36), and section 1(3) of, and paragraph 2(1) (*b*) of Schedule 1 to, the Northern Ireland Act 1974 (c. 28).

(c) See regulations 2 and 3 of the Medicines (Medicines Act 1968 Amendment) Regulations 1977 (S.I. 1977/1050 (1977 II, p. 2986)) and regulations 3 and 4 of the Medicines (Medicines Act 1968 Amendment) Regulations (Northern Ireland) 1977 (S.R. of N.I. 1977/170).

(d) 1889 c. 63.

Exemption from wholesale dealer's licences

2. The restriction imposed by section 8(3)(*b*) of the Act (wholesale dealer's licences) shall not apply in relation to anything done in relation to a proprietary medicinal product which has been imported when it is done by a person who handles the medicinal product—

(*a*) in the course of the provision of facilities solely for the transport of the medicinal product, or

(*b*) in the course of a business carried on by him as an import agent where he imports the medicinal product solely to the order of another person who intends, in the course of a business carried on by him, to sell, or offer for sale the medicinal product by way of wholesale dealing or in any other way intends to distribute the medicinal product.

Transitional exemption from wholesale dealer's licences

3. The restrictions imposed by section 8(3)(*b*) of the Act shall not apply until 22nd November 1977 in relation to a person in respect of his distributing, otherwise than by way of sale, any proprietary medicinal products imported, but not consigned from a member State, in the course of a business carried on by him if, in the course of that business—

(*a*) such proprietary medicinal products were being distributed otherwise than by way of sale, and

(*b*) medicinal products were not being sold or offered for sale by way of wholesale dealing

immediately before the coming into operation of this order.

David Ennals,
Secretary of State for Social Services.

13th June 1977.

John Morris,
Secretary of State for Wales.

14th June 1977.

Bruce Millan,
Secretary of State for Scotland.

16th June 1977.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th June 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 20th day of June 1977.

(L.S.) *N. Dugdale,*
Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 21st day of June 1977.

(L.S.) *J. A. Young,*
Permanent Secretary.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order exempts from the restrictions imposed by section 8(3)(*b*) of the Medicines Act 1968 as to the sale or offer for sale of medicinal products by way of wholesale dealing and the distribution otherwise than by way of sale of any proprietary medicinal product imported from outside the European Economic Community except in accordance with a licence under that Act, anything done by a person solely in the provision of transport facilities or in the course of his business as an import agent. The regulations also contain transitional provisions.

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