STATUTORY INSTRUMENTS

1975 No. 1349

MEDICINES

The Medicines (Feeding Stuffs Additives) Order 1975

Laid before Parliament in draft

Made - - - -	*8th August* 1975
Coming into Operation	*11th August* 1975

The Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of powers conferred by section 104(1) of the Medicines Act 1968**(a)** and now vested in them **(b)** and of all other powers enabling them in that behalf, having taken into account the advice of the Veterinary Products Committee established by the Medicines (Veterinary Products Committee) Order 1970**(c)** and after consulting such organisations as appear to them to be representative of interests likely to be substantially affected, hereby make the following order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament.

Citation and commencement

1. This order may be cited as the Medicines (Feeding Stuffs Additives) Order 1975 and shall come into operation on 11th August 1975.

Interpretation

2. In this Order—

(1) "the Act" means the Medicines Act 1968;

"the Agriculture Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Department of Agriculture for Northern Ireland, acting jointly; and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889**(d)** shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the order hereby revoked were Acts of Parliament.

Extension of the Medicines Act 1968

3. The Agriculture Ministers hereby specify for the purposes of section 104(1) of the Act the substances or articles described in column 1 of the Schedule to this order as appearing to them to be substances or articles which are not medicinal products but are manufactured, sold, supplied, imported or exported for use wholly or partly for a medicinal purpose and hereby direct that the provisions of the Act set out in column 2 of the said Schedule shall have effect in relation to such substances or articles as those provisions have effect in relation to medicinal products.

(a) 1968 c. 67.

(b) In the case of the Department of Agriculture for Northern Ireland by virtue of section 40 of, and Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36) and paragraph 2(1)(*b*) of Schedule 1 to the Northern Ireland Act 1974 (c. 28).

(c) S.I. 1970/1304 (1970 III, p. 4335).

(d) 1889 c. 63.

Modifications of section 40 of the Act

4. In its application to the substances or articles described in column 1 of the Schedule to this order (as directed under article 3 and column 2 of the Schedule) section 40 of the Act shall have effect subject to the following modifications:—

(*a*) the addition after the word "incorporated" in line 5 of subsection (1) of the words "or in which a substance or article, other than a medicinal product, has been incorporated for a medicinal purpose,"

(*b*) the addition after the word "incorporated" in subsection (2) of the words "or in which a substance or article, other than a medicinal product, has been incorporated for a medicinal purpose".

(*c*) paragraph (*a*) and (*b*) of subsection (1), in their application to the part of the said subsection preceding the said paragraph (*a*) and in their application to subsection (2) of the said section 40, (in each case as modified by the foregoing provisions of this article) shall have effect as if any reference therein to the incorporation of a medicinal product in an animal feeding stuff included a reference to the incorporation of a substance or article (other than a medicinal product) in an animal feeding stuff for a medicinal purpose.

Revocation of Order

5. The Medicines (Feeding Stuffs Additives) Order 1973**(a)** is hereby revoked.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th August 1975.

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

5th August 1975.

William Ross,
Secretary of State for Scotland.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 8th day of August 1975.

J. Young,
Permanent Secretary.

(a) S.I. 1973/1164 (1973 II, p. 3531).

SCHEDULE

Column 1	Column 2
Substances or articles appearing to the Agriculture Ministers to be substances or articles which are not medicinal products but are manufactured, sold, supplied, imported or exported for use wholly or partly for a medicinal purpose.	Provisions of the Act applicable to those substances.
Any substance or article other than a medicinal product, intended to be incorporated in any animal feeding stuff for a medicinal purpose with a view to— (*a*) feeding it, while so incorporated, to one or more animals, or (*b*) selling, supplying or exporting it, while so incorporated.	The provisions of sections 40(1) and (2) (as modified in accordance with article 4 of this order), 45(1), (2) and (8), 46(3), 48(1)(*a*), 90, 91 and 117(5).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under section 104(1) of the Medicines Act 1968, extends the application of the Act to include application in relation to substances or articles other than medicinal products intended to be incorporated as additives in animal feeding stuffs for a medicinal purpose in the following respects:—

(1) the application of section 40(1) and (2) (as modified by article 4) (together with certain ancillary sections) so as to ensure that—

(*a*) the sale, offer for sale, supply or export or the procuring of the sale, supply or exportation or the manufacture for sale, supply or exportation, and

(*b*) the importation into the United Kingdom

of an animal feeding stuff in which there has been incorporated such a substance or article is prohibited unless the substance or article has been so incorporated in accordance with a product licence or an animal test certificate or the prescription of a veterinary surgeon or veterinary practitioner.

(2) the application of section 117(5) (which provides for the Agriculture Ministers to specify by order limits of variation within which any discrepancies between the amount of a medicinal product actually incorporated in an animal feeding stuff and the amount stated to be incorporated by any relevant label, mark or leaflet does not constitute a contravention of section 90(2) of the Medicines Act) to include application in relation to such substances or articles when incorporated as an additive in an animal feeding stuff.

Additionally the provisions of the Medicines (Feeding Stuffs Additives) Order 1973, which previously extended the application of sections 90 and 91 of the Medicines Act (providing for the application of powers for labelling containers or packages of animal feeding stuffs in which medicinal products have been incorporated) to include application in relation to such substances or articles when incorporated as an additive in an animal feeding stuff, are revoked and consolidated into the present order.

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