STATUTORY INSTRUMENTS

1986 No. 1876

MEDICINES

The Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1986

Made - - - - -	*2nd November* 1986
Laid before Parliament	*5th November* 1986
Coming into Operation	*1st December* 1986

The Minister of Agriculture, Fisheries and Food and the Secretary of State being Ministers designated **(a)** for the purposes of section 2(2) of the European Communities Act 1972 **(b)** in relation to the common agricultural policy of the Economic Community and in relation to medicinal products, acting jointly, in exercise of the powers conferred on them by the said section 2(2), hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1986 and shall come into operation on 1st December 1986.

Interpretation

2. In these regulations—

"animals" means domestic animals of the bovine species, swine, sheep, goats, solipeds and poultry, and wild animals of these species and wild ruminants which have been raised on a holding;

"hormone growth promoters" means any substance which has an oestrogenic, androgenic or gestagenic action;

"injection" does not include implantation;

"therapeutic treatment" means the treatment of a fertility problem diagnosed by a veterinary surgeon or veterinary practitioner in an animal not intended for fattening;

"veterinary practitioner" means a person registered in the supplementary veterinary register; and

"veterinary surgeon" means a person registered in the register of veterinary surgeons.

(a) S.I. 1972/1811.

(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with section 32(7) and (9) of the Magistrates' Courts Act 1980 (c. 43), and S.I. 1984/447, as regards Scotland, with section 289B(4) and (6) of the Criminal Procedure (Scotland) Act 1975 (c. 21), as inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 (c. 45) and amended by section 55(2) of the Criminal Justice Act 1982 (c. 48) and S.I. 1984/526 and, as regards Northern Ireland, with S.I. 1984/703 (N.I.3) and S.R. (N.I.) 1984 No. 253.

Prohibition of administration to animals of hormone growth promoters

3.—(1) Subject to paragraph (2) below, no person shall administer, or cause or permit to be administered, to animals, by any means whatsoever, any hormone growth promoters.

(2) The prohibition in paragraph (1) above does not apply to the administration—

(*a*) by a veterinary surgeon or veterinary practitioner—

(i) for therapeutic treatment in the form of an injection of oestradiol—17—β, progesterone or testosterone or those derivatives of these substances which readily yield the parent compound or hydrolysis after absorption at the site of application; or

(ii) for the termination of unwanted gestation or the improvement of fertility; or

(*b*) by, or under the direct responsibility of, a veterinary surgeon or veterinary practitioner for the synchronisation of oestrus or the preparation of donors or recipients for the implantation of embryos.

Offences

4. A person who without reasonable excuse contravenes regulation 3 of these regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to a fine.

Defence available to person charged with an offence

5. In any proceedings for an offence under these regulations, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Supplementary

6.—(1) Where an offence under these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(2) When the affairs of a body corporate are managed by its members the provisions of paragraph (1) above shall apply in relation to the acts and default of a member in connection with his functions of management as if he were a director of the body corporate.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th October 1986.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Norman Fowler,
One of Her Majesty's
Principal Secretaries of State.

2nd November 1986.

EXPLANATORY NOTE

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

These regulations prohibit the administration of hormone growth promoters (whether natural or synthetic) to animals (regulation 3(1)). The prohibition does not apply to the administration of specified hormone growth promoters for therapeutic treatment, nor to the administration of hormone growth promoters for certain other matters concerning fertility and reproduction. (Regulation 3(2)).

The regulations implement in part Council Directives 81/602/EEC (O.J. No. L222, 7.8.81, p. 32) and 85/649/EEC (O.J. No. L382, 31.12.85, p. 228) concerning the use in livestock farming of certain substances having a hormonal action.

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