STATUTORY INSTRUMENTS

1974 No. 2167

MEDICINES

The Medicines (Interim Prescription Only) (No. 2) Order 1974

Made - - -	19*th December* 1974
Laid before Parliament	6*th January* 1975
Coming into Operation	1*st February* 1975

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 62(1)(*a*) of the Medicines Act 1968**(a)** and now vested in them **(b)** and of all other powers enabling them in that behalf, it appearing to them to be necessary in the interests of safety to make the following order, after consulting such organisations as appear to them to be representative of interests likely to be substantially affected by the order, and after consulting and taking into account the advice of the Committee on Safety of Medicines **(c)** and the Veterinary Products Committee **(d)**, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Medicines (Interim Prescription Only) (No. 2) Order 1974 and shall come into operation on 1st February 1975.

(2) In this order, unless the context otherwise requires, "the Act" means the Medicines Act 1968, and other expressions have the same meanings as in the Act.

(3) Except in so far as the context otherwise requires, any reference in this order to any provision of any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it; and for the purposes of this paragraph "enactment" includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly.

(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 paragraph 2(1)(*b*) of Schedule 1 to the Northern Ireland Act 1974 (c. 28).

(c) S.I. 1970/1257 (1970 II, p. 4098). **(d)** S.I. 1970/1304 (1970 III, p. 4335).

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) 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.

Provisions prohibiting sale or supply

2.—(1) Subject to the exceptions specified in the following provisions of this Article, the sale or supply of any medicinal product consisting of or containing any of the substances specified in the Schedule to this order is hereby prohibited.

(2) The retail sale or the supply in circumstances corresponding to retail sale of any medicinal product as aforesaid shall not, by virtue of the preceding paragraph, be prohibited where such sale or supply takes place on premises which are a registered pharmacy and is—

(*a*) by or under the supervision of a pharmacist in accordance with a prescription given by a practitioner, or

(*b*) by a pharmacist to the order of a practitioner who is by reason of some emergency unable to furnish a prescription immediately if the said practitioner undertakes to furnish such a prescription within the 24 hours next following the sale or supply and the sale or supply is not repeated until such a prescription has been furnished.

(3) The prohibition imposed by paragraph (1) of this Article shall be subject to the further exceptions that the sale or supply of any medicinal product as aforesaid shall not, by virtue of that paragraph, be prohibited—

(*a*) where the sale or supply is by a doctor or dentist to a patient of his or to a person under whose care such a patient is or by a veterinary surgeon or veterinary practitioner for administration by him or under his direction to an animal or herd which is under his care, or

(*b*) where the sale or supply is by a doctor or dentist to another doctor or dentist at the request of that other doctor or dentist for administration to a particular patient of that other doctor or dentist, or

(*c*) where the sale or supply is by a veterinary surgeon or veterinary practitioner to another veterinary surgeon or veterinary practitioner at the request of that other veterinary surgeon or veterinary practitioner for administration to a particular animal or herd which is under the care of that other veterinary surgeon or veterinary practitioner, or

(*d*) where the sale or supply is in the course of the business of a hospital or health centre and the sale or supply is for the purpose of administration, whether in the hospital or health centre or elsewhere, in accordance with the directions of a doctor or dentist, or

(*e*) where the sale is to a person who buys it for one or more of the purposes specified in section 131(2) of the Act (wholesale) and such sale is—

(i) to a person carrying on the business of selling by way of wholesale dealing, or

(ii) to a person lawfully conducting a retail pharmacy business, or

(iii) to a practitioner, or

(iv) for use in a hospital or health centre, or

(a) 1889 c. 63.

(*f*) where the sale or supply is to any of the following:—

(i) a public analyst appointed under section 89 of the Food and Drugs Act 1955**(a)**, section 27 of the Food and Drugs (Scotland) Act 1956**(b)** or section 31 of the Food and Drugs Act (Northern Ireland) 1958**(c)**;

(ii) a sampling officer within the meaning of the Food and Drugs Act 1955, the Food and Drugs (Scotland) Act 1956 or the Food and Drugs Act (Northern Ireland) 1958;

(iii) a sampling officer within the meaning of Schedule 3 to the Act;

(iv) an inspector appointed by the Pharmaceutical Society of Great Britain under section 25 of the Pharmacy and Poisons Act 1933**(d)**;

(v) a person or institution concerned with scientific education or research if the medicinal product is required for the purposes of that education or research and is not to be used by that person or institution by being administered to human beings or animals for a medicinal purpose.

(4) The prohibition imposed by paragraph (1) of this Article shall be subject to the additional exception that the sale or supply of any medicinal product as aforesaid shall not be prohibited where the sale or supply involves or is for the purpose of exporting the medicinal product.

Amendments of orders made under section 62(1)(*a*) *of the Act* (*prohibitions*)

3.—(1) In each of the following provisions, that is to say—

(*a*) Article 2(3)(*f*) of the Medicines (Hexachlorophane Prohibition) Order 1973**(e)**,

(*b*) Article 2(3)(*f*) of the Medicines (Interim Prescription Only) (No. 1) Order 1974**(f)**,

(*c*) Article 2(3)(*f*) of the Medicines (Phenacetin Prohibition) Order 1974**(g)**,

the word "persons" immediately before sub-paragraph (i) shall be omitted and immediately after sub-paragraph (iv) there shall be added as a new sub-paragraph (v) the following—

"(v) a person or institution concerned with scientific education or research if the medicinal product is required for the purposes of that education or research and is not to be used by that person or institution by being administered to human beings or animals for a medicinal purpose.".

(2) In the Schedule to the said Medicines (Interim Prescription Only) (No. 1) Order 1974 immediately after the word "Benapryzine" there shall be added in the same line, the word "Hydrochloride" and immediately after the word "Bleomycin" there shall be added in the same line the word "Sulphate".

(a) 1955 (4 & 5 Eliz. 2) c. 16.
(b) 1956 c. 30.
(c) 1958 c. 27 (N.I.).
(d) 1933 c. 25.
(e) S.I. 1973/1120 (1973 II, p. 3453).
(f) S.I. 1974/711 (1974 I, p. 2744).
(g) S.I. 1974/1082 (1974 II, p. 3995).

Barbara Castle,
Secretary of State for Social Services.

10th December 1974.

John Morris,
Secretary of State for Wales.

11th December 1974.

William Ross,
Secretary of State for Scotland.

11th December 1974.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th December 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 19th day of December 1974.

(L.S.)

Norman Dugdale,
Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 19th day of December 1974.

(L.S.)

J. A. Young,
Permanent Secretary.

Article 2(1) | SCHEDULE

Alprenolol Hydrochloride

Benzbromarone

Carbamazepine
Carbidopa

Fenoprofen Calcium Salt
Flucytosine
Fluprostenol Sodium Salt

Idoxuridine

Loperamide Hydrochloride

Molindone Hydrochloride

Opipramol Hydrochloride
Oxamniquine
Oxolinic Acid

Penicillamine
Penicillamine Hydrochloride
Perhexiline Hydrogen Maleate
Pindolol
Pizotifen
Polidexide
Prazosin Hydrochloride

Rimiterol Hydrobromide

Salmefamol
Sodium Valproate
Sotalol Hydrochloride

Timolol Maleate
Tobramycin Sulphate

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the sale or supply of certain medicinal products except where the sale or supply takes place in a registered pharmacy and is in accordance with a prescription given by a practitioner.

The order provides for certain other exceptions from the prohibition. These include exceptions in the case of certain sales or supplies in hospitals, by practitioners, or to persons or institutions concerned with scientific education or research, and in the case of certain wholesale dealings. The export of such medicinal products is also excepted. Article 3 of the order amends three other specified prohibition orders made under section 62(1)(*a*) of the Medicines Act 1968 so as to provide similar exceptions for sales or supplies to persons or institutions concerned with scientific education or research.

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