STATUTORY INSTRUMENTS

1974 No. 1082

MEDICINES

The Medicines (Phenacetin Prohibition) Order 1974

Made - - - -	*20th June* 1974
Laid before Parliament	*3rd July* 1974
Coming into Operation	*1st September* 1974

The Secretaries of State respectively concerned with health in England, in Wales and in Scotland and the Head of the Department of Health and Social Services 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 following order, and after consulting and taking into account the advice of the Medicines Commission and the Committee on Safety of Medicines (**c**), and after taking into account the report of the Medicines Commission made under section 62(5) of that Act, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Medicines (Phenacetin Prohibition) Order 1974 and shall come into operation on 1st September 1974.

(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 enactment (including any enactment of the Parliament of Northern Ireland) shall be construed as a reference to that enactment as amended or extended by any other enactment, Measure of the Northern Ireland Assembly, regulation or order.

(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 Head of the Department of Health and Social Services for Northern Ireland by virtue of section 40 of and Schedule 5 to, the Northern Ireland Constitution Act 1973 (c. 36).

(**c**) S.I. 1970/1257 (1970 II, p. 4098). (**d**) 1889 c. 63.

Prohibition of sale, supply and importation of phenacetin

2.—(1) Subject to the exceptions specified in the following provisions of this order, the sale, supply and importation of any medicinal product consisting of phenacetin or containing phenacetin in a proportion (calculated on the basis of weight in weight) of 0·1 per cent or more, not being a veterinary drug, 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 is in accordance with a prescription given by a practitioner and is by or under the supervision of a pharmacist on premises which are a registered pharmacy.

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

(*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

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

(*c*) 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

(*d*) 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

(*e*) where the importation is—

(i) by or to the order of a doctor or dentist for a particular patient of his, or

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

(iii) by a person in the course of a business carried on by him and is for the purpose of sale or supply to such person as is mentioned in sub-paragraph (*d*)(i) to (iii) above or for use in a hospital or health centre, or

(iv) by any person when entering the United Kingdom where the product is being carried with him or is contained in his baggage and is for administration to himself or to any person or persons who are members of his household,

or

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

(i) a public analyst appointed under section 89 of the Food and Drugs Act 1955(a), section 27 of the Food and Drugs Act (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).

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

Barbara Castle,
Secretary of State for Social Services.

6th June 1974.

John Morris,
Secretary of State for Wales.

12th June 1974.

William Ross,
Secretary of State for Scotland.

13th June 1974.

Donaldson,
Head of the Department of Health and Social Services for Northern Ireland.

20th June 1974.

(a) 1955 (4 & 5 Eliz. 2.) c. 16.
(b) 1956 c. 30.
(c) 1958 c. 27 (N.I.).
(d) 1933 c. 25.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits, as from 1st September 1974, the sale or supply of medicinal products which are for human use and which consist of phenacetin or contain 0·1 per cent or more by weight of phenacetin, except where the sale or supply takes place in a registered pharmacy and is in accordance with a prescription given by a practitioner. The importation of such medicinal products is also prohibited by the Order.

The Order provides for certain other exceptions from the prohibition. These include exceptions in the case of certain sales or supplies in hospitals, or by practitioners, and in the case of certain wholesale dealings. Exceptions are also provided for certain importation and for the export of such medicinal products.

SI 1974/1082
ISBN 0-11-041082-3

