STATUTORY INSTRUMENTS

1978 No. 189

MEDICINES

The Medicines (Prescription Only) Amendment Order 1978

Made - - - -	*9th February* 1978
Laid before Parliament	*10th February* 1978
Coming into Operation	*11th February* 1978

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 sections 58(1) and (4)(*a*) and 129(4) 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 following order, and after consulting and taking into account the advice of the Medicines Commission, hereby make the following order:—

1. This order may be cited as the Medicines (Prescription Only) Amendment Order 1978 and shall come into operation on 11th February 1978.

2. The Medicines (Prescription Only) Order 1977(**c**) shall be amended by the addition of the following new Article after Article 11 thereof:—

"

Transitional exemption

11A.—(1) The restrictions imposed by section 58(2) of the Act (restrictions on sale, supply or administration) shall not, for a period of six months from the date of the coming into operation of the Medicines (Prescription Only) Amendment Order 1978(**d**), apply to the sale, supply or administration of a prescription only medicine sold or supplied in the circumstances specified in paragraph (2) below.

(**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) and in the case of the Northen 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**) S.I. 1977/2127.

(**d**) S.I. 1978/189.

(2) The circumstances referred to in paragraph (1) above are—

(*a*) where the person selling or supplying the prescription only medicine in question is a person who, immediately before 1st February 1978, could lawfully have sold or supplied that product other than in accordance with a prescription given by a practitioner, and

(*b*) in the case of a prescription only medicine which, immediately before 1st February 1978, was subject to the requirements of section 18(2) or section 19 of the Pharmacy and Poisons Act 1933(**a**), as modified(**b**), or, as respects Northern Ireland, of section 27(2) or section 28 of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945(**c**), as modified(**d**), (requirements as to signed orders or recording in a register), where those requirements are complied with in relation to the sale or supply of the prescription only medicine in question as if those requirements had continued in force.".

David Ennals,

Secretary of State for Social Services.

8th February 1978.

Signed by authority of the Secretary of State for Wales.

Barry Jones,

Parliamentary Under-Secretary of State for Wales.

8th February 1978.

Bruce Millan,

Secretary of State for Scotland.

8th February 1978.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th February 1978.

(L.S.)

John Silkin,

Minister of Agriculture, Fisheries and Food.

(**a**) 1933 c. 25.

(**b**) Rules 7, 8 and 9 of the Poisons Rules 1972 (S.I. 1972/1939).

(**c**) 1945 c. 9 (N.I.).

(**d**) Regulations 7, 8 and 9 of the Poisons Regulations (Northern Ireland) 1974 (S.R. of N.I. 1974/246).

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 9th day of February 1978.

(L.S.)

N. Dugdale,

Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 9th day of February 1978.

(L.S.)

J. A. Young,

Permanent Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Medicines (Prescription Only) Order 1977 by providing a temporary exemption for six months for certain medicinal products for human and animal use from the restrictions applicable to prescription only medicines by virtue of section 58(2) of the Medicines Act 1968 (restrictions on sale, supply or administration). The exemption applies to those products which became subject to the prescription only requirement for the first time by virtue of the Medicines (Prescription Only) Order 1977. In the case of those now exempted products the sale or supply of which before 1st February 1978 was required to be recorded in a register or to be against a signed order (ie Schedule 1 poisons), the Order provides for those procedures to be followed during the transitional exemption period.

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