STATUTORY INSTRUMENTS

1983 No. 341

MEDICINES

The Medicines (Prescription Only) Amendment Order 1983

Made - - - - -	8*th March* 1983
Laid before Parliament	11*th March* 1983
Coming into Operation	1*st April* 1983

The Secretary of State concerned with health in England, the Secretaries of State respectively concerned with health and with agriculture in Scotland and in Wales, 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 the powers conferred by sections 58(1) and (4) 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 this order pursuant to section 129(6) of the said Act, and after consulting and taking into account the advice of the Medicines Commission and the Veterinary Products Committee in accordance with sections 58(6) and 129(7) of the said Act, hereby make the following order:—

Citation, interpretation and commencement

1. This order, which may be cited as the Medicines (Prescription Only) Amendment Order 1983, amends the Medicines (Prescription Only) Order 1980**(c)** (hereinafter referred to as "the principal order") and shall come into operation on 1st April 1983.

(a) 1968 c. 67.

(b) In the case of the Secretaries of State concerned with health in England and Wales by virtue of Article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388), in the case of the Secretary of State concerned with agriculture in Wales by virtue of Article 2(3) of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272) 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 section 1(3) of, and paragraph 2(1)(*b*) of Schedule 1 to, the Northern Ireland Act 1974 (c. 28).

(c) S.I. 1980/1921; relevant amending instruments are S.I. 1982/29, 1596, 1801.

Amendment of Article 13 of the principal order

2. Article 13(2)(*c*)(v) of the principal order (which sets out one of the conditions which must be fulfilled if a prescription only medicine is to be taken to be sold or supplied in accordance with a prescription given by a practitioner), is amended by adding after the word "delivered" the words "and a declaration by the veterinary surgeon or veterinary practitioner giving it that the prescription only medicine is prescribed for an animal or herd under his care".

Amendment of Part I of Schedule 1 to the principal order

3. In Part I of Schedule 1 to the principal order (which lists ingredients which render a product a prescription only medicine except in circumstances also listed):

(*a*) in the entry relating to Loperamide Hydrochloride, there are added in column 3 the words "Treatment of acute diarrhoea";

(*b*) in the entry relating to Spiramycin, there are added in column 3 the words "Veterinary use: incorporation in feed as a growth promoter".

Signed by authority of the Secretary of State for Social Services.

K. Clarke,
Minister of State,
Department of Health and Social Security.

4th March 1983.

George Younger,
Secretary of State for Scotland.

8th March 1983.

Nicholas Edwards,
Secretary of State for Wales.

7th March 1983.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th March 1983.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 7th day of March 1983.

L.S.

N. Dugdale,
Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 8th day of March 1983.

L.S.

K. F. Parkin,
Under Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Medicines (Prescription Only) Order 1980 which specifies descriptions and classes of prescription only medicines, that is to say medicinal products which (subject to exemptions) may be sold or supplied by retail only in accordance with a prescription given by a doctor, dentist, veterinary surgeon or veterinary practitioner and which may be administered only by or in accordance with the directions of such a person.

The amendments made by Article 3 set out the circumstances in which a medicinal product containing the substance Loperamide Hydrochloride or Spiramycin is excluded from being a prescription only medicine. The amendment made by Article 3(*b*) implements a Community obligation under Council Directive No. 70/524/EEC (O.J. No. L270, 14.12.70, p. 1 (O.J./S.E. 1970 (III) p. 840)).

The 1980 Order also prescribes conditions which must be fulfilled if a sale or supply of a prescription only medicine is to be taken as being in accordance with a prescription. This order amends those conditions so as to require a prescription which is given by a veterinary surgeon or veterinary practitioner to contain a declaration by such person that the prescription only medicine is prescribed for an animal or herd under his care (Article 2).

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