

CHAPTER 29.

An Act to control the sale and supply of penicillin and certain other substances. [18th July 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Control of sale and supply of substances to which this Act applies.

1.—(1) Subject to the provisions of this section, no person shall sell or otherwise supply any substance to which this Act applies or any preparation of which any such substance is an ingredient or part unless—

(*a*) he is a duly qualified medical practitioner, a registered dental practitioner or a registered veterinary surgeon, or a person acting in accordance with the directions of any such practitioner or surgeon, and the substance or preparation is sold or supplied for the purposes of treatment by or in accordance with the directions of that practitioner or surgeon ; or

(*b*) he is a registered pharmacist or an authorised seller of poisons, and the substance or preparation is sold or supplied under the authority of a prescription signed and dated by any such practitioner or surgeon as aforesaid.

(2) No person shall administer by way of treatment any such substance or preparation unless he is such a practitioner or surgeon as aforesaid or is acting in accordance with the directions of such a practitioner or surgeon.

(3) Subsection (1) of this section shall not apply to the sale or supply of any such substance or preparation—

(*a*) by way of wholesale dealing ;

(*b*) for the purpose of being exported ;

(*c*) to any such practitioner or surgeon as aforesaid ;

(*d*) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical, surgical, dental or veterinary treatment;

(*e*) to any person carrying on an institution or business which has among its recognised activities the conduct of scientific education or research, for use by persons engaged in that education or research; or

(*f*) to any Minister of the Crown or Government department.

(4) A prescription signed by any such practitioner or surgeon authorising the sale or supply of any such substance or preparation shall not, subject as hereinafter provided, be dispensed on more than one occasion or more than three months after the date on which it was signed:

Provided that, if the prescription expressly directs that it may be dispensed on a specified number of occasions or at specified intervals in a specified period, it may be dispensed in accordance with that direction.

Substances to which this Act applies.

2.—(1) The substances to which this Act applies are penicillin and such other anti-microbial organic substances produced by living organisms as may be prescribed by regulations made by the Minister of Health, the Secretary of State for Scotland and the Minister of Health and Local Government for Northern Ireland, jointly, after consultation with the Medical Research Council and, where such regulations prescribe a substance produced by living organisms, the regulations may include any substance the chemical properties of which are identical with or similar to those of the substance so prescribed but which is not produced by living organisms.

(2) All regulations made under this section shall be laid before Parliament forthwith after they are made and if either House of Parliament, within a period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of new regulations.

(3) In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

56 & 57 Vict. c. 66.

(4) Section one of the Rules Publication Act, 1893, (which requires a notice to be given of a proposal to make statutory rules) shall not apply to any such regulations as aforesaid.

Offences and penalties.

3.—(1) Any person who contravenes any provision of section one of this Act shall be guilty of an offence under this Act and shall be liable, on summary conviction, to a fine not exceeding one hundred pounds, or, in the case of a second or subsequent conviction, to such a fine or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Where an offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Enforcement by Pharmaceutical Society. 23 & 24 Geo. 5. c. 25.

4. The Pharmaceutical Society of Great Britain shall have power to enforce the provisions of this Act, and for that purpose may employ the inspectors appointed by them under section twenty-five of the Pharmacy and Poisons Act, 1933, but nothing in this section shall be construed as authorising the Society to institute proceedings in Scotland for any offence under this Act.

Interpretation.

5. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" authorised seller of poisons " has the meaning assigned to it by the Pharmacy and Poisons Act, 1933 ;

" penicillin " has the meaning assigned to it by regulations for the time being in force under the Therapeutic Substances Act, 1925 ; 15 & 16 Geo. 5. c. 60.

" registered dental practitioner " means a person registered in the dentists register under the Dentists Acts, 1878 to 1923 ;

" registered pharmacist " means a person registered in the register of pharmaceutical chemists or the register of chemists and druggists ;

" registered veterinary surgeon " means a veterinary surgeon registered in pursuance of the Veterinary Surgeons Act, 1881, either in the register of veterinary surgeons or in the register of existing practitioners ; 44 & 45 Vict. c. 62.

" sale by way of wholesale dealing " means sale to a person who buys for the purpose of selling again ;

Application to Northern Ireland.

6.—(1) In the application of this Act to Northern Ireland, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"authorised seller of poisons" has the meaning assigned to it by the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945, as amended by any other enactment of the Parliament of Northern Ireland;

"registered pharmacist" means a person registered in the register of pharmaceutical chemists in pursuance of the Pharmacy and Poisons Acts (Northern Ireland) 1925 and 1945, or any enactment of the Parliament of Northern Ireland amending those Acts;

14 & 15 Vict. c. 93.

"summary conviction" means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any enactment (including an enactment of the Parliament of Northern Ireland) amending that Act.

(2) The Ministry of Home Affairs for Northern Ireland shall have power to enforce the provisions of this Act in Northern Ireland, and for that purpose may employ the inspector appointed by the Ministry under section eight of the Pharmacy and Poisons Act (Northern Ireland), 1925.

Short title.

7. This Act may be cited as the Penicillin Act, 1947.

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