Medicines Act 1968

1968 CHAPTER 67

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

107 Validity of decisions and proceedings relating thereto.

(1) Except as provided by the following provisions of this section, the validity of any decision [F1]... of a Minister under section 75 of this Act, and the validity of any **[**[F2]certificate issued**]** or other thing done in pursuance of any such decision, shall not be questioned in any legal proceedings.

(2) If the person to whom such a decision relates desires to question the validity of the decision on the grounds—

(a) that it is not within the powers of this Act, or

(b) that any of the requirements of this Act or of any regulations made under this Act, which are applicable to the matter to which the decision relates, have not been complied with,

that person may, at any time within the period of three months from the date on which notice of the decision is served on him, make an application to the High Court under this section.

(3) On any application under this section the High Court—

(a) may by interim order suspend the operation of the decision to which the application relates until the final determination of the proceedings;

(b) if satisfied that the decision is not within the powers of this Act, or that the interests of the person making the application have been substantially prejudiced by a failure to comply with any of the requirements mentioned in subsection (2)(b) of this section, may quash the decision.

(4) Where a decision to **[**[F3]issue a certificate**]** is quashed under this section, any **[**[F4]certificate issued**]** in pursuance of that decision shall be void, and any proceedings on the application for the **[**[F5]issue of the**]** certificate may be continued as if no such decision had been made.

(5) In the application of this section to Scotland, any reference to the High Court shall be construed as a reference to the Court of Session.

(6) In the application of this section to Northern Ireland, any reference to the High Court shall be construed as a reference to a judge of the High Court [F6]... in Northern Ireland.

Textual Amendments

F1 Words in s. 107(1) omitted (14.8.2012) by virtue of The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 17(a)(i)** (with Sch. 32)

F2 Words in s. 107(1) substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 17(a)(ii)** (with Sch. 32)

F3 Words in s. 107(4) substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 17(b)(i)** (with Sch. 32)

F4 Words in s. 107(4) substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 17(b)(ii)** (with Sch. 32)

F5 Words in s. 107(4) substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 17(b)(iii)** (with Sch. 32)

F6 Words in s. 107(6) omitted (14.8.2012) by virtue of The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 17(c)** (with Sch. 32)

Modifications etc. (not altering text)

C1 Pt. VIII (ss. 104–136) extended by S.I.s 1982/425, art. 3, 1984/187 art. 2; and extended with modifications by S.I. 1985/403, **art. 3(1)**

C2 S. 107 applied (with modifications) (3.4.1992) by S.I. 1992/605, **reg. 2(1)(2)**,Sch.
S. 107 extended (with modifications)(14.2.1994) by S.I. 1994/105, reg. 19, **Sch.4**
S. 107 applied (with modifications) (1.1.1995) by s.I. 1994/3144, reg.10, Sch. 4
S. 107 applied (31.3.1997) by S.I. 1997/322, reg. 34, **Sch.5**

C3 Ss. 107-116 applied (with modifications) (1.5.2004) by Medicines for Human Use (Clinical Trials) Regulations 2004 (S.I. 2004/1031), regs. 1, 47, **Schs. 9**

C4 Ss. 107-109 applied (with modifications) (30.10.2005) by Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005 (S.I. 2005/2750), regs. 1(a), 11, **Schs. 4** (with Sch. 6)

C5 Ss. 107-116 amendment to earlier affecting provision SI 2004/1031 reg. 47 Sch. 9 (29.8.2006) by Medicines for Human Use (Clinical Trials) Amendment Regulations 2006 (S.I. 2006/1928), regs. 1(1), **32**

Changes to legislation:
Medicines Act 1968, Section 107 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(1A)(1B) added (prosp.) by 1997 c. 19 s. 1Sch. para. 5(b)
- s. 84B inserted by S.I. 2016/372 art. 12