



Medicines Act 1968

1968 CHAPTER 67

PART VIII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

109 Enforcement in Scotland.

(1) ^{F1} Subject to the provisions of section 108(6C) of this Act as applied by subsection (2) of this section, ^{F2} It shall be the duty of the Secretary of State to enforce in Scotland, or to secure the enforcement in Scotland of, the provisions of this Act and of any regulations and orders made under it.

(2) Subsections ^{F2}(2), (6) to (6D), (9) and (10) of section 108 of this Act shall have effect in relation to Scotland as if—

(a) any reference to the appropriate Minister ^{F3}... were a reference to the Secretary of State;

(b) any reference to England and Wales were a reference to Scotland; and

^{F4} ^{F5}(c) references to a food and drugs authority and to the area of any such authority were references respectively to a local authority as defined by section 26(4) of the ^{M1} Food and Drugs (Scotland) Act 1956 and to the area of such an authority; and]

^{F6}(d)]

^{F7}(2A) Subsection (12) of section 108 of this Act shall have effect in relation to Scotland as if for paragraphs (a) and (b) there were substituted the words ^{F8} “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”]]

^{F9}(3)

(4) Nothing in this section shall be construed as authorising an enforcement authority to institute proceedings for any offence.

Changes to legislation: Medicines Act 1968, Section 109 is up to date with all changes known to be in force on or before 24 August 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. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 109(1) inserted (1.10.2009) by [Health Act 2006 \(c. 28\)](#), **ss. 31(2)**, 83(7); S.I. 2008/2714, [art. 2\(a\)](#)
- F2** Words in s. 109(2) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), [reg. 1\(2\)](#), **Sch. 34 para. 19(a)(i)** (with [Sch. 32](#))
- F3** Words in s. 109(2)(a) omitted (14.8.2012) by virtue of [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), [reg. 1\(2\)](#), **Sch. 34 para. 19(a)(ii)** (with [Sch. 32](#))
- F4** S. 109(2)(c)(d) substituted (S.) for s. 109(2)(c) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 191**
- F5** S. 109(2)(c) repealed (E.W.S.) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59(1), **Sch. 3 para. 9(a)**
- F6** S. 109(2)(d) omitted (1.10.2006) by virtue of [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), [reg. 1](#), **Sch. 8 para. 57** (with [regs. 2\(4\), 3](#))
- F7** S. 109(2A) inserted (E.W.S.) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59(1), **Sch. 3 para. 9(b)**
- F8** Words in s. 109(2A) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 79(b)**; S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F9** S. 109(3) repealed (14.8.2012) by virtue of [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), [reg. 1\(2\)](#), [Sch. 34 para. 19\(b\)](#), **Sch. 35** (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. 109 modified (30.1.1992) by [S.I. 1992/32](#), [reg. 12\(1\)\(2\)](#)
S. 109 extended (with modifications) (14.2.1994) by [S.I. 1994/105](#), [reg. 19](#), **Sch. 4**
S. 109 extended (1.1.1995) by [S.I. 1994/3142](#), [reg. 18\(7\)](#)
S. 109 applied (1.1.1995) by [S.I. 1994/3142](#), [reg. 18\(2\)](#)
S. 109 applied (31.3.1997) by [S.I. 1997/322](#), [reg. 34](#), **Sch. 5**
S. 109 applied (with modifications) (1.1.1995) by [S.I. 1994/3144](#), [reg. 10](#), **Sch. 4**
Ss. 108–110 applied (1.2.2000) by [S.I. 2000/7](#), [reg. 5](#)
- C3** Ss. 108–114 applied (with modifications) (1.7.1992) by [S.I. 1992/1520](#), [reg. 12](#).
- C4** Ss. 108–115 modified (3.4.1992) by [S.I. 1992/605](#), [regs. 2\(3\), 3](#)
Ss. 108–115 applied (3.10.1994) by [S.I. 1994/2328](#), [reg. 11\(c\)](#)
- C5** S. 109: Functions transferred (S.) (1.7.1999) by [S.I. 1999/1750](#), [art. 2](#), **Sch. 1** (with [art. 7](#))
- C6** 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**
- C7** 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](#))
- C8** 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](#)
- C9** S. 109(1): power to transfer functions conferred (1.5.2000) by [S.I. 2000/745](#), [art. 2\(1\)](#), **Sch. para. 1**

Marginal Citations

- M1** [1956 c. 30](#).

Changes to legislation:

Medicines Act 1968, Section 109 is up to date with all changes known to be in force on or before 24 August 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.

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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](#)