

1976 No. 31

MEDICINES

The Medicines (Feeding Stuff's Limits of Variation)

Order 1976

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| <i>Made - - - -</i> | <i>8th January 1976</i> |
| <i>Laid before Parliament</i> | <i>26th January 1976</i> |
| <i>Coming into Operation</i> | <i>1st April 1976</i> |

The Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of powers conferred by section 117(4) and (5) of the Medicines Act 1968(a), as read with and modified by the Medicines (Feeding Stuff's Additives) Order 1975(b), and now vested in them (c), and of all other powers enabling them in that behalf, and after consulting such organisations as appear to them to be representative of interests likely to be substantially affected, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Medicines (Feeding Stuff's Limits of Variation) Order 1976, and shall come into operation on 1st April 1976.

Interpretation

2.—(1) In this order—

“the Act” means the Medicines Act 1968;

“the Agriculture Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Department of Agriculture for Northern Ireland, acting jointly; and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Limits of variation

3.—(1) In relation to the incorporation in animal feeding stuffs of any substance of any description or class specified in column 1 of the Schedule to this order, the limits of variation for the purposes of section 117(4) of the Act (which provides that so much of any licence granted or animal test certificate issued under Part II of the Act as imposes any restriction or requirement by

(a) 1968 c. 67.

(b) S.I. 1975/1349, 1975 II, p. 4586.

(c) In the case of the Department of Agriculture for Northern Ireland by virtue of section 40 of, and Schedule 5 to, the Northern Ireland Constitution Act 1973(c. 36), and paragraph 2(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (c. 28).

(d) 1889 c. 63.

reference to the quantity to be incorporated, or the proportion in which any such substance may be incorporated, in any animal feeding stuff shall not be taken to be contravened in any particular case if the discrepancy does not exceed such limit as the Agriculture Ministers may specify) shall be those specified in column 3 of the said Schedule in relation to the substances of the descriptions or classes specified in column 1 thereof when such substances are to be incorporated in animal feeding stuffs at the levels specified in column 2 of the said Schedule.

(2) Where a label or mark on a container or package containing any animal feeding stuff, or a leaflet supplied or to be supplied with any animal feeding stuff specifies a quantity or proportion of a medicinal product of a particular description, or of a substance other than a medicinal product (but incorporated for a medicinal purpose), as being incorporated in the animal feeding stuff, the limits of variation for the purposes of section 117(5) of the Act (which provides that section 90(2) (creating offences relating to false or misleading descriptions of medicated animal feeding stuffs) of the Act shall not be taken to be contravened by reason only that the quantity or proportion actually incorporated in the animal feeding stuff is greater or less than that so specified, if the discrepancy does not exceed such limit as the Agriculture Ministers may specify) shall be those specified in column 3 of the Schedule to this order in relation to the medicinal products or substances of the descriptions or classes specified in column 1 thereof when such medicinal products or substances are specified as incorporated in animal feeding stuffs at the levels specified in column 2 of the said Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd December 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

5th January 1976. *William Ross,*
Secretary of State for Scotland.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland this 8th day of January 1976.

(L.S.)

J. A. Young,
Permanent Secretary.

Article 3

SCHEDULE

| Column 1 Description or class of medicinal product or substance | Column 2 Quantity or proportion of medicinal product or substance to be incorporated in any animal feeding stuff for a medicinal purpose under any restriction or requirement of a licence or animal test certificate, or specified as incorporated in any animal feeding stuff by a label, mark or leaflet. | Column 3 Limits of variation |
|---|---|---------------------------------|
| Anthelmintics anti-blackhead drugs anti-coccidial agents anti-microbial substances anti-scour agents arsenicals growth promoters (except copper) hormones (including synthetic hormones) tranquillisers | 1. Not exceeding 50 parts per million or 50 milligrams per kilogram | 50% |
| | 2. Exceeding 50 parts per million or 50 milligrams per kilogram but not exceeding 500 parts per million or 500 milligrams per kilogram | 40% |
| | 3. Exceeding 500 parts per million or 500 milligrams per kilogram but not exceeding 0.5% | 30% |
| | 4. Exceeding 0.5% but not exceeding 5% | 20% |
| | 5. Exceeding 5% | 10% |
| copper | 1. Not exceeding 200 parts per million or 200 milligrams per kilogram | 50% |
| | 2. Exceeding 200 parts per million or 200 milligrams per kilogram | 30% |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order specifies limits of variation under the Medicines Act 1968 within which—

(1) levels at which incorporation in animal feeding stuffs of specified substances actually takes place may depart from levels required under any licence or animal test certificate issued under Part II of the Act without contravention of so much of the licence or animal test certificate as imposes the required levels; and

(2) levels at which specified medicinal products or other substances added for a medicinal purpose are actually incorporated in an animal feeding stuff may depart from the levels at which such medicinal products or substances are stated to have been incorporated on any label, mark or leaflet relating to such animal feeding stuffs, without contravening section 90(2) of the Act (which creates offences relating to false or misleading descriptions of medicated animal feeding stuffs).

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