

1977 No. 2128 (C.71)

MEDICINES

The Medicines Act 1968 (Commencement No. 7) Order 1977

Made - - - - 20th December 1977

The Secretaries of State respectively concerned with health in England and in Wales, the Secretary of State concerned with health and with agriculture in Scotland, 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 powers conferred by section 136(3) and (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 the following order, hereby make the following order:—

1. The day appointed for the coming into operation of sections 63 and 64 of the Medicines Act 1968 (hereinafter referred to as “the Act”) shall be 1st February 1978.

2. The 1st February 1978 shall also be the day appointed for the coming into operation of section 135 of the Act for the purposes of—

- (a) the amendments specified in paragraphs 1 to 10 and paragraph 13 of Schedule 5 to the Act as amended(c) (being amendments of enactments of the Parliament of the United Kingdom) and paragraphs 1 to 5, 7 to 26 and 28 to 30 of Schedule 7 to the Act (being amendments of enactments of the Parliament of Northern Ireland), and
- (b) the repeal of the enactments specified in column 1 of the Schedule to this order to the extent specified in column 2 of the said Schedule (Part I of the said Schedule relating to enactments of the Parliament of the United Kingdom and Part II relating to enactments of the Parliament of Northern Ireland).

3.—(1) In so far as anything done under any provision of any enactment, the repeal of which is brought into force by this order, could have been done under a corresponding provision, if any, of the Act brought into force by this order or under a corresponding provision, if any, of the Act already in force, it shall not be invalidated by the repeal but shall have effect as if done under that corresponding provision.

(a) 1968 c. 67.

(b) In the case of the Secretaries of State concerned with health in England and in Wales by virtue of Article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388 (1969 I, p. 1070)), 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) Schedule 6 to the Misuse of Drugs Act 1971 (c. 38).

(2) Any reference, whether express or implied, in any document to any provision of any enactment the repeal of which is brought into force by this order shall, unless the context otherwise requires, be construed as a reference to the corresponding provision, if any, of the Act brought into force by this order or to any corresponding provision of the Act already in force.

4. This order may be cited as the Medicines Act 1968 (Commencement No. 7) Order 1977.

David Ennals,
Secretary of State for Social Services.

15th December 1977.

John Morris,
Secretary of State for Wales.

15th December 1977.

Bruce Millan,
Secretary of State for Scotland.

15th December 1977.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th December 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 19th day of December 1977.

(L.S.)

N. Dugdale,
Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 20th day of December 1977.

(L.S.)

J. A. Young,
Permanent Secretary.

Article 2(b)
SCHEDULE
PART I

ENACTMENTS OF THE UNITED KINGDOM PARLIAMENT REPEALED

Enactments (1)	Extent of repeal (2)
The Venereal Disease Act 1917 (c. 21)	Section 2(2), except the proviso.
The Pharmacy and Poisons Act 1933 (c. 25)	Sections 8 to 11A. In section 12, subsection (2) and subsections (4) to (8). Sections 13 and 14. In section 17, in subsection (2), the words “of persons who are to be entitled to sell poisons in Part II”, and, in subsection (6), the words from “and in this Act” to the end of the subsection. In section 18(2)(a)(ii) the word “registered”. Section 19. In section 23, in subsection (1), paragraph (a), paragraph (b)(ii) and paragraph (i); and in subsection (3), in the reference to paragraphs (a), (b)(i), (c), (d), (e) and (i), the references to paragraphs (a) and (i). In section 25, in subsection (1) the words “Part I of this Act and of section nineteen and”, in subsection (4) those words and the word “registered”, and subsection (9). In section 29, the definitions of “authorised seller of poisons” and “poison” and paragraph (a) of the definition of “registered”.
The Cancer Act 1939 (c. 13)	In section 4, subsection (1)(b), subsection (3) and subsection (4)(a)(vii).
The Pharmacy and Medicines Act 1941 (c. 42)	The whole Act.
The Radioactive Substances Act 1948 (c. 37)	Sections 3 and 4. In section 12, the definition of “authorised seller of poisons”.
The Pharmacy Act 1954 (c. 61)	Section 19.

Enactments (1)	Extent of repeal (2)
The Food and Drugs Act 1955 (c. 16) (4 & 5 Eliz. 2)	<p>In section 1, subsection (2) and subsection 3)(b).</p> <p>In section 2(3), the words from "except" to "drugs".</p> <p>Section 3(2).</p> <p>In section 6(6), the words from "except" to "drugs".</p> <p>In section 91(2), the words from "but" to the end of the subsection.</p> <p>In section 109(3)(a), the words from "so" to the end of the paragraph.</p> <p>In section 114(4), the words from "the authority concerned" to "in any other case".</p> <p>The words "or drug" and "drug" wherever they occur, except in section 135.</p> <p>In Schedule 8, in column 2, in the first paragraph, the words from "other" to "drug".</p> <p>In Part I of Schedule 9, in column 2, paragraph (a)(iii) of the definition relating to sections 321 to 325 of the Public Health Act 1936.</p>
The Therapeutic Substances Act 1956 (c. 25)	Part II.
The Food and Drugs (Scotland) Act 1956 (c. 30)	<p>In section 1, subsection (2) and subsection 3)(b).</p> <p>In section 2(3) the words from "except" to "drugs".</p> <p>Section 3(2).</p> <p>In section 6(6) the words from "except" to "drugs".</p> <p>In section 28(2) the words from "but" to the end of the subsection.</p> <p>The words "or drug" and "drug" wherever they occur, except in section 58.</p>
The Medical Act 1956 (c. 76)	<p>Section 47.</p> <p>Section 57(9) and (10).</p>
The Purchase Tax Act 1963 (c. 9)	In Part II of Schedule 1, in paragraph 5(2), the definition of "authorised seller of poisons".

PART II

ENACTMENTS OF THE NORTHERN IRELAND PARLIAMENT REPEALED

Enactments (1)	Extent of repeal (2)
The Pharmacy and Poisons Act (Northern Ireland) 1925 c. 8 (N.I.)	Section 17(4) and (5). Section 18.
The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 c. 9 (N.I.)	<p>Part I.</p> <p>In section 14, in subsection (1) the words “if he is a registered person” and the words from “and, if he is a representative” onwards; and in subsection (2) the proviso.</p> <p>Sections 15 to 18.</p> <p>In section 19, in subsection (1) the words “or to be an authorised seller of poisons” and the words from “, or if the owner is a body corporate,” to “employee of the body corporate,”; in subsection (2) in paragraph (a) the words from “or, if the owner” onwards and in paragraph (b) the words from “or, if the owner is a body corporate” to “employee of the body corporate,”; and subsection (3).</p> <p>Section 28.</p> <p>In section 32, in subsection (1) paragraphs (a), (b)(ii) and (i), and in subsection (3) the references to paragraphs (a) and (i) of subsection (1).</p> <p>In section 35(3) the words “section four, section five or”.</p> <p>In section 36(2) and (3) the words “I and”.</p> <p>Section 37.</p> <p>In section 38(1) the definitions of “authorised seller of poisons”, “poison”, “premises having an annual licence” and “retailing”.</p> <p>In Schedule 2 in the proviso to paragraph (1) the word “or” at the end of paragraph (a) and paragraphs (b) and (c).</p>
The Pharmacy and Poisons Act (Northern Ireland) 1955 c. 31 (N.I.)	Section 2.

Enactments (1)	Extent of repeal (2)
The Food and Drugs Act (Northern Ireland) 1958 c. 27 (N.I.)	<p>In section 1 subsection (2), subsection (3)(b) and in subsection (6) the words “or drug”.</p> <p>In section 2 in subsection (1) the words “or drug” in both places where they occur, and in subsection (3) the words “ , except so far as it relates to drugs”.</p> <p>Section 3(2).</p> <p>In section 6 in subsection (1) the words “or drug” in each of the three places where they occur, in subsection (2) those words in each of the two places where they occur, in subsection (5) those words and in subsection (6) the words “ , except so far as it relates to drugs,”.</p> <p>In section 33 in subsection (2) the words “or drug” and subsection (3).</p> <p>In section 34 in subsection (1) the word “, drug” and in subsection (2) the words “or drug”.</p> <p>In section 35 in subsections (1) and (4) the word “, drug”.</p> <p>In section 38 the word “, drug” in both places where it occurs.</p> <p>In section 44 in subsection (2)(a) the word “, drug” in both places where it occurs and in subsection (3) that word in both places where it occurs.</p> <p>In section 47, in subsection (1) the words “so far as those sections or regulations relate to food”, and in subsection (3)(a) the words “so far as it relates to food”.</p>
The Pharmacy Act (Northern Ireland) 1967 c. 12 (N.I.)	<p>Section 5.</p> <p>In Schedule 1 the entries amending sections 17 and 27 of the Pharmacy and Poisons Act (Northern Ireland) 1925 and the entries amending the proviso to section 14(2) and sections 15, 16, 17 and 18 of, and paragraph 1 of Schedule 2 to, the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.</p>
The Increase of Fines Act (Northern Ireland) 1967 c. 29 (N.I.)	<p>In the Schedule the entries relating to sections 15(4) and 16(1A) of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.</p>

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation on 1st February 1978 sections 63 and 64 of the Medicines Act 1968. Section 63 prohibits the adding of substances to and the abstracting of substances from medicinal products so as to affect injuriously the composition of the product and also prohibits the sale or supply of medicinal products whose composition has been so injuriously affected. Section 64 prohibits the sale of any medicinal product which is not of the nature or quality demanded by the purchaser. The order also brings into operation certain parts of section 135 of that Act set out in Article 2 of and the Schedule to this order. Under these provisions a number of amendments to and repeals of certain Acts of Parliament are brought into force.

The Poisons Act 1972 comes into operation immediately after all the amendments of and repeals in the Pharmacy and Poisons Act 1933 made by the Medicines Act 1968 have been brought into operation. All those amendments and repeals not already in operation are brought into operation by this order.

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