
STATUTORY INSTRUMENTS

1977 No. 2131

The Medicines (Prohibition of Non-medicinal Antimicrobial Substances) Order 1977

Citation, commencement and interpretation

1.—(1) This order may be cited as the Medicines (Prohibition of Non-medicinal Antimicrobial Substances) Order 1977 and shall come into operation on 1st February 1978.

(2) In this order—

- (a) the classes of substances listed in numbered paragraphs in column 1 of Part II of Schedule 1 to this order shall have the meanings given to them in the correspondingly numbered paragraphs in column 2 of the said Part II;
- (b) unless the context otherwise requires, “the Act” means the Medicines Act 1968;

and other expressions have the same meanings as in the Act.

(3) Except in so far as the context otherwise requires, any reference in this order to any enactment, order or regulations shall be construed as a reference to that enactment or order or to those regulations, as the case may be, as amended, extended or re-enacted by any other enactment, order or regulations.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

Provisions prohibiting sale or supply

2.—(1) Subject to the following provisions of this Article, the sale or supply of any substance specified in paragraph (2) of this Article, being a substance to which the provisions of the Medicines (Extension to Antimicrobial Substances) Order 1973 applies (“antimicrobial substance”), is hereby prohibited.

(2) The substances referred to in the foregoing paragraph of this Article are—

- (a) a substance listed in Part I of Schedule 1 to this order,
- (b) a substance falling within a class of substances listed in column 1 of Part II of the said Schedule,
- (c) a salt or derivative of the substances specified in the foregoing sub-paragraphs or a salt of a derivative of the said substances, or
- (d) a substance the chemical and biological properties of which are identical with or similar to a substance or a class of substances listed in Part I or Part II of the said Schedule which is produced by means other than the growth of specific organisms.

(3) The prohibition imposed by paragraph (1) of this Article shall apply whether or not the substance is contained in any other substance or article unless that other substance or article is either—

- (a) a medicinal product, or
- (b) an animal feeding stuff.

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(4) The prohibition imposed by paragraph (1) of this Article shall be subject to the following exceptions, that is to say the sale or supply shall not, by virtue of the said paragraph (1), be prohibited—

- (a) where the sale or supply is of an antimicrobial substance listed in numbered paragraphs in column 1 of Schedule 2 to this order and the substance is sold or supplied for the purpose specified in the correspondingly numbered paragraphs of column 2 of the said Schedule and in the circumstances (if any) specified in relation to that purpose in column 3 of the said Schedule;
- (b) where the sale is to a person who buys it for one or more of the purposes specified in section 131(2) of the Act (wholesale) and such sale is to—
 - (i) a veterinary surgeon or veterinary practitioner,
 - (ii) a person lawfully conducting a retail pharmacy business,
 - (iii) a holder of a manufacturer's licence granted under Part II of the Act, or
 - (iv) a person carrying on the business of selling by way of wholesale dealing;
- (c) where the sale or supply is to any of the following—
 - (i) a public analyst appointed under section 89 of the Food and Drugs Act 1955, section 27 of the Food and Drugs (Scotland) Act 1956 or section 31 of the Food and Drugs Act (Northern Ireland) 1958,
 - (ii) an agricultural analyst appointed under section 67 of the Agriculture Act 1970,
 - (iii) a person duly authorised by an enforcement authority under sections 111 and 112 of the Act,
 - (iv) a sampling officer within the meaning of Schedule 3 to the Act,
 - (v) universities, other institutions concerned with higher education or institutions concerned with research.

15th December 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

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

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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