
EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Medicines (Veterinary Drugs) (Pharmacy and Merchants' List) Order 1989. The Order continues to provide for certain exemptions from the restrictions imposed by section 52 of the Medicines Act 1968 ("the Act"). Section 52 restricts the retail sale or supply of medicinal products not on a general sale list (a general sale list being a list of medicinal products which are specified in an Order under section 51 of the Act and which may be freely sold) to sale or supply from a registered pharmacy by or under the supervision of a pharmacist.

The Order continues to exempt from section 52 the retail sale or supply of any veterinary drug described in article 3(1) by product licence holders, by specially authorised persons (as defined in article 2(1)) or by persons carrying on a business involving, at least in part, the retail sale of agricultural requisites (described as Category I merchants in the Register of Merchants) provided that the relevant conditions are satisfied (articles 3(1) and (2) and 4). Additionally the Order exempts merchants selling or supplying veterinary drugs described in article 3(3)(a) or (b) where the drugs are sold or supplied to fish farmers or to persons registered in a Register of Manufacturers kept by the Royal Pharmaceutical Society of Great Britain ("the Society") or the Department of Agriculture for Northern Ireland under regulation 6(1) of the Medicines (Medicated Animal Feeding Stuff) Regulations 1989, provided that the relevant conditions are satisfied (articles 3(3) to (5) and 4). In the case of veterinary drugs described in article 3(1) or (3)(a) or (b), these conditions include a requirement that merchants be registered in a Register of Merchants in veterinary drugs kept by the Society or the Department of Health and Social Services for Northern Ireland (article 4(4)). Detailed requirements continue to be set out in the Order relating to registration in that Register, including provision for payment of fees, which have been increased, and giving an undertaking to comply with a specified Code of Practice (article 5).

The Order exempts from section 52 the retail sale or supply of any veterinary drug or intermediate feed described in article 6(1) by product licence holders in respect of an intermediate feed containing or consisting of such a veterinary drug, by specially authorised persons or merchants entered as Category I or II merchants in the Register of Merchants provided that the relevant conditions are satisfied (articles 6(1) and (2) and 7). Additionally the Order exempts merchants selling or supplying intermediate feed containing or consisting of veterinary drugs described in article 6 where the intermediate feed containing such drugs is sold or supplied to fish farmers or to persons registered in the Register of Manufacturers provided that the relevant conditions are satisfied (articles 6(3) to (5) and 7). In the case of intermediate feed described in article 6, these conditions include a requirement that merchants be registered from 1st April 1990 in the Register of Merchants in veterinary drugs (article 6(4)). Detailed requirements are set out in the Order relating to registration in that Register and the giving of an undertaking to comply with a specified Code of Practice (article 8). Intermediate feed containing a prescription only veterinary drug can be sold only on production of a veterinary written direction (article 6(6)) or to a person entered in Part A of the Register of Manufacturers who does not have animals under his control by way of his business (article 9(6)(a)).

The Order also continues to exempt from section 52 the retail sale or supply of specified veterinary drugs for incorporation in animal feeding stuffs and intermediate feed where the sale or supply is by product licence holders, by specially authorised persons, by wholesalers of veterinary drugs and, additionally, where the sale is by product licence holders in respect of an intermediate feed, by persons registered in the Register of Merchants as Category I merchants, by Category II merchants in the case of intermediate feed and by persons entered in Part A of the Register of Manufacturers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

provided that certain conditions are satisfied. These conditions now include a requirement that the sale or supply by product licence holders, specially authorised persons and Category I merchants must be only to persons registered in Part A of the Register of Manufacturers; the sale or supply by Part A manufacturers or wholesalers in veterinary drugs must be only to persons registered in Part A of the Register of Manufacturers who do not have animals under their control by way of their business (article 9(2), (4) and (6)). In the case of intermediate feed, a person entered in Part A of the Register of Manufacturers can sell only to another Part A manufacturer or to a fish farmer (article 9(2) and (4)).

The Order also continues to exempt from section 52 the retail sale or supply of any veterinary drug described in article 11(1)(a) (horse wormers) by product licence holders, by specially authorised persons, by merchants or by persons carrying on a saddlery business (as defined in article 2(1)), provided that specified conditions are complied with (article 11). In the case of merchants and persons carrying on a saddlery business, these conditions include a requirement that they be registered in the appropriate register kept by the Society or the Department of Health and Social Services for Northern Ireland (articles 11(5) and 12). The fee for entry in the register has been increased (article 12(7)(a)).

Further exemptions continue to be given in respect of the retail sale or supply of specified drugs in a registered pharmacy by persons acting on behalf of a pharmacist and to the supply of specified drugs by a pharmacist subsequent to retail sale (article 13) and in cases involving another person's default (article 14). Additionally a defence is available to any person who, having exercised all due diligence, sells or supplies any intermediate feed against a forged veterinary written direction (article 15).

The Codes of Practice referred to in the Order are priced publications and are available from MAFF Publications, London SE99 7TP.