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STATUTORY INSTRUMENTS

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**1992 No. 33**

**The Medicines (Veterinary Drugs)  
(Pharmacy and Merchants' List) Order 1992**

**Register of Merchants for the purposes of article 7(4)**

8.—(1) For the purposes of article 7(4) the Society and the Department of Health (N.I.) shall each continue to keep a register of persons as being persons entitled, in the course of a qualifying business carried on by them, to place on the market or sell by retail on premises in respect of which their names are entered in the register, any intermediate feed described in article 6 free from the restrictions imposed by section 52 of the Act, if and so long as the conditions contained in articles 6 and 7 are complied with.

(2) Details of premises used for the storage of any intermediate feed described in article 6 at a different postal address from that of premises used to place on the market or sell by retail such intermediate feed shall be recorded in a register kept under paragraph (1) above.

(3) Where a person who, whilst carrying on a qualifying business elsewhere than in Northern Ireland, makes an application in writing to the Society for his name to be entered in the Society's Register of Merchants in respect of any premises on which any intermediate feed described in article 6 is to be sold or stored by him in the course of that qualifying business, the Society shall, subject to paragraphs (8) and (9) below, enter his name in that Register in respect of those premises.

(4) Where a person who, whilst carrying on a qualifying business in Northern Ireland, makes an application in writing to the Department of Health (N.I.) for his name to be entered in the Department of Health's (N.I.) Register of Merchants in respect of any premises on which any intermediate feed described in article 6 is to be sold or stored by him in the course of that qualifying business, the Department of Health (N.I.) shall, subject to paragraphs (8) and (9) below, enter his name in that Register in respect of those premises.

(5) Subject to paragraphs (10) and (12) below, a person whose name is entered in the Register of Merchants in respect of any premises shall, in order to retain his name in that Register in respect of those premises in any year subsequent to the year in which his name is first entered in it, in the month of January in any such year make an application in writing to the Society or the Department of Health (N.I.) (as the case may be) for his name to be retained in the Register of Merchants in respect of those premises.

(6) Subject to paragraphs (11) and (12) below, a person whose name is removed from the Register of Merchants in respect of any premises by reason only that he failed either to make proper application for the retention of his name in that Register pursuant to paragraph (5) above or to pay the fee due in respect of retention of his name in that Register pursuant to paragraph (10) below may, in order to restore his name to that Register in respect of those premises, make an application to the Society or the Department of Health (N.I.) (as the case may be) for his name to be restored to the Register of Merchants in respect of those premises.

(7) There shall be paid to the Society or the Department of Health (N.I.)—

- (a) in respect of the entry in the Register of Merchants of the name of any person in respect of any premises on which any intermediate feed described in article 6 is to be sold or stored a fee of £115 for each such premises;

- (b) in respect of the retention in the Register of Merchants of the name of any person in respect of any premises on which any intermediate feed described in article 6 is to be sold or stored a fee of £72 for each such premises;
  - (c) in respect of the restoration to the Register of Merchants of the name of any person in respect of any premises on which any intermediate feed described in article 6 is to be sold or stored a fee of £101 for each such premises.
- (8) The Society or the Department of Health (N.I.) shall refuse to enter in its respective Register of Merchants the name of any person in respect of any premises unless that person—
- (a) has paid to the Society or the Department of Health (N.I.) (as the case may be) the fee specified in paragraph (7) (a) above for the entry of his name in that Register; and
  - (b) has given the Society or the Department of Health (N.I.) (as the case may be) an undertaking in writing that he will comply with the provisions of the Code of Practice for Distributors (Category 2 Agricultural Merchants) Registered for the Sale, Supply and Storage of Medicated Animal Feeding stuffs dated December 1991, and published by the Ministry of Agriculture, Fisheries and Food (being a Code relating to the sale or supply of intermediate feed containing the veterinary drugs described in article 6).
- (9) The Society, with the approval of the Minister, or the Department of Health (N.I.), with the approval of the Department of Agriculture, may refuse to enter in its respective Register of Merchants the name of any person in respect of any premises if, in the opinion of the Society or the Department of Health (N.I.) (as the case may be), the premises are unsuitable for the storage or safekeeping of any intermediate feed described in article 6.
- (10) The Society or the Department of Health (N.I.) shall refuse to retain in its respective Register of Merchants in any year subsequent to the year in which his name is first entered in it the name of any person in respect of any premises unless that person has paid to the Society or the Department of Health (N.I.) (as the case may be) on or before 31st January in that year the fee specified in paragraph (7) (b) above for the retention of his name in that Register.
- (11) The Society or the Department of Health (N.I.) shall refuse to restore to its respective Register of Merchants the name of any person in respect of any premises unless that person, having made proper application pursuant to paragraph (6) above, has paid to the Society or the Department of Health (N.I.) (as the case may be) the fee specified in paragraph (7) (c) above for the restoration of his name to that Register.
- (12) The Society, with the approval of the Minister, or the Department of Health (N.I.), with the approval of the Department of Agriculture, may refuse to retain in or to restore to, or may remove from its respective Register of Merchants the name of any person in respect of any premises if, in the opinion of the Society or the Department of Health (N.I.) (as the case may be)—
- (a) that person has failed to observe any of the provisions of the Code of Practice referred to in paragraph (8) (b) above; or
  - (b) the conditions under which any intermediate feed described in article 6 is sold by retail on those premises or under which it is stored on those premises (whether immediately prior to retail sale or not) are unsuitable for that purpose.
- (13) In respect of any premises the Society or the Department of Health (N.I.) may remove from its respective Register of Merchants the name of any person entered in it, at the request of that person.