
STATUTORY INSTRUMENTS

2002 No. 3170

**The Medicines for Human Use (Kava-
kava) (Prohibition) Order 2002**

Exceptions to the prohibition imposed by article 2

3. The prohibition imposed by article 2 above shall not apply where the medicinal product is—
- (a) for external use only;
 - (b) sold or supplied to, or is imported by or on behalf of, any of the following persons—
 - (i) an authorised officer within the meaning of section 5(6) of the Food Safety Act 1990(1) or Article 2(2) of the Food Safety (Northern Ireland) Order 1991(2),
 - (ii) a food analyst or food examiner within the meaning of section 30 of the Food Safety Act 1990(3) or Article 30 or 31 of the Food Safety (Northern Ireland) Order 1991(4),
 - (iii) a person duly authorised by an enforcement authority under sections 111 and 112 of the Act, or
 - (iv) a sampling officer within the meaning of Schedule 3 to the Act(5);
 - (c) imported from an EEA State, if the product—
 - (i) originates in an EEA State, or
 - (ii) originates outside the European Economic Area, but is in free circulation in member States,and is being, or is to be, exported to an EEA State other than the United Kingdom; or
 - (d) the subject of—
 - (i) a product licence(6),
 - (ii) a marketing authorization within the meaning given in regulation 1(4)(a) of the Medicines for Human Use (Marketing Authorisation Etc.) Regulations 1994(7), or
 - (iii) a certificate of registration within the meaning given in regulation 1(2) of the Medicines (Homoeopathic Medicinal Products for Human Use) Regulations 1994(8).

(1) 1990 c. 16; section 5(6) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999 (c. 28).
(2) S.I. 1991/672 (N.I. 7); article 2(2) was amended by articles 3(1) and 7(1) of the Food Safety (Amendment) (Northern Ireland) Order 1996 (S.I. 1996/1633 (N.I. 12)) and paragraphs 26 and 29 of Schedule 5 to, and Schedule 6 to, the Food Standards Act 1999.
(3) Section 30 was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
(4) Article 31 was amended by paragraphs 26 and 35 of Schedule 5 to the Food Standards Act 1999.
(5) Schedule 3 was amended by paragraph 12 of Schedule 3 to the Food Safety Act 1990.
(6) “Product licence” has the meaning assigned to it by section 7 of the Act.
(7) S.I. 1994/3144; as amended by S.I. 1998/3105, 2000/292, 2001/795 and 2002/236 and 542.
(8) S.I. 1994/105; as amended by S.I. 1995/541, 1996/482, 1998/574, 1999/566, 2000/592, 2001/795 and 2002/236 and 542.