

Changes to legislation: Medicines Act 1968, Cross Heading: Division of sample is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

SAMPLING

Modifications etc. (not altering text)

- C1** Sch. 3 modified (3.4.1992) by [S.I. 1992/605, regs. 2\(3\), 3](#)
Sch. 3 applied (3.10.1994) by [S.I. 1994/2328, reg. 11\(c\)](#)
Sch. 3 applied (with modifications) (1.1.1995) by [S.I. 1994/3144, reg.10, Sch. 4](#)
Sch. 3 applied (31.3.1997) by [S.I. 1997/322, reg. 34, Sch.5](#)
Sch. 3 applied (1.2.2000) by [S.I. 2000/7, reg. 5](#)
- C1** Sch. 3 applied (with modifications) (1.5.2004) by [Medicines for Human Use \(Clinical Trials\) Regulations 2004 \(S.I. 2004/1031\), regs. 1, 47, Schs. 9](#)
- C1** Sch. 3 applied (with modifications) (30.10.2005) by [Medicines \(Traditional Herbal Medicinal Products for Human Use\) Regulations 2005 \(S.I. 2005/2750\), regs. 1\(a\), 11, Schs. 4 \(with Sch. 6\)](#)
- C1** Sch. 3 amendment to earlier affecting provision [SI 2004/1031 reg. 47 Sch. 9 \(29.8.2006\)](#) by [Medicines for Human Use \(Clinical Trials\) Amendment Regulations 2006 \(S.I. 2006/1928\), regs. 1\(1\), 32](#)

Division of sample

- 2 The sampling officer shall forthwith divide the sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit.
- 3 If the sample was purchased by the sampling officer, otherwise than from an automatic machine, he shall supply one part of the sample to the seller.
- 4 If the sampling officer obtained the sample from an automatic machine, then—
 - (a) if a person's name, and an address in the United Kingdom, are stated on the machine as being the name and address of the owner of the machine, the sampling officer shall supply one part of the sample to that person;
 - (b) in any other case, the sampling officer shall supply one part of the sample to the occupier of the premises on which the machine stands or to which it is affixed.

^{F15}

Textual Amendments

- F1** Sch. 3 paras. 5-7 repealed (14.8.2012) by virtue of [The Human Medicines Regulations 2012 \(S.I. 2012/1916\), reg. 1\(2\), Sch. 34 para. 34\(a\), Sch 35 \(with Sch. 32\)](#)

^{F16}

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Textual Amendments

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F17

Textual Amendments

- F1** Sch. 3 paras. 5-7 repealed (14.8.2012) by virtue of [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), Sch. 34 para. 34(a), **Sch 35** (with Sch. 32)

- 8 In any case not falling within any of paragraphs [^{F2}3 or 4] of this Schedule the sampling officer shall supply one part of the sample to the person appearing to him to be the owner of the substance or article from which the sample was taken.

Textual Amendments

- F2** Words in Sch. 3 para. 8 substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 34(b)** (with Sch. 32)

- 9 In every case falling within any of paragraphs [^{F3}3, 4, or 8] of this Schedule the sampling officer shall inform the person to whom the part of the sample in question is supplied that the sample has been obtained for the purpose of analysis or other appropriate examination.

Textual Amendments

- F3** Words in Sch. 3 para. 9 substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 34(c)** (with Sch. 32)

- 10 Of the remaining parts of the sample into which the sample is divided in accordance with paragraph 2 of this Schedule, the sampling officer, unless he decides not to submit the sample for analysis or other appropriate examination, shall—
- (a) retain one part for future comparison, and
 - (b) submit the other part for analysis or examination in accordance with the following provisions of this Schedule.
- 11 Where a sample consists of substances or articles enclosed in unopened containers, and it appears to the sampling officer that to open the containers and divide the contents into parts—
- (a) is not reasonably practicable, or
 - (b) might affect the composition or impede the proper analysis or other examination of the contents,
- the sampling officer may divide the sample into parts by dividing the containers into three lots without opening them.
- 12 Section 127 of this Act shall have effect in relation to supplying any part of a sample in pursuance of the preceding paragraphs as it has effect in relation to the service of a document.

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- 13 If after reasonable inquiry the sampling officer is unable to ascertain the name of a person to whom, or the address at which, a part of a sample ought to be supplied in pursuance of the preceding paragraphs, he may retain that part of the sample instead of supplying it.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(1A)(1B) added (prosp.) by [1997 c. 19 s. 1Sch. para. 5\(b\)](#)
- s. 84B inserted by [S.I. 2016/372 art. 12](#)