SCHEDULES

[F1]SCHEDULE 1

Section 5.

. . . . . .

Textual Amendments

F1 Sch. 1 repealed (31.5.2005 for specified purposes, 30.10.2005 in so far as not already in force) by Medicines (Advisory Bodies) Regulations 2005 (S.I. 2005/1094), reg. 1(1)(2)**7(1)**

[F2]SCHEDULE 1A

Section 5

. . . . . .

Textual Amendments

F2 Sch. 1A repealed (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 35** (with Sch. 32)

[F3] SCHEDULE 2

Section 29.

. . . . . .

Textual Amendments

F3 Sch. 2 repealed (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 35** (with Sch. 32)

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**

C2 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**

C3 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)

C4 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**

Introductory

1 (1) The provisions of this Schedule shall have effect where a person authorised in that behalf by an enforcement authority (in this Schedule referred to as a "sampling officer") obtains a sample of any substance or article—

(a) for the purpose of ascertaining whether there is or has been, in connection with that substance or article, any contravention of any provisions of this Act or of any regulations or order made thereunder which, by or under any provisions of sections 108 to 110 of this Act, that authority (in this Schedule referred to as "the relevant enforcement authority") is required or empowered to enforce, or

(b) otherwise for any purpose connected with the performance by that authority of their functions under this Act or under any such regulations or order,

and the sampling officer obtains the sample by purchase or in the exercise of any power conferred by section 112 of this Act.

(2) In this Schedule "public analyst", **[**F4except in relation to Northern Ireland, has the meaning assigned to it by section 27 of the Food Safety Act 1990**]**, and in relation to Northern Ireland has the meaning assigned to it by **[**F5Article 27(1) of the Food Safety (Northern Ireland) Order 1991**]**.

Textual Amendments

F4 Words in Sch. 3 para. 1(2) substituted (E.W.S.) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(1), **Sch. 3 para. 12**

F5 Words in Sch. 3 para. 1(2) substituted (N.I.) (21.5.1991) by S.I. 1991/762, art. 51(1), **Sch. 2 para.10**; S.R. 1991/175, **art. 2(1)**.

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.

F6 5 . . . . . .

Textual Amendments

F6 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)

F6 6 . . . . . .

Textual Amendments

F6 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)

F6 7 . . . . . .

Textual Amendments

F6 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 **[**F7 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

F7 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 **[**F8 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

F8 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.

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.

Notice to person named on container

14 (1) Where it appears to the sampling officer that a substance or article of which he has obtained a sample was manufactured or assembled by a person whose name and address in the United Kingdom are stated on its container, and who is not a person to whom a part of the sample is required to be supplied under the preceding provisions of this Schedule, the sampling officer, unless he decides not to submit the sample for analysis or other appropriate examination, shall serve notice on that person—

(a) stating that the sample has been obtained by the sampling officer, and

(b) specifying the person from whom the sampling officer purchased it, or, if he obtained it otherwise than by purchase, the place from which he obtained it.

(2) The notice required to be served under the preceding sub-paragraph shall be served before the end of the period of three days beginning with the day on which the sample was obtained.

Analysis or other examination of sample

15 If the sampling officer decides to submit the sample for analysis or other appropriate examination, he shall—

(a) submit it for analysis to the public analyst for the area in which the sample was obtained, or, if for the time being there is no public analyst for that area, then to the public analyst for some other area, or

(b) submit it for other appropriate examination to the person having the management or control of any laboratory available for the purpose in accordance with any arrangements made in that behalf by the relevant enforcement authority.

16 Where the relevant enforcement authority is a Minister or the Pharmaceutical Society, and the sampling officer decides to have the sample analysed, he may (instead of submitting it to a public analyst) submit it for analysis to the person having the management or control of any laboratory available for the purpose in accordance with any arrangements made in that behalf by the relevant enforcement authority.

17 Any such arrangements as are mentioned in paragraph 15(b) or paragraph 16 of this Schedule,—

F9(a) . . . . . .

(b) if [F10]... they are made by an enforcement authority in England and Wales other than **[**[F11]the Secretary of State**]**, shall be arrangements approved by **[**[F11]the Secretary of State**]**;

(c) if they are made by an enforcement authority in Scotland other than the Secretary of State, shall be arrangements approved by the Secretary of State;

and any such arrangements as are mentioned in paragraph 15(b) of this Schedule, if made by **[**[F12]the Pharmaceutical Society of Northern Ireland**]** in Northern Ireland, shall be arrangements approved by **[**[F13]the Minister for Health, Social Services and Public Safety**]**.

Textual Amendments

F9 Sch. 3 para. 17(a) omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 68(a)** (with regs. 2(4), 3)

F10 Words in Sch. 3 para. 17(b) omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 68(b)** (with regs. 2(4), 3)

F11 Words substituted by virtue of S.I. 1968/1699, **arts. 2**, 5(4)(a)

F12 Words in Sch. 3 para. 17 substituted (14.8.2012) by virtue of The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 34(d)(i)** (with Sch. 32)

F13 Words in Sch. 3 para. 17 substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 34(d)(ii)** (with Sch. 32)

Modifications etc. (not altering text)

C5 Functions of Secretary of State in matters only affecting Wales exercisable by Secretary of State for Wales: S.I. 1969/388, **art. 2(1)**

18 (1) Subject to the following sub-paragraph, the person to whom the sample is submitted under paragraph 15 or paragraph 16 of this Schedule shall analyse or examine the sample (as the case may be), or cause the sample to be analysed or examined by some other person under his direction, as soon as practicable.

(2) If the person to whom the sample is so submitted is a public analyst, and that analyst determines that for any reason an effective analysis of the sample cannot be performed by him or under his direction, he shall send it to the public analyst for some other area, and that other public analyst shall as soon as practicable analyse the sample or cause it to be analysed by some other person under his direction.

19 (1) A public analyst who has analysed a sample submitted to him under the preceding provisions of this Schedule, or who has caused such a sample to be analysed by some other person under his direction, shall issue and send to the sampling officer a certificate specifying the result of the analysis.

(2) A person having the management or control of a laboratory in which a sample submitted to him under the preceding provisions of this Schedule has been analysed or examined, or a person appointed by him for the purpose, shall issue and send to the sampling officer a certificate specifying the result of the analysis or examination.

(3) Any certificate issued under this paragraph shall be in a form prescribed by the Ministers and shall be signed by the person who issues the certificate.

20 (1) Any person to whom, in accordance with paragraphs 2 to 8 of this Schedule, a part of the sample is required to be supplied shall, on payment of the prescribed fee to

the relevant enforcement authority, be entitled to be supplied with a copy of any certificate as to the result of an analysis or examination which is sent to the sampling officer under paragraph 19 of this Schedule.

(2) Any regulations prescribing a fee for the purposes of this paragraph shall be made by the Ministers.

Provisions as to evidence

21 In any proceedings for an offence under this Act a document produced by one of the parties to the proceedings and purporting to be a certificate issued under paragraph 19 of this Schedule shall be sufficient evidence of the facts stated in the document, unless the other party requires that the person who issued the certificate shall be called as a witness; and, in any proceedings in Scotland, if that person is called as a witness, his evidence shall be sufficient evidence of those facts.

22 In any proceedings for an offence under this Act a document produced by one of the parties to the proceedings, which has been supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated in the document.

23 (1) If in any such proceedings before a magistrates' court a defendant intends to produce such a certificate, or to require that the person by whom such a certificate was issued shall be called as a witness, a notice of his intention, and (where he intends to produce such a certificate) a copy of the certificate, shall be given to the other party at least three clear days before the day on which the summons is returnable.

(2) If the preceding sub-paragraph is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it thinks proper.

(3) In Scotland, if in any such proceedings in the sheriff court the accused intends to produce such a certificate, or to require that the person by whom such a certificate was issued shall be called as a witness, notice of his intention, and (where he intends to produce such a certificate) a copy of the certificate, shall be given to the procurator fiscal at least three clear days before the day on which the case proceeds to trial.

(4) If sub-paragraph (3) of this paragraph is not complied with, the sheriff may, if he thinks fit, adjourn the diet on such terms as he deems proper.

Analysis under direction of court

24 (1) In any proceedings for an offence under this Act, where the proceedings relate to a substance or article of which a sample has been obtained as mentioned in paragraph 1 of this Schedule, the part of the sample retained in pursuance of paragraph 10(a) of this Schedule shall be produced as evidence; and the court—

(a) at the request of either party to the proceedings shall, and

(b) in the absence of any such request may if it thinks fit,

cause that part of the sample to be sent for analysis to the Government Chemist (or, in Northern Ireland, the Government Chemist for Northern Ireland) or to be sent for other appropriate examination to the person having the management or control of a laboratory specified by the court.

(2) If, in a case where an appeal is brought, no action has been taken under the preceding sub-paragraph, the provisions of that sub-paragraph shall have effect in relation to the court by which the appeal is heard.

(3) A person to whom a part of a sample is sent under this paragraph for analysis or other examination shall analyse or examine it, or cause it to be analysed or examined on his behalf, and shall transmit to the court a certificate specifying the result of the analysis or examination.

(4) Any such certificate shall be signed by that person, or signed on his behalf by the person who made the analysis or examination or a person under whose direction it was made.

(5) Any such certificate shall be evidence (and, in Scotland, shall be sufficient evidence) of the facts stated in the certificate unless any party to the proceedings requires that the person by whom it was signed shall be called as a witness; and, in any proceedings in Scotland, if that person is called as a witness, his evidence shall be sufficient evidence of those facts.

25 The costs of any analysis or examination under paragraph 24 of this Schedule shall be paid by the prosecutor or the defendant (or, in Scotland, the accused) as the court may order.

Proof by written statement

26 In relation to England and Wales section 9 of the [M1]Criminal Justice Act 1967, and in relation to Northern Ireland any corresponding enactment which may be passed by the Parliament of Northern Ireland, shall not have effect with respect to any document produced as mentioned in paragraph 21 or paragraph 22 of this Schedule or with respect to any certificate transmitted to a court under paragraph 24 of this Schedule.

Marginal Citations
M1 1967 c. 80.

Power to modify sampling provisions

27 The Ministers may by order provide that, in relation to substances or articles of any such description as may be specified in the order, the preceding provisions of this Schedule shall have effect subject to such exceptions and modifications as may be specified in the order.

Payment for sample taken under compulsory powers

28 (1) Where a sampling officer takes a sample in the exercise of any power conferred by section 112 of this Act he shall, if payment is demanded, pay the value of the sample to the person to whom a part of the sample is required under paragraph 5, paragraph 7 or paragraph 8 of this Schedule (as the case may be) to be supplied.

(2) In default of agreement between the sampling officer and the person mentioned in the preceding sub-paragraph, the value of the sample shall be determined by the arbitration of a single arbitrator appointed by the sampling officer and the other person in question or, if they are unable to agree on the appointment of an arbitrator, shall be determined by the county court**[**[F14] for the district (or, in Northern Ireland, the division) in which the sample was taken**]**.

[F15(2A) For the purposes of this paragraph, England and Wales is to be treated as the district of the county court in England and Wales.**]**

(3) In the application of this paragraph to Scotland, for references to an arbitrator there shall be substituted references to an arbiter and for the reference to the county court there shall be substituted a reference to the sheriff.

Textual Amendments

F14 Words in Sch. 3 para. 28(2) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 60, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F15 Sch. 3 para. 28(2A) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 111**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Application of s. 64 to samples

29 Where a medicinal product is taken as a sample by a sampling officer in the exercise of any power conferred by section 112 of this Act, the provisions of subsections (1) to (4) of section 64 of this Act shall have effect as if the taking of the product as a sample were a sale of it to the sampling officer by the person from whom it is taken; and, if the product was prepared in pursuance of a prescription given by a practitioner, those provisions shall so have effect as if, in subsection (1) of that section, for the words "demanded by the purchaser", there were substituted the words "specified in the prescription"

SCHEDULE 4

Section 134.

PROVISIONS RELATING TO NORTHERN IRELAND

Modifications etc. (not altering text)

C6 Sch. 4 applied (31.3.1997) by S.I. 1997/322, reg. 34, **Sch.5**

C7 Paras. 6, 8, 11 extended by Medicines Act 1971 (c. 69), **s. 1(3)(c)**

1 (1) **[**F16the Minister for Health, Social Services and Public Safety**]** may by order make provision for the application of this Act in relation to druggists subject to such exceptions and modifications as may be specified in the order.

(2) In this paragraph "druggist" means a person registered in the register of druggists for Northern Ireland made out and maintained under **[**F17Articles 6 and 9 of the M2Pharmacy (Northern Ireland) Order 1976**]**.

Textual Amendments

F16 Words in Sch. 4 substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 35(a)** (with Sch. 32)

F17 Words substituted by S.I. 1976/1213 (N.I. 22), **Sch. 5 para. 8**

Marginal Citations

M2 S.I. 1976/1213 (N.I. 22)

F18 2 . . . . . .

Textual Amendments

F18 Sch. 4 paras. 2-5 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(a)** (with regs. 2(4), 3)

F18 3 . . . . . .

Textual Amendments

F18 Sch. 4 paras. 2-5 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(a)** (with regs. 2(4), 3)

F18 4 . . . . . .

Textual Amendments

F18 Sch. 4 paras. 2-5 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(a)** (with regs. 2(4), 3)

F18 5 . . . . . .

Textual Amendments

F18 Sch. 4 paras. 2-5 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(a)** (with regs. 2(4), 3)

6 **[**F19The appropriate Northern Ireland Minister**]** may in relation to Northern Ireland exercise any power of making an order or regulations which is conferred on the **[**F20Ministers**]** by any provision of this Act F21... F22F21... F23F21... where in his F24... opinion there are special circumstances which render it expedient to do so.

Textual Amendments

F19 Words in Sch. 4 para. 6 substituted (1.10.2006) by The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(b)(i)** (with regs. 2(4), 3)

F20 Word in Sch. 4 para. 6 substituted (1.10.2006) by The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(b)(ii)** (with regs. 2(4), 3)

F21 Words in Sch. 4 para. 6 omitted (14.8.2012) by virtue of The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 35(b)** (with Sch. 32)

F22 Words in Sch. 4 para. 6 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(b)(iii)** (with regs. 2(4), 3)

F23 Words repealed by Animal Health and Welfare Act 1984 (c. 40, SIF 2:8), s. 16, Sch. 1 para. 3(11), **Sch. 2**

F24 Words in Sch. 4 para. 6 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(b)(iv)** (with regs. 2(4), 3)

F25 7 . . . . . .

Textual Amendments

F25 Sch. 4 para. 7 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(c)** (with regs. 2(4), 3)

8 Every order or regulation under this Act made by **[**F16the Minister for Health, Social Services and Public Safety**]**F26... by virtue of the power conferred by paragraph 1F27... or paragraph 6 of this ScheduleF28... shall be subject to negative resolution within the meaning of section 41(6) of the M3Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.

Textual Amendments

F16 Words in Sch. 4 substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 35(a)** (with Sch. 32)

F26 Words in Sch. 4 para. 8 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(d)(i)** (with regs. 2(4), 3)

F27 Words in Sch. 4 para. 8 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(d)(ii)** (with regs. 2(4), 3)

F28 Words in Sch. 4 para. 8 omitted (14.8.2012) by virtue of The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 35(c)** (with Sch. 32)

Marginal Citations

M3 1954 c. 33 (N.I.)

9 In this Schedule "**[**F29the appropriate Northern Ireland Minister**]**"—

(a) F30... means **[**F16the Minister for Health, Social Services and Public Safety**]**;

F31(b) . . . . . .

F31(c) . . . . . .

F32...

Textual Amendments

F16 Words in Sch. 4 substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 35(a)** (with Sch. 32)

F29 Words in Sch. 4 para. 9 substituted (1.10.2006) by The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(e)(i)** (with regs. 2(4), 3)

F30 Words in Sch. 4 para. 9(a) omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(e)(ii)** (with regs. 2(4), 3)

F31 Sch. 4 para. 9(b)(c) omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(e)(iii)** (with regs. 2(4), 3)

F32 Words in Sch. 4 para. 9 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(e)(iv)** (with regs. 2(4), 3)

10 In this Act any reference to **[**F33the Department of Health, Social Services and Public Safety**]**F34..., and any reference which is to be construed as including a reference

to **[**F35that Minister**]**, shall include a reference to the Ministry of Health and Social Services for Northern Ireland F36....

Textual Amendments

F33 Words in Sch. 4 para. 10 substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 35(d)** (with Sch. 32)

F34 Words in Sch. 4 para. 10 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(f)(i)** (with regs. 2(4), 3)

F35 Words in Sch. 4 para. 10 substituted (1.10.2006) by The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(f)(ii)** (with regs. 2(4), 3)

F36 Words in Sch. 4 para. 10 omitted (1.10.2006) by virtue of The Veterinary Medicines Regulations 2006 (S.I. 2006/2407), reg. 1, **Sch. 8 para. 69(f)(iii)** (with regs. 2(4), 3)

11 **[**F37The Statutory Rules (Northern Ireland) Order 1979, except article 5(2)(*a*) of that Order**]** (which requires the responsible officer of each rule-making authority making any statutory rules to send copies of them, and certain information, to the Ministry of Finance for Northern Ireland for registration **[**F37under that Order**]**), shall not apply to any orders or regulations made under this Act by statutory instrument.

Textual Amendments

F37 Words substituted by S.I. 1979/1573, **Sch. 4 para. 10**

SCHEDULE 5

Section 135(1)

AMENDMENTS OF ENACTMENTS OF PARLIAMENT OF UNITED KINGDOM.

The Venereal Disease Act 1917 (c. 21).

F38 1 . . . . . .

Textual Amendments

F38 Sch. 5 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 7

Modifications etc. (not altering text)

C8 The text of Sch. 5 paras. 1, 10, 13, 16, 7, Schs. 6, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

2, 9. . . . . F39

Textual Amendments

F39 Sch. 5 paras. 2–9 repealed by Poisons Act 1972 (c. 66), **Sch. 2**

The Cancer Act 1939 (c. 13.)

10 In section 4, in subsection (4)(a)(v), for the words “authorised sellers of poisons" there shall be substituted the words “persons lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968".

Modifications etc. (not altering text)

C9 The text of Sch. 5 paras. 1, 10, 13, 16, 7, Schs. 6, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

11 . . . . . F40

Textual Amendments

F40 Sch. 5 para. 11 repealed by National Health Service Act 1977 (c. 49), **Sch. 16**

12 . . . . . F41

Textual Amendments

F41 Sch. 5 para. 12 repealed by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 17**

F42 13 . . . . . .

Textual Amendments

F42 Sch. 5 para. 13 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1P**t. XII

14, 15. . . . . F43

Textual Amendments

F43 Sch. 5 paras. 14, 15 repealed by Misuse of Drugs Act 1971 (c. 38), **Sch. 6**

The Trade Descriptions Act 1968 (c. 29).

16 In section 2, in subsection 5, after the word “section" there shall be inserted “(a)", and at the end of the subsection there shall be inserted the following paragraph:—

> “(b) where by virtue of any provision made under Part V of the Medicines Act 1968 (or made under any provisions of the said Part V as applied by an order made under section 104 or section 105 of that Act) anything which, in accordance with this Act, constitutes the application of a trade description to goods is subject to any requirements or restrictions imposed by that provision, any particular description specified in that provision, when applied to goods in circumstances to which those requirements or restrictions are applicable, shall be deemed not to be a trade description.”

Modifications etc. (not altering text)

C10 The text of Sch. 5 paras. 1, 10, 13, 16, 7, Schs. 6, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

[F44 17 In section 22, in subsection (2), after the words "the Food and Drugs Act (Northern Ireland) 1958 M4" there shall be inserted the words "or the Medicines Act 1968" ; in paragraph (b) the word "and", where it occurs at the end of that pargraph, shall be omitted ; and at the end of paragraph (c) there shall be inserted the words

(d) in relation to the said Act of 1968, so much of Schedule 3 to that Act as is applicable to the circumstances in which the sample was procured,"

at the end of the subsection there shall be inserted the words "or paragraph 27 of Schedule 3 to the said Act of 1968".**]**

Textual Amendments

F44 Sch. 5 para. 17 repealed (E.W.S.) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(4), **Sch. 5**

Marginal Citations

M4 1958 c. 27 (N.I.)

SCHEDULE 6

Section 135(2)

ENACTMENTS OF PARLIAMENT OF UNITED KINGDOM REPEALED.

Modifications etc. (not altering text)

C11 The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Section 135(2).

SCHEDULE 6

ENACTMENTS OF PARLIAMENT OF UNITED KINGDOM REPEALED

Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 5. c. 21.	The Venereal Disease Act 1917.	Section 2(2), except the proviso.
23 & 24 Geo. 5. c. 25.	The Pharmacy and Poisons Act 1933.	Sections 8 to 14. In section 17, in subsection (2), the words ' of persons who are to be entitled to sell poisons in Part II ', and, in subsection (6), the words from ' and in this Act ' to the end of the subsection. In section 18(2)(a)(ii) the word " registered ". Section 19. In section 23, in subsection (1), paragraph (a), paragraph (b) (i) and paragraph (j); and in subsection (3), in the reference to paragraphs (a), (b)(i), (e), (d), (e) and (i), the references to paragraphs (a) and (i). In section 25, in subsection (1) the words ' Part I of this Act and of section nineteen and ', in subsection (4) those words and the word ' registered ', and subsection (9). In section 29, the definitions of ' authorised seller of poisons ' and ' poison ' and paragraph (a) of the definition of ' registered '
2 & 3 Geo. 6. c. 13.	The Cancer Act 1939.	In section 4, subsection (1)(b), subsection (3) and subsection (4)(a)(vii).
4 & 5 Geo. 6. c. 42.	The Pharmacy and Medicines Act 1941.	The whole Act.
11 & 12 Geo. 6. c. 37.	The Radioactive Substances Act 1948.	Sections 3 and 4. In section 12, the definition of ' authorised seller of poisons '.

SCH. 6

Chapter	Short Title	Extent of Repeal
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	Part II and Schedule 3.
2 & 3 Eliz. 2. c. 61.	The Pharmacy Act 1954.	Section 19.
4 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	In section 1, subsection (2) and subsection (3)(*b*). In section 2(3), the words from " except " to " drugs ". Section 3(2). In section 6(6), the words from " except " to " drugs ". In section 91(2), the words from " but " to the end of the subsection. In section 109(3)(*a*), the words from " so " to the end of the paragraph. In section 114(4), the words from 'the authority concerned' to 'in any other case'. The words " or drug " and " drug " wherever they occur, except in section 135. In Schedule 8, in column 2, in the first paragraph, the words from " other " to " drug ". In Part I of Schedule 9, in column 2, paragraph (*a*)(iii) of the definition relating to sections 321 to 325 of the Public Health Act 1936.
4 & 5 Eliz. 2. c. 25.	The Therapeutic Substances Act 1956.	The whole Act.
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act 1956.	In section 1, subsection (2) and subsection (3)(*b*). In section 2(3) the words from " except " to " drugs ". Section 3(2). In section 6(6) the words from " except " to " drugs ". In section 28(2) the words from " but " to the end of the subsection. The words " or drug " and " drug " wherever they occur, except in section 58.
4 & 5 Eliz. 2. c. 76.	The Medical Act 1956.	Section 47. Section 57(9) and (10).
1963 c. 9.	The Purchase Tax Act 1963.	In Part II of Schedule 1, in paragraph 5(2), the definition of 'authorised seller of poisons'.

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SCH. 6

Chapter	Short Title	Extent of Repeal
1964 c. 64.	The Drugs (Prevention of Misuse) Act 1964.	In section 1, in subsection (7), the reference to, and the paragraph substituted for, paragraph (*k*) of subsection (2). In section 9 the definition of 'authorised seller of poisons'.
1965 c. 15.	The Dangerous Drugs Act 1965.	In section 11, in subsection (4) the words 'in subsection (1) thereof'.

F45F45SCHEDULE 7

Textual Amendments

F45 Sch. 7 repealed by S.I. 1976/1213 (N.I. 22), **Sch. 6** and 1976/1214 (N.I. 23), Sch. 3

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SCHEDULE 8

Section 135(4)

ENACTMENTS OF PARLIAMENT OF NORTHERN IRELAND REPEALED.

Modifications etc. (not altering text)

C12 The text of Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

SCHEDULE 8 Section 135(4).

ENACTMENTS OF PARLIAMENT OF NORTHERN IRELAND REPEALED

Session or Year and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 8 (N.I.).	The Pharmacy and Poisons Act (Northern Ireland) 1925.	Section 17. Section 18. Schedule 3.
1945 c. 9 (N.I.).	The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.	Part I. In section 14, in subsection (1) the words " if he is a registered person " and the words from " and, if he is a representative " onwards; and in subsection (2) the proviso. Sections 15 to 18. In section 19, in subsection (1) the words " or to be an authorised seller of poisons " and the words from " , or if the owner is a body corporate " to " employee of the body corporate,"; in subsection (2) in paragraph (*a*) the words from " or, if the owner " onwards and in paragraph (*b*) the words from " or, if the owner is a body corporate " to " employee of the body corporate,"; and subsection (3). In section 27(1)(*a*)(iii) the words from " in accordance " onwards. Section 28. In section 32, in subsection (1) paragraphs (*a*), (*b*)(ii) and (*d*), and in subsection (3) the references to paragraphs (*a*) and (*d*) of subsection (1). In section 35(3) the words " section four, section five or ". In section 36(2) and (3) the words " I and ". Section 37. In section 38(1) the definitions of " authorised seller of poisons ", " poison ", " premises having an annual licence " and " retailing ". In Schedule 2 in the proviso to paragraph (1) the word " or " at the end of paragraph (*a*) and paragraphs (*b*) and (*c*).

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SCH. 8

Session or Year and Chapter	Short Title	Extent of Repeal
1955 c. 31 (N.I.).	The Pharmacy and Poisons Act (Northern Ireland) 1955.	Section 2. Section 14.
1958 c. 13 (N.I.).	The Diseases of Animals Act (Northern Ireland) 1958.	Part II. In Schedule 4, Part I.
1958 c. 27 (N.I.).	The Food and Drugs Act (Northern Ireland) 1958.	In section 1 subsection (2), subsection (3)(*b*) and in subsection (6) the words " or drug ". In section 2 in subsection (1) the words " or drug " in both places where they occur, and in subsection (3) the words " , except so far as it relates to drugs, ". Section 3(2). In section 6 in subsection (1) the words " or drug " in each of the three places where they occur, in subsection (2) those words in each of the two places where they occur, in subsection (3) those words and in subsection (6) the words " , except so far as it relates to drugs, ". In section 33 in subsection (2) the words " or drug " and subsection (3). In section 34 in subsection (1) the word " , drug " and in subsection (2) the words " or drug ". In section 35 in subsections (1) and (4) the word " , drug ". In section 38 the word " , drug " in both places where it occurs. In section 44 in subsection (2)(*a*) the word " , drug " in both places where it occurs and in subsection (3) that word in both places where it occurs. In section 47, in subsection (1) the words " so far as those sections or regulations relate to food ", and in subsection (3)(*a*) the words " so far as it relates to food ".
1966 c. 23 (N.I.).	The Diseases of Animals (Amendment) Act (Northern Ireland) 1966.	Section 3(2).

SCH. 8

Session or Year and Chapter	Short Title	Extent of Repeal
1967 c. 12 (N.I.).	The Pharmacy Act (Northern Ireland) 1967.	Section 5. In Schedule 1 the entries amending sections 17 and 27 of the Pharmacy and Poisons Act (Northern Ireland) 1925 and the entries amending the proviso to section 14(2) and sections 15, 16, 17 and 18 of, and paragraph 1 of Schedule 2 to, the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.
1967 c. 29 (N.I.).	The Increase of Fines Act (Northern Ireland) 1967.	In the Schedule the entries relating to sections 15(4) and 16(1A) of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 and Section 32 of the Diseases of Animals Act (Northern Ireland) 1958.

Changes to legislation:
Medicines Act 1968 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.
View outstanding changes

Changes and effects yet to be applied to :

- s. 10233133 amended (prosp.) by 1997 c. 19 s. 1Sch. para. 2(adding1954 c 61 s. 13A-13M)
- s. 52 amended (prosp.) by 1997 c. 19 s. 1Sch. para. 2(adding1954 c 61 s. 13A-13M)
- s. 69(1) amended (prosp.) by 1997 c. 19 s. 1Sch. para. 5(a)
- s. 75(4)-(6) omitted by S.I. 2016/372 art. 8

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