



Biological Standards Act 1975

1975 CHAPTER 4

An Act to establish a body corporate having functions relating to the establishment of standards for, the provision of standard preparations of, and the testing of biological substances; to provide for the transfer of certain property, rights, liabilities and obligations from the Medical Research Council to the Secretary of State for Social Services; and for connected purposes. [25th February, 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Establishment and functions of the Board.

- (1) There shall be a body corporate to be called the National Biological Standards Board.
- (2) The Board shall perform such functions as the Ministers may from time to time by order specify in relation to the establishment of standards for, the provision of standard preparations of, and the testing of biological substances.
- (3) The Board shall in the performance of its functions comply with any directions given to it by the Ministers.

2 General provisions about the Board.

- (1) The Board shall consist of members appointed by the Ministers, and their number shall be such as the Ministers think fit.
- (2) The Ministers shall appoint one of the members of the Board to be its chairman.
- (3) Any land occupied by the Board shall be deemed for the purposes of any rate on property to be property occupied by or on behalf of the Crown for public purposes.
- (4) The Board shall be entitled to exemption from income tax and corporation tax—
 - (a) under Schedules A, B and C ;

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- (b) under Schedule D in respect of any yearly interest or other annual payment received by the Board ;
 - (c) under Schedule F in respect of distributions received by the Board; and
 - (d) in respect of chargeable gains.
- (5) The Schedule to this Act shall have effect with respect to the Board.

3 Transfer of property etc.

- (1) The Secretary of State for Social Services may by order transfer from the Medical Research Council to himself, on a day specified in the order, any property held, rights acquired and liabilities and obligations incurred by that Council before that day wholly or partly in connection with its activities in relation to the establishment of standards for, the provision of standard preparations of, and the testing of biological substances.
- (2) The day specified in an order under this section shall be a day falling within the period of twelve months beginning with the commencement of this Act.
- (3) An order under this section may contain such supplementary or incidental provisions as appear to the Secretary of State to be necessary or expedient.
- (4) Section 12 of the Finance Act 1895 (which requires certain Acts and other instruments to be stamped as conveyances on sale) shall not apply in relation to a transfer of property effected by an order under this section ; and stamp duty shall not be payable on any such order.

4 Financial provisions.

- (1) The Secretary of State shall pay to the Board, out of moneys provided by Parliament, such sums as may, be necessary to defray the expenditure of the Board incurred with his approval, so far as that expenditure is not met out of fees received by the Board for services rendered by it or out of other income of the Board.
- (2) Any sums received by the Board shall be applied by the Board in such manner as the Secretary of State may, with the approval of the Treasury, direct; and any such direction may require the whole or any part of those sums to be paid into the Consolidated Fund.
- (3) The Board shall keep proper accounts and other records and shall prepare in respect of each accounting year statements of account in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (4) Statements of account prepared by the Board in accordance with subsection (3) above shall be submitted to the Secretary of State on or before 30th September next following the end of the accounting year to which they relate, and shall be transmitted by him to the Comptroller and Auditor General, who shall examine, certify and report on the statements and lay copies of them and of his report before Parliament.

5 Restrictions on disclosure of information.

- (1) If any person discloses any information obtained by him in the course of and by virtue of his membership of or employment by the Board and relating to a manufacturing process or trade secret, he shall, unless the disclosure is made in the performance of the duties of his office or employment, be guilty of an offence.

- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to a fine not exceeding £400;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

6 Amendments.

- (1) The power of the Medical Research Council to appoint one member of the advisory committee established under section 4(2) of the Therapeutic Substances Act 1956 shall, without prejudice to any existing appointment, be transferred to the Board; and accordingly the words " National Biological Standards Board " shall be substituted in that section for the words
- “Medical Research Council”.
- (2) Where it appears to the Ministers appropriate to do so in view of the functions conferred on the Board by virtue of section 1 above, they may by order modify the provisions of licences under Part II of the Medicines Act 1968 by substituting references to the Board for such references to the Medical Research Council or to the National Institute for Medical Research as may be specified in the order.
- (3) The power to make an order under subsection (2) above shall not be exercised after the end of the period of twelve months beginning with the commencement of this Act.

7 Orders.

- (1) A power conferred by any of the preceding provisions of this Act to make orders shall include a power to vary or revoke an order previously made under that provision.
- (2) Any power to make orders under this Act shall be exercisable by statutory instrument.

8 Interpretation.

In this Act—

" accounting year " means any period of twelve months ending with 31st March or the period beginning with the commencement of this Act and ending with the next following 31st March;

" biological substances " means substances whose purity or potency cannot, in the opinion of the Secretary of State, be adequately tested by chemical means;

" the Board " means the National Biological Standards Board;

" the Ministers " means the Secretary of State and the Head of the Department of Health and Social Services for Northern Ireland acting jointly.

9 Short title, commencement and extent.

- (1) This Act may be cited as the Biological Standards Act 1975.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint.
- (3) This Act extends to Northern Ireland.

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SCHEDULE

THE NATIONAL BIOLOGICAL STANDARDS BOARD

Members

- 1 A person may at any time resign his office as a member or as chairman of the Board, but otherwise shall hold and vacate office in accordance with the terms of his appointment.
- 2 The Board shall pay to its members such remuneration and allowances (if any) as the Secretary of State may with the approval of the Minister for the Civil Service determine.

Proceedings and instruments

- 3 The quorum of the Board and the arrangements relating to its meetings shall be such as the Board may determine.
- 4 The validity of any proceedings of the Board shall not be affected by any defect in the appointment of a member or of the chairman of the Board, or by a vacancy in the office of chairman.
- 5 A document purporting to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

Staff

- 6 (1) In determining the matters mentioned in sub-paragraph (2) below the Board shall act only with the approval of the Secretary of State and the Minister for the Civil Service.
(2) The matters referred to in sub-paragraph (1) above are—
 - (a) the terms on which persons are employed by the Board ;
 - (b) the pensions, allowances and gratuities to be paid to or in respect of persons employed by the Board ;
 - (c) the payments to be made by the Board towards the provision of such pensions, allowances and gratuities ;
 - (d) the provision and maintenance of schemes (whether contributory or not) for the payment of such pensions, allowances and gratuities.