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STATUTORY INSTRUMENTS

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**1977 No. 1488**

**MEDICINES**

**The Medicines (Breathing Gases) Order 1977**

<i>Made</i>	- - - -	<i>2nd September 1977</i>
<i>Laid before Parliament</i>		<i>13th September 1977</i>
<i>Coming into Operation</i>		<i>4th October 1977</i>

The Secretaries of State respectively concerned with health in England, in Wales and in Scotland and the Department of Health and Social Services for Northern Ireland, acting jointly, in exercise of their powers under section 130(5)(c) of the Medicines Act 1968 and now vested in them<sup>(1)</sup> and of all other powers enabling them in that behalf, after consulting such organisations as appear to them to be representative of interests likely to be substantially affected by the following order, hereby make the following order:—

**Citation, commencement and interpretation**

1.—(1) This order may be cited as the Medicines (Breathing Gases) Order 1977 and shall come into operation on 4th October 1977.

(2) In this order unless the context otherwise requires “the Act” means the Medicines Act 1968, and other expressions have the same meanings as in the Act.

(3) Except in so far as the context otherwise requires, any reference in this order to any provision of any enactment shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

**Specification of substances not to be treated as medicinal products**

2.—(1) The substances described in the following paragraph are hereby specified for the purposes of section 130(5)(c) of the Act.

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(1) In the case of the Secretaries of State concerned with health in England and in Wales by virtue of Article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388 (1969 I, p. 1070)), and in the case of the Department of Health and Social Services for Northern Ireland by virtue of section 40 of, and Schedule 5 to, the Northern Ireland Constitution Act 1973 (c. 36), and section 1(3) of, and paragraph 2(1)(b) of Schedule 1 to, the Northern Ireland Act 1974 (c. 28).

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(2) The substances referred to in the preceding paragraph are substances whether compressed or not being oxygen, air or any mixture of both or of either or both with any inert gas or gases or with nitrogen and being manufactured, sold, supplied, imported or exported solely for use by being administered to one or more human beings, including such administration by a human being to himself, subjected or likely to be subjected to conditions in which respiration is or is likely to be adversely affected whether by reason of abnormal atmospheric pressure, lack or contamination of air or otherwise, such administration not being for the purpose of treatment or diagnosis of any disease caused or aggravated by such conditions.

5th August 1977

*David Ennals*  
Secretary of State for Social Services

Signed by authority of the Secretary of State for Wales,

18th August 1977

*S. B. Jones*  
Parliamentary Under-Secretary of State for  
Wales

1st September 1977

*Bruce Millan*  
Secretary of State for Scotland

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 2nd day of September 1977.

L.S.

*N. Dugdale*  
Permanent Secretary

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### EXPLANATORY NOTE

This Order, made under section 130(5)(c) of the Medicines Act 1968, specifies gases which in certain circumstances are excluded from the application of that Act.