

1978 No. 1139

MEDICINES

**The Medicines (Intra-Uterine Contraceptive Devices)
(Amendment to Exemption from Licences) Order 1978**

<i>Made</i>	- - -	31st July 1978
<i>Laid before Parliament</i>		10th August 1978
<i>Coming into Operation</i>		1st October 1978

The Secretary of State concerned with health in England, the Secretaries of State respectively concerned with health and with agriculture in Scotland and in Wales, the Minister of Agriculture, Fisheries and Food, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland, acting jointly, as regards the amendments effected by Articles 2, 3 and 4 of this order, in exercise of the powers conferred by sections 13(2), 15(1), 23(4), 35(8) and 129(4) of the Medicines Act 1968(a) and now vested in them(b), and of all other powers enabling all of 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 (Intra-Uterine Contraceptive Devices) (Amendment to Exemption from Licences) Order 1978 and shall come into operation on 1st October 1978.

(2) 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.

(a) 1968 c. 67 as applied to, and modified for the purposes of, intra-uterine contraceptive devices by the Medicines (Specified Articles and Substances) Order 1976 (S.I. 1976/968).

(b) In the case of the Secretaries of State concerned with health in England and Wales by virtue of Article 2(2) of, and Schedule 1 to, the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388), in the case of the Secretary of State concerned with agriculture in Wales by virtue of Article 2(3) of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272) and in the case of the Northern Ireland Departments 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).

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) 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.

Amendment to the Medicines (Exemption from Licences) (Special and Transitional Cases) Order 1971

2. In Article 1(2) of the Medicines (Exemption from Licences) (Special and Transitional Cases) Order 1971(b) at the end of the definition of “medicinal product” there shall be inserted the words, “and the articles or substances described in paragraph 3 of Schedule 1 to the Medicines (Specified Articles and Substances) Order 1976”(c).

Amendment to the Medicines (Exemption from Licences) (Wholesale Dealing) Order 1972

3. In Article 1(2) of the Medicines (Exemption from Licences) (Wholesale Dealing) Order 1972(d) at the end of the definition of “medicinal product” there shall be inserted the words, “and the articles or substances described in paragraph 3 of Schedule 1 to the Medicines (Specified Articles and Substances) Order 1976”.

Amendment to the Medicines (Exemption from Licences) (Special Cases and Miscellaneous Provisions) Order 1972

4. For the definition of “medicinal product” in Article 1(2) of the Medicines (Exemption from Licences) (Special Cases and Miscellaneous Provisions) Order 1972(e) there shall be substituted the definition—

“ “medicinal product” shall include the articles or substances described in paragraph 3 of Schedule 1 to the Medicines (Specified Articles and Substances) Order 1976 but shall not include other substances or articles specified in orders made under section 104 or section 105(1)(b) of the Act which are for the time being in force unless such order specifically directs that this order shall have effect in relation to such substances or articles as this order has effect in relation to medicinal products within the meaning of the Act;”.

(a) 1889 c. 63.

(b) S.I. 1971/1450.

(c) S.I. 1976/968. The articles or substances described in paragraph 3 of Schedule 1 to that order are any instrument, apparatus or appliance for use by being inserted in the uterus of a human being for the purpose of contraception.

(d) S.I. 1972/640.

(e) S.I. 1972/1200.

David Ennals,
Secretary of State for Social Services.

18th July 1978.

John Norris,
Secretary of State for Wales.

19th July 1978.

Bruce Millan,
Secretary of State for Scotland.

24th July 1978.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th July 1978.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 31st day of July 1978.

(L.S.)

N. Dugdale,
Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 31st day of July 1978.

(L.S.)

W. H. Jack,
Deputy Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends certain earlier Orders containing various exemptions from the provisions of the Medicines Act 1968 as to licensing and clinical trials so as to make those Orders applicable to intra-uterine contraceptive devices (the articles or substances described at paragraph 3 of Schedule 1 to the Medicines (Specified Articles and Substances) Order 1976). The provisions of the Act as to licensing and clinical trials were applied to these devices with effect from 1st October 1978 (see the Medicines (Intra-Uterine Contraceptive Devices) (Appointed Day) Order 1978). (S.I. 1978/1138).

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