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STATUTORY INSTRUMENTS

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**1997 No. 856**

**MEDICINES**

**The Medicines (Bal Jivan Chamcho Prohibition) (No. 2) Amendment Order 1997**

<i>Made</i>	- - - -	<i>17th March 1997</i>
<i>Laid before Parliament</i>		<i>17th March 1997</i>
<i>Coming into force</i>	- -	<i>8th April 1997</i>

The Secretaries of State concerned with health in England, in Wales and in Scotland respectively and the Department of Health and Social Services for Northern Ireland, acting jointly, in exercise of powers conferred upon them by sections 62(1)(a) and 129(4) of the Medicines Act 1968<sup>(1)</sup> or, as the case may be, those conferred by those provisions and now vested in them<sup>(2)</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 this Order, pursuant to section 129(6) of that Act, and after consulting and taking into account the advice of the Committee on Safety of Medicines pursuant to sections 62(3) and 129(7) of that Act, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Medicines (Bal Jivan Chamcho Prohibition) (No. 2) Amendment Order 1997 and shall come into force on 8th April 1997.

**Amendment of the Medicines (Bal Jivan Chamcho Prohibition) (No. 2) Order 1977**

2. Article 2 of the Medicines (Bal Jivan Chamcho Prohibition) (No. 2) Order 1977<sup>(3)</sup> (prohibition of sale, supply and importation of Bal Jivan Chamcho) shall be amended as follows—

- (a) in paragraph (1) for the words “subject to paragraph (3)” there shall be substituted the words “subject to paragraphs (3) and (4)”; and
- (b) after paragraph (3) there shall be inserted the following paragraph—

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(1) 1968 c. 67. The expressions “the appropriate Ministers”, used in section 62, and “the Health Ministers” are defined in section 1 of that Act as amended by S.I. 1969/388, Schedule 1.

(2) 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), 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).

(3) S.I. 1977/670.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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“(4) The prohibition imposed by paragraph (1) above shall not apply to the importation of any medicinal product as aforesaid—

- (a) from a member State of the European Community, or
- (b) if the product originated in an EEA State within the meaning of Article 9 and Protocol 4 to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(4), as adjusted by the Protocol signed at Brussels on 17th March 1993(5), from an EEA State other than a member State.”.

Signed by authority of the Secretary of State for Health

10th March 1997

*Gerald Malone*  
Minister of State  
Department of Health

Signed by authority of the Secretary of State for Wales

17th March 1997

*Gwilym Jones*  
Parliamentary Under Secretary of State for  
Wales

11th March 1997

*James Douglas Hamilton*  
Minister of State The Scottish Office

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
this

L.S.

11th day of March 1997.

*F.A. Elliott*  
Permanent Secretary

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(4) CM 2073 and OJ No. L1, 3.1.94, p.3.

(5) CM 2183 and OJ No. L1, 3.1.94, p.572.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Medicines (Bal Jivan Chamcho Prohibition) (No. 2) Order 1977 to remove the prohibition on the importation, but not the sale and supply, of the medicinal product known as Bal Jivan Chamcho when it is imported from a member State of the European Community or, where the product originates in the European Economic Area, from a state (not being a member State of the European Community) which is party to the European Economic Area Agreement.