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STATUTORY INSTRUMENTS

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**1999 No. 3142**

**MINISTERS OF THE CROWN**

**The Transfer of Functions (Medicines and Poisons) Order 1999**

*Made* - - - - 24th November 1999  
*Laid before Parliament* 6th December 1999  
*Coming into force* - - 27th December 1999

At the Court at Buckingham Palace, the 24th day of November 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975<sup>(1)</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Transfer of Functions (Medicines and Poisons) Order 1999.

(2) This Order shall come into force on 27th December 1999.

(3) In this Order—

“the transferor” means, in relation to anything transferred by this Order, the Minister from whom it is transferred;

“the transferee” means, in relation to anything transferred by this Order, the Minister to whom it is transferred,

and any reference to a function of a Minister shall, in the case of a function which is exercisable by him jointly with another person, be construed as a reference to his share in that function.

**Transfer of functions**

2.—(1) The functions of the Secretaries of State respectively concerned with health in Scotland and in Wales under the Medicines Act 1968<sup>(2)</sup> and the Medicines Act 1971<sup>(3)</sup> are hereby transferred to the Secretary of State concerned with health in England.

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<sup>(1)</sup> 1975 c. 26.

<sup>(2)</sup> 1968 c. 67. Section 1(1)(a) was amended to transfer certain functions to the Secretary of State concerned with health in Wales by S.I.1969/388.

- (2) The functions under the Medicines Act 1968 and the Medicines Act 1971—
- (a) of the Secretary of State concerned with agriculture in Scotland, and
  - (b) of the Secretary of State or the Secretary of State for Wales which are exercisable by him by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978<sup>(4)</sup>,

are hereby transferred to the Minister of Agriculture, Fisheries and Food.

(3) The functions of the Secretary of State for Scotland and the Secretary of State for Wales under the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994<sup>(5)</sup> and the Registration of Homoeopathic Veterinary Medicinal Products Regulations 1997<sup>(6)</sup> are hereby transferred to the Minister of Agriculture, Fisheries and Food.

(4) The function of the Secretary of State for Scotland specified in paragraph 3 of Schedule 1 to the Poisons Act 1972<sup>(7)</sup> is hereby transferred to the Secretary of State for the Home Department.

### **Supplemental and consequential**

3. All property, rights and liabilities to which the transferor is entitled or subject at the coming into force of this Order in connection with any function transferred by this Order are hereby transferred to the transferee.

4.—(1) Any reference in this Order to a function of a Minister under an enactment includes a reference to the functions of that Minister under any scheme, regulations, Order in Council, order or similar instrument having effect under or in relation to that enactment.

(2) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the transferor before the coming into force of this Order.

(3) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the transferor may, so far as it relates to anything transferred by this Order, be continued by or in relation to the transferee.

(4) Anything done (or having effect as if done) by or in relation to the transferor for the purposes of or in connection with anything transferred by this Order shall, if in force at the coming into force of this Order, have effect as if done by or in relation to the transferee in so far as that is required for continuing its effect after the coming into force of this Order.

(5) Subject to paragraph (6), any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order, as if any references (including references which are to be construed as such references) to the transferor or his department or officers were references to the transferee or his department or officers, as the context may require.

(6) Any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order of, or in connection with, a share of any function which is exercisable jointly with the transferee (with or without others), as if any references (including references which are to be construed as such references) to the transferor and the transferee or to their departments or officers were references to the transferee or to his department or officers, as the context may require.

(7) In this article “instrument”, without prejudice to the generality of that expression, includes in particular Orders in Council, judgements, decrees, orders, rules, regulations, schemes, contracts and other agreements, memoranda and articles of association, warrants, certificates and other documents.

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(3) 1971 c. 69.

(4) S.I. 1978/272.

(5) S.I. 1994/3142.

(6) S.I. 1997/322.

(7) 1972 c. 66.

5. The enactments specified in the Schedule to this Order shall have effect with the amendments there specified.

*A.K. Galloway*  
Clerk of the Privy Council

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## SCHEDULE

Article 5

## CONSEQUENTIAL AMENDMENTS

**The Medicines Act 1968**

1.—(1) In section 1(1)(a) of the Medicines Act 1968 for the words “the Secretaries of State respectively concerned with health in England, in Wales and in Scotland” there are substituted the words “the Secretary of State concerned with health in England”.

(2) In section 1(1)(b) of that Act the words “the Secretary of State concerned with agriculture in Scotland” are repealed.

(3) In section 5(2) of that Act for the words “the Secretaries of State” there are substituted the words “the Secretary of State”.

**The Marketing Authorisations for Veterinary Medicinal Products Regulations 1994**

2. In regulation 1(4) of the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994<sup>(8)</sup> in the definition of “the Ministers” the words “and the Secretaries of State for Wales and Scotland” are revoked.

**The Registration of Homoeopathic Veterinary Medicinal Products Regulations 1997**

3. In regulation 2(1) of the Registration of Homoeopathic Veterinary Medicinal Products Regulations 1997<sup>(9)</sup> in the definition of “the Ministers” the words “and the Secretaries of State for Wales and Scotland” are revoked.

**EXPLANATORY NOTE**

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

This Order in Council, made under the Ministers of the Crown Act 1975, transfers the functions of the Secretaries of State concerned with health in Scotland and in Wales under the Medicines Act 1968 and the Medicines Act 1971 to the Secretary of State for Health (article 2(1)). It also transfers the functions under those Acts of the Secretary of State concerned with agriculture in Scotland and of the Secretary of State or the Secretary of State for Wales exercisable by virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 to the Minister of Agriculture, Fisheries and Food (article 2(2)). The functions of the Secretary of State for Scotland and the Secretary of State for Wales under the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994 and the Registration of Homoeopathic Veterinary Medicinal Products Regulations 1997 are transferred to the Minister of Agriculture, Fisheries and Food (article 2(3)). In addition the Order transfers the function of the Secretary of State for Scotland of appointing a member of the Poisons Board under Schedule 1 to the Poisons Act 1972 to the Secretary of State for the Home Department (article 2(4)).

<sup>(8)</sup> S.I. 1994/3142.

<sup>(9)</sup> S.I. 1997/322

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The Order also makes provision for the transfer of any property, rights and liabilities relevant to the functions and makes other supplementary and consequential provisions (articles 3, 4 and 5 and the Schedule).