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STATUTORY INSTRUMENTS

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**2004 No. 1190**

**MEDICINES**

**The Medicines (Pharmacy and General Sale  
—Exemption) Amendment (No. 2) Order 2004**

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|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>22nd April 2004</i> |
| <i>Laid before Parliament</i> |         | <i>27th April 2004</i> |
| <i>Coming into force</i>      | - -     | <i>18th May 2004</i>   |

As regards England, Scotland and Wales, the Secretary of State concerned with health in England, and, as regards Northern Ireland, the Department of Health, Social Services and Public Safety, acting jointly, in exercise of the powers conferred upon them by sections 57(1) and (2) and 129(4) of the Medicines Act 1968(1) or, as the case may be, those conferred by the said provisions and now vested in them(2), 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 taking into account the advice of the Committee on Safety of Medicines pursuant to section 129(7) of that Act, hereby make the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Medicines (Pharmacy and General Sale—Exemption) Amendment (No. 2) Order 2004 and shall come into force on 18th May 2004.

(2) In this Order, “the principal Order” means the Medicines (Pharmacy and General Sale—Exemption) Order 1980(3).

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- (1) 1968 c. 67. The expressions “the appropriate Ministers” and “the Health Ministers”, which are relevant to the powers being exercised in the making of this Order, are defined in section 1 of that Act as amended by article 2(2) of, and Schedule 1 to, S.I.1969/388, by article 5 of, and paragraph 1(1) of the Schedule to, S.I. 1999/3142, and by article 5(1) of, and paragraph 15 of Schedule 1 to, S.I. 2002/794.
- (2) In the case of the Secretary of State concerned with health in England, by virtue of article 2(2) of, and Schedule 1 to, S.I. 1969/388, and articles 2(1) and 5 of, and paragraph 1(1) of the Schedule to, S.I. 1999/3142; and in the case of the Department for Health, Social Services and Public Safety, by virtue of the powers vested in the Minister in charge of that Department by virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c. 47), which may now be exercised by the Department by virtue of section 1(8) of, and paragraph 4(1)(b) of the Schedule to, the Northern Ireland Act 2000 (c. 1); the Department was renamed by virtue of article 3(6) of S.I. 1999/283 (N.I.1).
- (3) 1980/1924; relevant amending instruments are S.I. 2000/1919 and 2003/697.

### **Amendment of article 1 of the principal Order**

2. In article 1(2) of the principal Order (interpretation), in the appropriate alphabetical place, insert the following definitions—

““registered dietitian” means a person who is registered in Part 4 of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001(4);”;

““registered occupational therapist” means a person who is registered in Part 6 of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001;”;

““registered orthotist and prosthetist” means a person who is registered in Part 10 of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001;”;

““registered speech and language therapist” means a person who is registered in Part 12 of the register maintained by the Health Professions Council under article 5 of the Health Professions Order 2001;”.

### **Amendment of Schedule 3 to the principal Order**

3. In Schedule 3 to the principal Order(5) (classes of individual by whom supplies may be made), at the end of the list in Part III add—

“Registered dietitians.”;

“Registered occupational therapists.”;

“Registered orthotists and prosthetists.”; and

“Registered speech and language therapists.”

Signed by authority of the Secretary of State for Health

21st April 2004

*Warner*  
Parliamentary Under Secretary of State,  
Department of Health

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety

22nd April 2004

*D. C. Gowdy*  
Permanent Secretary,  
Department of Health, Social Services and  
Public Safety

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(4) S.I. 2002/254.

(5) Schedule 3 was inserted by S.I. 2000/1919, and amended by S.I. 2003/1590.

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## EXPLANATORY NOTE

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

This Order amends the Medicines (Pharmacy and General Sale—Exemption) Order 1980 (“the principal Order”) which provides for exemptions to sections 52 and 53 of the Medicines Act 1968 (restrictions on the sale or supply of medicinal products).

Article 3 amends Part III of Schedule 3 to the principal Order by adding registered dietitians, occupational therapists, orthotists and prosthetists and language and speech therapists to the list of classes of individuals who can supply medicinal products under a Patient Group Direction.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Medicines and Healthcare products Regulatory Agency, Information Centre, Room 10-202 Market Towers, 1 Nine Elms Lane, London SW8 5NQ and a copy has been placed in the libraries of both Houses of Parliament.