

## 1975 No. 533

## MEDICINES

## The Medicines (Dental Filling Substances) Order 1975

*Laid before Parliament in draft*

*Made - - - - 26th March 1975*

*Coming into Operation 1st May 1975*

The Secretaries of State respectively concerned with health in England and in Wales, the Secretary of State concerned with health and with agriculture in Scotland, 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, in exercise of powers conferred by section 104(1) of the Medicines Act 1968(a) and now vested in them(b) 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 order, and after taking into account the advice of the Medicines Commission, hereby make the following order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

*Citation, commencement and interpretation*

1.—(1) This order may be cited as the Medicines (Dental Filling Substances) Order 1975 and shall come into operation on 1st May 1975.

(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(c) 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.

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(a) 1968 c. 67.

(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; 1969 I, p. 1070), and in the case of the Northern Ireland Departments by virtue of the provisions of section 40 of, and Schedule 5 to, the Northern Ireland Constitution Act 1973 (c. 36) and paragraph 2(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (c. 28).

(c) 1889 c. 63.

*Application of specified provisions of the Act to dental filling substances*

2.—(1) For the purposes of section 104(1) of the Act, substances used or for use in dental surgery for filling dental cavities (“dental filling substances”) are hereby specified as substances appearing to the Ministers to be substances which are not medicinal products but are manufactured, sold, supplied, imported or exported for use wholly or partly for a medicinal purpose, and it is hereby directed that, subject to such exceptions and modifications as are specified in paragraph (2) of this Article, the following provisions of the Act, that is to say the provisions contained in Parts I, II, III, V, VI and VIII of the Act shall have effect in relation to dental filling substances as those provisions have effect in relation to medicinal products.

(2) The following provisions of the Act shall have effect in relation to dental filling substances subject to the exceptions and modifications hereinafter specified:—

- (a) Section 16(1) shall have effect in relation to dental filling substances where an order under that subsection is made which relates specifically to dental filling substances and which specifies a day, referred to as “the additional appointed day” and any reference in the Act to “the first appointed day” in any provisions of the Act which by virtue of this Article are now to have effect in relation to dental filling substances shall, in their application to such substances, be construed as referring to the additional appointed day;
- (b) Section 17 shall have effect in relation to dental filling substances where any order under that section is made which relates specifically to those substances or to any class of such substances and which appoints in relation to those substances or classes one or more days subsequent to the additional appointed day (specified under sub-paragraph (a) above) for the purposes of subsections (2) to (5) of section 16 of the Act;
- (c) Section 25(1) shall have effect in relation to dental filling substances where an order under that section is made which relates specifically to those substances, and which specifies in relation to those substances a date before which a person may make an application in accordance with section 18 of the Act;
- (d) Section 37(3) shall have effect in relation to dental filling substances where an order under that subsection is made which relates specifically to those substances and which appoints in relation to those substances a separate date for the purposes of section 37 of the Act and in relation to those substances any reference in subsections (4) and (5) of that section to the date appointed for the purposes of that section shall be construed as a reference to the separate date appointed specifically relating to dental filling substances.

*Barbara Castle,*

Secretary of State for Social Services.

17th March 1975.

*John Morris,*  
Secretary of State for Wales.

19th March 1975.

*William Ross,*  
Secretary of State for Scotland.

19th March 1975.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st March 1975.

(L.S.) *Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this 25th day of March 1975.

(L.S.) *Norman Dugdale,*  
Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 26th day of March 1975.

(L.S.) *J. A. Young,*  
Permanent Secretary.

**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order extends the application of certain specified provisions of the Medicines Act 1968 concerning such matters as the holding of licences, the provision of information, the commission of offences, the prohibition of sale or supply or importation and the promotion of sales to substances used in dental surgery for filling dental cavities ("dental filling substances"). Subject to the exceptions and modifications specified those provisions will apply to dental filling substances as they apply to medicinal products.

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