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 STATUTORY INSTRUMENTS
 

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1978 No. 988

## MEDICINES

**The Medicines (Pharmacy and General Sale—Exemption)  
Amendment Order 1978**

*Made* - - - - - 17th July 1978  
*Laid before Parliament* 21st July 1978  
*Coming into Operation* 11th August 1978

The Secretary of State concerned with health in England, the Secretaries of State respectively concerned with health and with agriculture in Wales and 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 sections 57(1) and 129(4) 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 following order, and after taking into account the advice of the Medicines Commission, hereby make the following order:—

*Citation, commencement and interpretation*

1. This order, which may be cited as the Medicines (Pharmacy and General Sale—Exemption) Amendment Order 1978, shall be read as one with the Medicines (Pharmacy and General Sale—Exemption) Order 1977(c) (hereinafter referred to as “the principal order”) and shall come into operation on 11th August 1978.

*Amendment of Article 1(2) of the principal order*

2. In Article 1(2) of the principal order (definitions) there are inserted—

(a) immediately after the definition of “cosmetic” the following definition:—

““enrolled nurse” means a person for the time being enrolled as a nurse—

(i) in relation to England and Wales, under the Nurses Act 1957(d),

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(a) 1968 c. 67.

(b) 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), 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).

(c) S.I. 1977/2133.

(d) 1957 c. 15.

- (ii) in relation to Scotland, under the Nurses (Scotland) Act 1951(a), and
  - (iii) in relation to Northern Ireland, under section 17 of the Nurses and Midwives Act (Northern Ireland) 1970(b);”
- (b) immediately after the definition of “food” the following definition:—
- “health authority”—
  - (i) in relation to England and Wales, has the same meaning as in the National Health Service Act 1977(c),
  - (ii) in relation to Scotland means a Health Board constituted under section 13 of the National Health Service (Scotland) Act 1972(d), and
  - (iii) in relation to Northern Ireland means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(e);”
- (c) immediately after the definition of “master” the following definition:—
- “occupational health scheme” means a scheme in which a person, in the course of a business carried on by him, provides facilities for his employees for the treatment or prevention of disease;”
- (d) immediately after the definition of “pharmacy medicine” the following definition:—
- “pre-school dental scheme” means a scheme supervised by a doctor or dentist in which there are supplied to parents or guardians of children under 5, for use by such children, medicinal products for the purpose of preventing dental caries;”
- (e) immediately after the definition of “prescription only medicine” the following definition:—
- “registered nurse” has the same meaning as in section 11 of the Act;” and
- (f) immediately after the definition of “registered ophthalmic optician” the following definition:—
- “school dental scheme” means a scheme supervised by a doctor or dentist in which there are supplied at a school to pupils of that school medicinal products for the purpose of preventing dental caries;”

*Amendment of Schedule 1 to the principal order*

3.—(1) Schedule 1 to the principal order (exemptions for certain persons from the restrictions imposed by sections 52 and 53 of the Act) is amended in accordance with the following paragraphs of this Article.

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(a) 1951 c. 55.

(c) 1977 c. 49.

(e) S.I. 1972/1265 (N.I. 14).

(b) 1970 c. 11 (N.I.).

(d) 1972 c. 58.

(2) In Part I (exemption from the restrictions on sale or supply), in the entry in column 2 relating to item 2 (registered ophthalmic opticians)—

- (a) for “Prescription” where it first appears there is substituted “prescription” and immediately after “2.” there is inserted “All pharmacy medicines, all medicinal products on a general sale list and”,
- (b) immediately after “Hyoscine hydrobromide” there is inserted “Naphazoline hydrochloride”, and
- (c) the following substances are deleted: —
  - Atropine
  - Atropine methobromide
  - Atropine methonitrate
  - Ecothiopate iodide
  - Physostigmine.

(3) To Part II (exemption from the restriction on supply) there are added the items 9, 10 and 11 set out in Schedule 1 to this order.

*Amendment of Part IV of Schedule 2 to the principal order*

4. From Part IV of Schedule 2 to the principal order there are deleted the substances specified in Part I of Schedule 2 to this order, and Part IV of Schedule 2 to the principal order shall have effect accordingly as set out in Part II of Schedule 2 to this order.

*David Ennals,*

Secretary of State for Social Services.

11th July 1978.

*John Morris,*

Secretary of State for Wales.

14th July 1978.

*Bruce Millan,*

Secretary of State for Scotland.

17th July 1978.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th 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 17th day of July 1978.

(L.S.)

*N. Dugdale,*

Permanent Secretary.

Sealed with the official seal of the Department of Agriculture for Northern Ireland this 17th day of July 1978.

(L.S.)

*I. A. Young,*

Permanent Secretary.

## SCHEDULE 1

## Article 3(3)

## ITEMS ADDED TO PART II OF SCHEDULE 1 TO THE PRINCIPAL ORDER

Column 1	Column 2	Column 3
Persons exempted	Medicinal products to which the exemption applies	Conditions
<p>9. Persons operating an occupational health scheme.</p>	<p>9. All pharmacy medicines, all medicinal products on a general sale list and prescription only medicines sold or supplied to the person operating an occupational health scheme in response to an order in writing signed by a doctor, a registered nurse or an enrolled nurse.</p>	<p>9.—(1) The supply shall be in the course of an occupational health scheme.  (2) The individual supplying the medicinal product, if not a doctor, shall be—  (a) a registered nurse or an enrolled nurse, and  (b) where the medicinal product in question is a prescription only medicine, acting in accordance with the written general instructions of a doctor as to the circumstances in which prescription only medicines of the description in question are to be used in the course of the occupational health scheme.</p>
<p>10. Persons carrying on the business of a school providing full-time education.</p>	<p>10. Pharmacy medicines that are for use in the prevention of dental caries and consist of or contain Sodium Fluoride.</p>	<p>10. The supply shall be—  (a) in the course of a school dental scheme, and  (b) if to a child under 16 years of age only where the parent or guardian of that child has consented to such supply.</p>

Column 1	Column 2	Column 3
Persons exempted	Medicinal products to which the exemption applies	Conditions
11. Health authorities.	11. Pharmacy medicines that are for use in the prevention of dental caries and consist of or contain Sodium Fluoride.	11.—(1) The supply shall be in the course of a pre-school dental scheme. (2) The individual supplying the medicinal product shall be a registered nurse or an enrolled nurse.

## SCHEDULE 2

## Article 4

## PART I

SUBSTANCES DELETED FROM PART IV OF SCHEDULE 2  
TO THE PRINCIPAL ORDER

Abies excelsa	Geum urbanum
Abies nigra	Glycogen
Abies nobilis	Gnaphalium leontopodium
Acalypha indica	Gold
Agate	Gorse (Ulex europocus)
Alisma plantago Aq.	Graphites
Alstonia scholaris	Gratiola officinalis
Aluminium	Gymnocladus (American Coffee Tree)
Amber (Succinum)	Haematoxylon campechianum
Ambra grisea	Hecla Lava (Ash from Mount Hecla)
Ammonium Phosphate	Hedeoma pulegioides
Angostura vera	Hedera helix
Anthoxanthum	Heliotrope
Apis mellifera	Heracleum spondylium
Aqua Marina	Herniaria
Aqua Mellis	Hornbeam (Carpinus betulus)
Arallia racemosa	Iberis amara
Aranea diadema	Impatiens
Arum maculatum	Iris germanica
Arum triphyllum	Iris pseudacorus
Asarum	Jacaranda procera
Asperula odorata	Jatropha curcas
Astacus fluviatilis	Juncus communis
Auric Chloride	Justicia adhatoda
Badiaga	Lamium album
Beech (fagus sylvestris)	Laurus nobilis oil
Bellis perennis	Laurocerasus
Berberis aquifolium	Ledum palustre
Borago officinalis	Lilium tigrinum
Butyric Acid	Lonicera caprifolium
Calcium Metal	Lysimachia vulgaris
Calcium Chloride	Magnesium Phosphate
Calcium Oxide	Magnesite
Calcium Sulphate	Magnolia
Castoreum	Marum verum
Ceanothus americanus	Melilotus officinalis
Cedron	Menispermum canadense
Cerato (Cerastigma Willmottiana)	Mephitis putorius
Cherry Plum (Prunus cerasifera)	Mercurialis perennis
Chestnut, Red and Sweet	Mimulus (Mimullis Guttatus)
Cholesterinum	Moschus
Chrysolite	Myrica gale
Cistus canadensis	Myrtus communis
Clematis erecta	Ocimum basilicum
Conchae vera	Olive
Conchiolinum	Oxalis acetosella
Corallium Rubrum	Pangamic Acid
Crab Apple	Paullinia cupana
Crocus sativus	Penthorum sedoides
Erbium	Pollen (mixed)
Erigeron canadense	Polygonatum multiflorum
Fuligo	Polygonum aviculare
Genista tinctoria	Polypodium vulgare

Primula vulgaris	Silphium laciniatum
Prunella vulgaris	Sodium Benzoate
Ptelea trifoliata	Spongia marina
Ratanhia	Star of Bethlehem (Ornithogalum umbellatum)
Robinia pseudoacacia	Ulmus campestris
Rubia tinctorum	Vine
Rumex acetosella	Walnut (juglerus regia)
Sal Marina	Water Violet (Hottonia Palustris)
Sarcolactic Acid	Wild Oat
Sarracenia purpurea	Wild Rose
Scleranthus (Scleranthus annuus)	
Silica	

## PART II

PART IV OF SCHEDULE 2 TO THE PRINCIPAL ORDER  
AS AMENDED BY THIS ORDER

## PART IV

*Dilutions of unit preparations diluted to at least one part in ten (1x)  
for external use*

Adonis vernalis	Cerium Oxalicum
Agaricus bulbosus	Chalcopyrite
Agaricus muscarius	Chalcocite
Agnus castus	Chelidonium majus
Ailanthus glandulosa	Chenopodium Oil
Alum	Colocynthis
Amethyst	Convallaria majalis
Ammonium Iodide	Copper Silicate, Nat
Amygdalae amarae	Crotalus horridus
Apatite	Cucurbita
Apocynum androsaemifolium	Cucumis melo
Apocynum cannabinum	Datura stramonium
Argentite	Derris
Argentum Chloride	Diamond
Argentum Iodide	Ephedra vulgaris
Artemisia cina	Ferric Acetate
Aspidium filix-mas	Ferrous Iodide
Aspidium anthelmintica	Ferrous Oxalate
Aurum Sulphide	Ferrous Sulphide
Balsamum copaiyae	Formic Acid
Balsamum peruvianum	Gall
Barium Citrate	Gelsemium sempervirens
Barium Sulphate	Gneiss
Bismuth Metal	Hamamelis virginiana
Bismuth Subgallate	Hepar Sulfuris
Bismuth Subnitrate	Hyoscyamus niger
Boletus laricis	Iris florentine
Bovista	Jaborandi
Cade Oil	Juniperus sabina
Calcium Fluoride	Kaolinite
Carduus marianus	Lachmanthus tinctoria
Cedar Wood Oil	



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Lapis Albus	Ranunculus flammula
Lycopodium	Ranunculus repens
Magnesium	Ranunculus sceleratus
Magnesium Acetate	Rauwolfia serpentina
Magnesium Chloride	Rhodium Oxynitrate
Magnetite	Rhododendron chrysanthemum
Manganese Acetate	Rhus toxicodendron
Nicotiana tabacum	Salicylic Acid
Nicotiana tabacum oil	Scrophularia aquatica
Oleander	Sodium Aluminium Chloride
Opuntia vulgaris	Sodium Auro-chloride
Oxalic Acid	Sodium Hypochlorite
Petroleum	Sodium Nitrate
Phellandrium aquaticum	Squill
Pix Liquida	Stannum Metal
Platinum	Sulphur Iodide
Platinum Chloride	Tannic Acid
Potassium Hydroxide	Terebinthinae Oleum
Potassium Silicate	Topaz
Pyrethrum	Uric Acid
Pyrolusite	Zinc Hypophosphite
Ranunculus bulbosus	Zinc Isovalerate
Ranunculus acris	

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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 1977. It modifies the range of medicinal products which may be sold or supplied in certain circumstances by registered ophthalmic opticians free from the restrictions imposed by section 52 of the Medicines Act 1968 (pharmacy only sale). It also grants exemptions from those requirements in respect of supplies of certain medicinal products in certain circumstances by schools, health authorities and those operating occupational health schemes. Other amendments are of a minor nature.

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