1992 No. 293

PUBLIC HEALTH

HIV Testing Kits and Services Regulations (Northern Ireland) 1992

Made	*23rd June 1992*
Coming into operation	*1st August 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 12(1) and (2) of the Health and Medicines (Northern Ireland) Order 1988(**a**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the HIV Testing Kits and Services Regulations (Northern Ireland) 1992 and shall come into operation on 1st August 1992.

(2) In these Regulations—

(*a*) any reference to sale or supply to a member of the public is a reference to sale or supply to a person otherwise than in the course of a business carried on by that person;

(*b*) ''business'' includes a professional practice, and the provision of services under the Health and Personal Social Services (Northern Ireland) Order 1972(**b**), or the National Health Service Act 1977(**c**), or the National Health Service (Scotland) Act 1978(**d**).

Sale or supply of HIV testing kits

2.—(1) Subject to paragraph (2), a person who sells or supplies an HIV testing kit(**e**), or any component part of such a kit, to a member of the public shall be guilty of an offence.

(2) A person shall not be guilty of an offence under paragraph (1) if he proves that, after having exercised all due diligence, he had a reasonable belief that the person to whom he was selling or supplying the kit or component was acting in the course of a business carried on by that person.

(**a**) S.I. 1988/2249 (N.I. 24)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) 1977 c. 49
(**d**) 1978 c. 29
(**e**) Article 12(4) of S.I. 1988/2249 (N.I. 24) provides that HIV means Human Immunodeficiency Virus of any type; and that ''HIV Testing Kit'' means a diagnostic kit the purpose of which is to detect the presence of HIV or HIV antibodies