1977 No. 359

MEDICINES

Medicines (Prohibition of Importation and Possession of Veterinary Drugs) Order (Northern Ireland) 1977

Made . . . . . 14*th December* 1977

Coming into operation . . . 1*st February* 1978

The Department of Agriculture for Northern Ireland hereinafter called "the Department" in exercise of the powers conferred on it by sections 62(1)(*a*) and 134 of, and paragraphs 6 and 7 of Schedule 4 to, the Medicines Act 1968(a) and now vested in it(b) and of all other powers enabling it in that behalf, it appearing to the Department to be necessary to do so in the interests of safety, after consulting such organisations as appear to it to be representative of interests likely to be affected by the order and after consulting and taking into account the advice of the Veterinary Products Committee(c), hereby makes the following order:

Citation and commencement

1. This Order may be cited as the Medicines (Prohibition of Importation and Possession of Veterinary Drugs) Order (Northern Ireland) 1977 and shall come into operation on 1st February 1978.

Interpretation

2.—(1) In this Order—

"the Act" means the Medicines Act 1968;

"importation" shall include "landing";

"vaccines" are substances which consist wholly or partly of—

(*a*) any micro-organisms, viruses or other organisms in any state;

(*b*) any toxins of microbial origin which have been detoxified, or

(*c*) any extracts or derivatives of any micro-organisms or of any viruses being substances which when administered to animals are used for the prevention or treatment of specific diseases.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

Prohibition on importation

3.—(1) Subject to the exceptions specified in the following provisions of this Order the importation of any veterinary drug consisting of or containing any of the vaccines specified in the Schedule is hereby prohibited.

(2) Paragraph (1) shall not apply to any case where importation is in accordance with a product licence and—

(*a*) is by a person who complies with the provisions of Article 4 and who is—

(a) 1968 c. 67
(b) By 1973 c. 36 s. 40 and Sch. 5 para. 7(1); 1974 c. 28 s. 1 and Sch. 1 para. 2(1) and (2)
(c) S.I. 1970/1304 (1970 III, p. 4335)
(d) 1954 c. 33 (N.I.)

(i) a person carrying on the business of selling by way of wholesale dealing;

(ii) a veterinary surgeon or veterinary practitioner;

(iii) a person lawfully conducting a retail pharmacy business; or

(iv) a person who is for the time being carrying on a business wholly or mainly comprising the sale by retail of veterinary drugs and other agricultural requisites;

(*b*) is by a person or institution concerned with scientific education or research where—

(i) the veterinary drug is required for the purposes of that education or research;

(ii) the veterinary drug is not to be used by that person or institution by being administered to animals for a medicinal purpose; and

(iii) the provisions of Article 4 are complied with; or

(*c*) is by any person who is either—

(i) a public analyst appointed under section 31 of the Food and Drugs Act (Northern Ireland) 1958(e);

(ii) a sampling officer within the meaning of the Food and Drugs Act (Northern Ireland) 1958;

(iii) a sampling officer within the meaning of Schedule 3 to the Act; or

(iv) an agricultural analyst appointed under section 67 of the Agriculture Act 1970(f); and

the veterinary drug is to be used only in connection with the exercise by that person of his statutory functions.

Provisions as to authorisations

4.—(1) No person or institution shall be entitled by virtue of Article 3(2)(*a*) or (*b*) to import any veterinary drug consisting of or containing any of the vaccines specified in the Schedule unless he has, prior to the importation, applied for and obtained a written authorisation, either general or special, from the Department for the importation of that veterinary drug.

(2) In considering any application for an authorisation the Department shall take into account any matter which it considers to be relevant to the application and in particular the handling facilities and storage equipment available at the premises of the applicant.

(3) Any authorisation granted shall be subject to the conditions specified therein and, unless previously suspended or revoked, be valid for the period specified therein, but if no period is so specified it shall be valid until withdrawn by the Department by notice in writing.

(4) Any authorisation may be suspended or revoked by the Department at any time before the termination of the period specified therein where it appears to the Department to be necessary in the interests of safety or where any provision of the Order or any condition of the authorisation is contravened.

Provision relating to possession

5.—(1) Subject to the exceptions specified in paragraph (2) no person shall have in his possession any veterinary drug consisting of or containing any vaccines specified in the Schedule.

(e) 1958 c. 27 (N.I.) (f) 1970 c. 40