

SCHEDULE 8

AMENDMENTS TO THE MEDICINES ACTS ETC.

PART 2

Consequential amendments to secondary legislation

The Medicines (Surgical Materials) Order 1971

1. In the Medicines (Surgical Materials) Order 1971(1), in article 3 (application of specified provisions of the Medicines Act 1968 to surgical materials), omit “Health”.

The Medicines (Specified Articles and Substances) Order 1976

2. In the Medicines (Specified Articles and Substances) Order 1976(2), in article 2 (application of specified provisions of the Medicines Act 1968 to articles and substances specified in Schedule 1), omit “Health”.

The Medicines (Radioactive Substances) Order 1978

3. In the Medicines (Radioactive Substances) Order 1978(3), in article 2 (application of specified provisions of the Medicines Act 1968 to certain substances or articles consisting of or containing radioactive substances), omit “Health”.

The Medicines (Administration of Radioactive Substances) Regulations 1978

4. In the Medicines (Administration of Radioactive Substances) Regulations 1978(4), for “the Health Ministers”, in each place those words appear, substitute “the Ministers”.

The Medicines (Cyanogenetic Substances) Order 1984

5. In the Medicines (Cyanogenetic Substances) Order 1984(5), in article 2 (application of specified provisions of the Medicines Act 1968), omit “Health”.

The Medicines Act 1968 (Hearings by Persons Appointed) Rules 1986

6. In the Medicines Act 1968 (Hearings by Persons Appointed) Rules 1986(6), in rule 2 (interpretation), in paragraph (b), in the definition of “relevant Minister”, in sub-paragraph (ii), for “the appropriate Ministers as defined in section 1(2)” substitute “the Ministers as defined in section 1(1)”.

(1) S.I.1971/1267; relevant amending instrument is S.I. 2004/1031.

(2) S.I. 1976/968, amended by S.I. 1994/3199 and 2004/1031.

(3) S.I. 1978/1004.

(4) S.I. 1978/1006, amended by S.I. 1994/2147 and 2005/2754.

(5) S.I. 1984/187.

(6) S.I. 1986/1761, amended by S.I. 2005/2745.

The Medicines Act 1968 (Application to Radiopharmaceutical-associated Products) Regulations 1992

7. In the Medicines Act 1968 (Application to Radiopharmaceutical-associated Products) Regulations 1992(7), in the Schedule—

- (a) in the entry relating to section 44(1) to (3)—
 - (i) for the first entry in column (2) substitute “as though in subsection (1) “(including a licence of right)” were omitted”,
 - (ii) omit the second entry in column (2), and
 - (iii) in the third entry in column (2), omit “and the words “or certificate” were omitted”;
- (b) in the entry relating to section 45(1), (2) and (6) to (9)—
 - (i) for the first entry in column (2) substitute “as though in subsection (1) the words “, section 8” were omitted and for “any of those sections” there were substituted “that section””, and
 - (ii) omit the second entry in column (2);
- (c) in the entry relating to section 46(1), omit
““or of an animal test certificate” and “or certificate” were omitted and”;
- (d) in the entry relating to section 47, omit the second, third and fourth entries in column (2);
- (e) in the entry relating to section 91—
 - (i) for the first entry in column (2) substitute “as though in subsection (1) for “section 85(5), section 83(3) or (4) or section 90(2)” there were substituted “section 86(3) or (4)”,
 - (ii) in the second entry in column (2) for “section 90(1)” substitute “section 87(2)”, and
 - (iii) in the third entry in column (2), omit “and the words from “and any power to make regulations conferred by those sections” to the end of the subsection were omitted”; and
- (f) for the entry relating to section 126(4), substitute “as though the words “or subsection (3)” were omitted”.

The Medicines (Homoeopathic Medicinal Products for Human Use) Regulations 1994

8. In the Medicines (Homoeopathic Medicinal Products for Human Use) Regulations 1994(8)—

- (a) in regulation 6 (grant of a certificate), omit “appropriate”; and
- (b) in Schedule 4 (application of the provisions of the Medicines Act 1968)—
 - (i) omit the entries relating to sections 23, 58A, 121, 122 and 126,
 - (ii) in the entry relating to section 44—
 - (aa) omit “or for an animal test certificate (including a certificate to which a person is entitled by virtue of section 37(4) of this Act”,
 - (bb) omit “and as though “, or of an animal test certificate,” were omitted”, and
 - (cc) for “as though “licence or” were omitted” substitute “as though for “licence” there were substituted “certificate””,
 - (iii) in the entry relating to section 108, omit the words from “as though in subsection (8)” to the end, and

(7) S.I. 1992/605, amended by S.I. 2004/1031 and 2005/2754.

(8) S.I. 1994/105; relevant amending instruments are S.I. 2004/1031 and 2005/2753.

(iv) in the entry relating to section 110, omit “as though subsection (4) were omitted”.

The Medicines (Advertising) Regulations 1994

9. In the Medicines (Advertising) Regulations 1994⁽⁹⁾, in regulation 2 (interpretation), for paragraph (4) substitute the following paragraph—

“(4) In these Regulations, “the Health Ministers” means the Ministers specified in section 1(1) of the Act, and the functions of the Health Ministers under these Regulations may be performed by either of them acting alone or both of them acting jointly.”.

The Medicines (Monitoring of Advertising) Regulations 1994

10. In the Medicines (Monitoring of Advertising) Regulations 1994⁽¹⁰⁾, in regulation 2 (interpretation and application), for paragraph (3) substitute the following paragraph—

“(3) In these Regulations, “the Health Ministers” means the Ministers specified in section 1 of the Act, and the functions of the Health Ministers under these Regulations may be performed by either of them acting alone or both of them acting jointly.”.

The Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994

11. In the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994⁽¹¹⁾, in Schedule 4 (modifications of enforcement provisions of the Medicines Act 1968)—

- (a) in paragraph 9, in paragraph (b), for “85 to 90” substitute “85 to 89”; and
- (b) in paragraph 10, in paragraph (b), for “sections 85 to 88 and section 90” substitute “and sections 85 to 88”.

The Medicines and Healthcare Products Regulatory Agency Trading Fund Order 2003

12. In the Medicines and Healthcare Products Regulatory Agency Trading Fund Order 2003⁽¹²⁾, in Schedule 1 (funded operations), in paragraph 1, in sub-paragraph (a), omit “the Health Ministers”.

The Herbal Medicines Advisory Committee Order 2005

13. In the Herbal Medicines Advisory Committee Order 2005⁽¹³⁾, in article 2 (Herbal Medicines Advisory Committee), in paragraph (b), omit “Health”.

The Medicines (Advisory Bodies) (No. 2) Regulations 2005

14. In the Medicines (Advisory Bodies) (No. 2) Regulations 2005⁽¹⁴⁾, in regulation 1 (citation, commencement and interpretation), in paragraph (3), for the definition of “the appropriate Ministers” substitute the following definition—

““the appropriate Ministers” means the Secretary of State for Health and the Department for Health, Social Services and Public Safety acting jointly;”.

(9) S.I. 1994/1932; relevant amending instrument is S.I. 1999/267.

(10) S.I. 1994/1933, to which there are amendments not relevant to this instrument.

(11) S.I. 1994/3144, to which there are amendments not relevant to this instrument.

(12) S.I. 2003/1076 as amended by S.I. 2005/2061.

(13) S.I. 2005/2791.

(14) S.I. 2005/2754.