



## THE MEDICINES ACT 2003

### THE MEDICINES (PHARMACY AND GENERAL SALE - EXEMPTION) REGULATIONS 2005

*Approved by Tynwald*

*17<sup>th</sup> January 2006*

*Coming into operation*

*1<sup>st</sup> February 2006*

In exercise of the powers conferred on the Department of Health and Social Security by sections 3 and 52 of the Medicines Act 2003<sup>1</sup>, and of all other enabling powers the following Regulations are hereby made:-

#### 1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Medicines (Pharmacy and General Sale - Exemption) Regulations 2005 and shall come into operation on 1<sup>st</sup> February 2006.

#### 2. Application of UK exemption orders

The provisions of –

- (a) the Medicines (Pharmacy and General Sale List – Exemption) Order 1980<sup>2</sup>;
- (b) the Orders amending that Order specified in Schedule 1; and,
- (c) any Order made after the making of these Regulations and amending the Orders specified in Schedule 1,

being orders made under the provisions of the Medicines Act 1968 (An Act of Parliament)<sup>3</sup> corresponding to section 2 of the Medicines Act 2003, shall apply to the Island subject to the modifications specified in Schedule 2.

#### 3. Revocations

The Medicines (Pharmacy and General Sale – Exemption) Order 1996<sup>4</sup> and the Medicines (Pharmacy and General Sale – Exemption) (Application) Order 1998<sup>5</sup> are revoked.

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<sup>1</sup> 2003 c.4

<sup>2</sup> SI 1980/1924

<sup>3</sup> 1968 c.67

<sup>4</sup> SD 677/96

<sup>5</sup> SD 112/98

SCHEDULE 1

ORDERS APPLIED TO THE ISLE OF MAN

<i>Reference</i>	<i>Title</i>
SI 1982/27	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 1982
SI 1994/2409	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 1994
SI 1998/107	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 1998
SI 1998/2368	Medicines (Pharmacy and General Sale List - Exemption) Amendment (No.2) Order 1998
SI 2000/1919	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 2000
SI 2003/697	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 2003
SI 2004/1	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 2004
SI 2004/1190	Medicines (Pharmacy and General Sale List - Exemption) Amendment (No.2) Order 2004
SI 2005/766	Medicines (Pharmacy and General Sale List - Exemption) Amendment Order 2005

SCHEDULE 2

MODIFICATIONS SUBJECT TO WHICH THE ORDERS APPLY TO THE ISLAND

PART 1 - GENERAL MODIFICATIONS

For any reference to a matter specified in column 1 of the following table substitute a reference to the corresponding matter specified in column 2 of the table:

the Medicines Act 1968 (an Act of Parliament)	the Medicines Act 2003
any provision of the said Act of 1968	the corresponding provision of the Medicines Act 2003
any order or regulations made under the said Act of 1968 (including the orders applied by this Order).	the corresponding order or regulations made under the Medicines Act 2003 or, as the case may be, the said order or regulations as they have effect in the Island.
the Misuse of Drugs Act 1971 (an Act of Parliament)	the Misuse of Drugs Act 1976 <sup>6</sup>
any provisions of the said Act of 1971	the corresponding provision of the Misuse of Drugs Act 1976
any order or regulations made under the said Act of 1971	the corresponding order or regulations made under the Misuse of Drugs Act 1976 or, as the case may be, the said order or regulations as they have effect in the Island.

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<sup>6</sup> 1976 c.21

PART 2  
SPECIFIC MODIFICATIONS OF SI 1980/1924

1. In article 1(2)(a) -
  - (a) omit the definition of “enrolled nurse”;
  - (b) for the definition of “offshore installation” (inserted by SI 1989/1852) substitute -

““offshore installation” means an offshore installation within the meaning of the Mineral Workings (Offshore Installations)(Isle of Man) Act 1974 (an Act of Tynwald)<sup>7</sup> which is within tidal waters and parts of the sea adjacent to the Isle of Man up to the seaward limit of territorial waters;”;
  - (c) in the definition of “health authority”, for paragraphs (i), (ii) and (iii) substitute “means the Department of Health and Social Security”;
  - (d) in the definition of “registered ophthalmic optician”, for “1958” substitute “1989”.
2. (1) In Part I of Schedule 1 -
  - (a) in column 1 of head 5 -
    - (i) for paragraphs (1) and (2) substitute -

“(1) a public analyst within the meaning of the Interpretation Act 1976 (an Act of Tynwald)<sup>8</sup>;

(2) an agricultural analyst appointed for the purposes of the Fertilisers and Feeding Stuffs Act 1975 (an Act of Tynwald)<sup>9</sup>.”;
    - (ii) for paragraph (4) substitute -

“(4) an authorised officer within the meaning of the Food Act 1996 (an Act of Tynwald)<sup>10</sup>.”;
  - (b) omit heads 6 and 10.
- (2) In Part II of Schedule 1, in column 1 of head 6, omit the words from “or regulation 5” to “1974”.

SPECIFIC MODIFICATIONS OF SI 2003/697

In article 2 –

- (1) for the definition of “nursing home” substitute –

““nursing home” has the meaning given to it by section 1(1)(c) of the Nursing and Residential Homes Act 1988<sup>11</sup>”;
- (2) for the definition of “prison service” substitute –

““prison service” means the exercising of functions in relation to prisoners by the Department of Home Affairs within the meaning of the Custody Act 1995<sup>12</sup>”.

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<sup>7</sup> 1974 c.33

<sup>8</sup> 1976 c.20

<sup>9</sup> 1975 c.31

<sup>10</sup> 1996 c.8

<sup>11</sup> 1998 c.9

<sup>12</sup> 1995 c.1

MADE 9th December 2005

*Jane Craze*

Member for Health

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EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply to the Isle of Man the Medicines (Pharmacy and General Sale List - Exemption) Order 1980 (SI 1980/1924) as amended. That order grants exemptions from the restrictions imposed by the Medicines Act 1968 (An Act of Parliament) corresponding to section 2 of the Medicines Act 2003 on the sale of medicinal products at pharmacies and elsewhere.

