STATUTORY INSTRUMENTS

1971 No. 459

THERAPEUTIC SUBSTANCES

The Therapeutic Substances (Control of Sale and Supply) (No. 2) Regulations 1971

Made - - -	*18th March* 1971
Laid before Parliament	*25th March* 1971
Coming into Operation—	
with respect to regulation 3 *and the provisions relating to flavomycin*	*26th March* 1971
for all other purposes	*1st September* 1971

Whereas the therapeutic substances hereinafter mentioned appear to the Secretary of State for Social Services, the Secretary of State for Wales, the Secretary of State for Scotland and the Minister of Health and Social Services for Northern Ireland (hereinafter called "the Ministers") to be substances which are capable of causing danger to the health of the community if used without proper safeguards :

Now, therefore, the Ministers, in exercise of the powers conferred on them by section 8 of the Therapeutic Substances Act 1956(**a**), as amended by section 2(2) and Schedule 1 to the Transfer of Functions (Wales) Order 1969(**b**) and as having effect subject to the provisions of the Ministries (Transfer of Functions) (No. 2) Order (Northern Ireland) 1964(**c**) and of the Ministries (Transfer of Functions) (Northern Ireland) Order 1965(**d**), and of all other powers enabling them in that behalf, after consultation with the Medical Research Council, hereby jointly make the following regulations :—

1.—(1) These regulations may be cited as the Therapeutic Substances (Control of Sale and Supply) (No. 2) Regulations 1971, and shall come into operation on 1st September 1971 ; except that regulation 3 and the provisions relating to flavomycin shall come into force on 26th March 1971.

(2) Unless the context otherwise requires, references to a substance in the Schedule to these regulations by name shall be construed as references to the substance for which such name is shown in the list of names published under section 100 of the Medicines Act 1968(**e**).

(3) The Interpretation Act 1889(**f**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(**a**) 1956 c. 25.
(**b**) S.I. 1969/388 (1969 I, p. 1070).
(**c**) S.R. & O. (N.I.) 1964/205.
(**d**) S.R. & O. (N.I.) 1965/13.
(**e**) 1968 c. 67.
(**f**) 1889 c. 63.

2. Part II of the Therapeutic Substances Act 1956 (which controls the sale and supply of penicillin and certain other therapeutic substances) shall also apply :—

(*a*) to the substances specified in the Schedule to these regulations.

(*b*) to any substance the chemical and biological properties of which are identical with or similar to those of any of the substances specified in items 1 and 2 of the Schedule to these regulations but which is not produced by living organisms,

(*c*) to any ester or salt of any of the substances specified in items 1, 2, 3, 4, 5 and 6 of the Schedule to these regulations or in paragraph (*b*) of this regulation or to any salt of any such ester.

3. The Therapeutic Substances (Supply of Antibiotics for Agricultural Purposes) Regulations 1953(**a**), the Therapeutic Substances (Supply of Oxytetracycline for Agricultural Purposes) Regulations 1954(**b**) and the Therapeutic Substances (Control of Sale and Supply) Regulations 1971(**c**) are hereby revoked.

SCHEDULE

1. Flavomycin, that is to say a number of related phosphorus containing lipopolysaccharide substances produced by certain strains of

Streptomyces referred to as *Streptomyces bambergiensis, Streptomyces ghanaensis, Streptomyces geysiriensis* and *Streptomyces ederensis* (numbered 13879, 14762, 15303 and 15304 respectively in the American Type Culture Collection), their mutants and variants.

2. Tylosin, that is to say the antimicrobial substance with a macrolide structure produced by strains of *Streptomyces fradiae*.

3. Furaltadone, 5-(4-morpholinylmethyl)-3-(5-nitro-2-furfurylideneamino)-2-oxazolidinone.

4. Furazolidone.

5. Nitrofurantoin.

6. Nitrofurazone.

7. Sulphanilamide, *p*-aminobenzenesulphonamide, and any of its derivatives having any of the hydrogen atoms of either or both nitrogen atoms substituted by an equal number of univalent atoms or radicals.

Keith Joseph,
Secretary of State for Social Services.

15th March 1971.

Given under my hand on 15th March 1971.

Peter Thomas,
Secretary of State for Wales.

(**a**) S.I. 1953/1174 (1953 II, p. 2292).
(**b**) S.I. 1954/1647 (1954 II, p. 2392).
(**c**) S.I. 1971/303. (1971 I, p. 1021).

Given under the seal of the Secretary of State for Scotland on 15th March 1971.

(L.S.) *Gordon Campbell,*
Secretary of State for Scotland.

Given under my hand on 18th March 1971.

W. K. Fitzsimmons,
Minister of Health and Social Services for Northern Ireland.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and reproduce the terms of the Therapeutic Substances (Control of Sale and Supply) Regulations 1971, save that the commencement date for regulation 3 is 26th March instead of 1st September 1971. The regulations bring within the scope of Part II of the Therapeutic Substances Act 1956 (which controls the sale and supply of substances to which that Part applies) the substances specified in regulation 2.

These regulations also revoke—

(*a*) the Therapeutic Substances (Supply of Antibiotics for Agricultural Purposes) Regulations 1953, which legalise the sale or supply without prescription of aureomycin supplement and penicillin supplement or of pig or poultry food to which these supplements or penicillin have been added ; and

(*b*) the Therapeutic Substances (Supply of Oxytetracycline for Agricultural Purposes) Regulations 1954, which legalise the sale or supply without prescription of oxytetracycline supplement or pig food or poultry food to which oxytetracycline supplement has been added.

The effect of the revocations at paragraphs (*a*) and (*b*) above is to restrict to sale or supply only on prescription the sale or supply of the supplements and feeding stuffs mentioned in those paragraphs.