

Medicines and Medical Devices Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 7

LORD BETHELL

Page 5, line 14, at end insert—

“(5A) This section does not limit the circumstances in which information may be disclosed under any other enactment or rule of law.”

Member’s explanatory statement

This amendment provides that Clause 7 does not limit the circumstances in which information may be disclosed under any other enactment or rule of law.

Clause 12

LORD BETHELL

Page 8, line 39, at end insert—

“(5A) This section does not limit the circumstances in which information may be disclosed under any other enactment or rule of law.”

Member’s explanatory statement

This amendment provides that Clause 12 does not limit the circumstances in which information may be disclosed under any other enactment or rule of law.

Clause 37

LORD BETHELL

Page 22, line 27, at end insert—

“(9A) This section does not limit the circumstances in which information may be disclosed under any other enactment or rule of law.”

Member’s explanatory statement

This amendment provides that Clause 37 does not limit the circumstances in which information may be disclosed under any other enactment or rule of law.

Schedule 2

LORD BETHELL

Page 39, line 39, at end insert –

- “(2A) In respect of an offence under this regulation –
- (a) a magistrates’ court in England and Wales may try an information laid before the earlier of –
 - (i) the end of the period of one year beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the knowledge of the prosecutor, and
 - (ii) the end of the period of three years beginning with the day on which the offence was committed;
 - (b) a magistrates’ court in Northern Ireland may hear and determine any complaint made before the earlier of –
 - (i) the end of the period of one year beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the knowledge of the prosecutor, and
 - (ii) the end of the period of three years beginning with the day on which the offence was committed;
 - (c) in Scotland, summary proceedings for the offence may be commenced before the earlier of –
 - (i) the end of the period of one year beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the knowledge of the prosecutor, and
 - (ii) the end of the period of three years beginning with the day on which the offence was committed.
- (2B) For the purposes of paragraph (2A)(a)(i), (b)(i) and (c)(i) –
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor’s knowledge is conclusive evidence of that fact, and
 - (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed until the contrary is proved.”

Member’s explanatory statement

This amendment ensures that prosecutions for an offence under new regulation 60A of the Medical Devices Regulations 2002 can be brought before the earlier of one year from the prosecutor thinking there was sufficient evidence to justify a prosecution or three years of the commission of the offence, as is currently the case with regard to equivalent offences under section 12 of the Consumer Protection Act 1987.

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5 January 2021
