BILLET D'ÉTAT No. XXIV, 2009

29th September 2009

PROJET DE LOI

ENTITLED

The Trading Standards (Enabling Provisions) (Guernsey) Law, 2009

THE STATES, in pursuance of their Resolution of the 27th July, 2006[a], have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the islands of Guernsey, Herm and Jethou.

Power to enact Ordinances in relation to trading standards.

1. The States may by Ordinance make such provision as they think fit in relation to trading standards.

Meaning of trading standards.

2. In this Law "**provision**" in relation to trading standards means provision in relation to -

(a) the protection of consumers,

(b) the protection of undertakings in the carrying on of business,

(c) the supply of goods and services, and

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a Article XVIII of Billet d'État No. XIII of 2006.

(d) the standards to be observed by and enforceable against undertakings supplying or concerned in the supply of goods and/or services,

and, without limitation, and subject to such exceptions, adaptations and modifications as the States think fit, includes provision corresponding to that which is made by or which may be made under any Act of Parliament set out in the Schedule.

Specific matters for which Ordinances may make provision.

3. An Ordinance under section 1 may, without limitation, make provision in relation to the following matters -

(a) the regulation of matters comprised in section 1,

(b) exceptions, exemptions and derogations from any such regulation including, without limitation, exceptions, exemptions and derogations -

(i) in the public interest,

(ii) as a matter of public policy,

(iii) for the benefit of consumers or any class or description thereof, or

(iv) on social, community, economic, ethical and other grounds,

(c) the establishment of a trading standards service

(referred to in this Law as the "**Trading Standards Service**") whether as a service within the Department, as an office of the Department or as an independent legal entity, with responsibility for the administration and enforcement of this Law and any Ordinance under section 1, and with such rights, liabilities, functions and capacity as may be prescribed,

(d) the investigation by any prescribed person of matters comprised in section 1 and the making, issuing and publication by them of statements, reports, notices and warnings on those matters,

(e) the powers vested in any prescribed person –

(i) of entry, inspection, search and inquiry,

(ii) of production, seizure, retention, use and disclosure of documents, information and goods,

(iii) to make purchases of goods and to require any person to sell such goods,

for the purposes of -

(A) the administration and enforcement of any Ordinance under section 1,

(B) carrying out investigations and making

reports, and

(C) generally for the performance of their functions,

(f) the obtaining and exchanging of information,

(g) the service of documents,

(h) the issue by any prescribed person of codes of practice, guidance and recommendations, and their status in law,

(i) the imposition by any prescribed person of directions, orders, penalties (including, without limitation, financial penalties, whether calculated by reference to an undertaking's turnover or otherwise), interim measures and other sanctions,

(j) the appointment by any prescribed person of any person or body to advise them in relation to the exercise of their functions under this Law and any Ordinance under it,

(k) the production and publication by any prescribed person of reports and accounts and the auditing of accounts,

(l) the objectives to be promoted and the other matters to be taken into account by any prescribed person in

carrying out their respective functions under this Law and any Ordinance under it,

(m) co-operation and the provision of mutual assistance by any prescribed person in relation to matters comprised in section 1, with or to authorities –

(i) discharging functions corresponding to any of their own, or

(ii) which are of any prescribed class or description,

(n) privilege and duties of confidentiality and exceptions, exemptions and derogations therefrom,

(o) the implementation of -

(i) any international instrument relating to matters comprised in section 1 or any aspect thereof,

(ii) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under any such international instrument,

subject to such exceptions, adaptations and modifications as may be specified in the Ordinance,

(p) the administration and enforcement of any Ordinance

under this Law including, without limitation, provision as to -

(i) appeals in relation to decisions in respect of such administration and enforcement,

(ii) modes of civil enforcement (including, without limitation, proceedings for injunctions),

(iii) modes of criminal enforcement (but subject to section 4(5)),

(iv) remedies in respect of contraventions of any prohibition, restriction, regulation, duty, obligation or requirement imposed by an Ordinance under this Law (but subject to section 4(5)), and

(v) the establishment of a tribunal and a panel of persons from whom the members of the tribunal are to be drawn,

and otherwise as to the administration of justice in relation to matters comprised in section 1,

(q) the jurisdiction and powers of the courts, and the constitution and procedure of those courts, in relation to matters comprised in section 1,

(r) provision as to evidence including, without limitation,

rules as to the admission of evidence and evidential presumptions,

(s) the authorisation of, and conferring of functions on, any prescribed person for the purposes of the administration and enforcement of any Ordinance under this Law,

(t) the granting (conditionally or otherwise), refusal, variation, revocation and suspension of licences or other descriptions of authorisation or approval for the doing of anything restricted, regulated or controlled by an Ordinance under this Law,

(u) the making of applications for such licences, authorisations or approvals,

(v) the levying of fees, and

(w) the recovery of costs associated with the administration and enforcement of any Ordinance under this Law.

General provisions as to Ordinances, etc.

4. (1) The States may make an Ordinance under section 5(3) where they consider it necessary or expedient to do so for the purpose of –

(a) enabling the Trading Standards Service to carry out any of its functions more effectively,

(b) enhancing or protecting the reputation or economic interests of Guernsey,

(c) enhancing or facilitating trading standards, or regulating trading standards, in the interests of –

(i) consumers or any class or description thereof,

(ii) undertakings in the carrying out of a business, or

(iii) the supply of goods and services,

(d) discharging any international obligation to which Guernsey is subject, or

(e) assisting, in the interests of the public or otherwise, any authority which appears to the States to discharge in a place outside Guernsey functions corresponding to any of the functions of the Trading Standards Service.

The provisions of this subsection are without prejudice to any other provision of this Law conferring power to enact Ordinances (and vice versa).

(2) An Ordinance under this Law -

(a) may be amended or repealed by a subsequent Ordinance hereunder, and

(b) may contain such consequential, incidental,

supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to this Law and any other enactment).

(3) Any power to make an Ordinance under this Law may be exercised -

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions,

(iv) different provision for different classes, descriptions and categories of consumers,

goods and services, businesses and undertakings.

(4) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance under this Law -

(a) may, subject to subsection (5), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences,

(b) may empower the Department, any other department and any other prescribed person (including, without limitation, any court in Guernsey) to make or issue orders, rules, regulations, codes or guidance as to matters in respect of which an Ordinance can be made under this Law,

(c) may make provision for the purpose of dealing with matters arising out of or related to matters comprised in section 1 or any international instrument relating to such matters,

(d) may provide that no liability shall be incurred by any prescribed person in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,

(e) may make provision under the powers conferred by

this Law notwithstanding the provisions of any enactment for the time being in force,

(f) may repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law,

(g) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.

(5) An Ordinance under this Law may not -

(a) provide for offences to be triable only on indictment,

(b) authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008, or

(c) authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years.

Interpretation.

5. (1) In this Law, unless the context requires otherwise, the expressions listed below shall be construed as follows –

"**business**" includes any economic activity, trade or profession, whether or not carried on for profit,

"**the Department**" means the Commerce and Employment Department,

"**a department**" means any department, council or committee of the States, however styled,

"**document**" includes information stored or recorded in any form (including, without limitation, in electronic form); and, in relation to information stored or recorded otherwise than in legible form, references to its production, however expressed, include (without limitation) references to the production of the information in a form -

(a) in which it can be taken away, and

(b) in which it is visible and legible or from which it can readily be produced in a visible and legible form,

"**electronic form**", in relation to the storage or recording of documents, includes storage or recording by means of any form of information storage technology,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**Guernsey**" includes Herm and Jethou,

"**implementation**", in relation to -

(a) any international instrument,

(b) any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under any such international instrument,

includes the enforcement or enactment thereof, and the securing of the administration, execution, recognition, exercise or enjoyment thereof, in or under domestic law,

"**international instrument**" means -

(a) any convention, treaty, protocol or other international instrument, or any provision thereof, or

(b) any Community provision within the meaning of section 3(1) of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994[b],

whether or not binding on Guernsey,

"**person**" includes an individual and also -

(a) a body corporate, and

(b) a partnership or other unincorporated body of persons,

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[b] Order in Council No. III of 1994.

incorporated or established with or without limited liability in any part of the world,

"**prescribed**" means prescribed by Ordinance under this Law or by regulation made under an Ordinance under this Law,

"**prescribed person**" means a prescribed person, body or office which includes, without limitation, the Trading Standards Service, the Department and the States (and their respective officers),

"**provision**" in relation to trading standards **:** see section 2,

"**service**" includes any benefit, advice, privilege or facility which is, or which is to be, provided, granted or conferred in the course of business,

"**States**" means the States of Guernsey,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

"**supply**" includes -

(a) in relation to goods, supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase, and

(b) in relation to services, provide, sell, lease, grant or confer,

"**Trading Standards Service**" has the meaning set out in section 3(c), and

"**undertaking**" means a person carrying on a business and includes an association, whether or not incorporated, which consists of or includes such persons.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) The States may by Ordinance amend subsection (1) so as to amend the meaning of any expression defined therein or to define any other expression.

Citation.

6. This Law may be cited as the Trading Standards (Enabling Provisions) (Guernsey) Law, 2009.

Section 2

SCHEDULE

ORDINANCES UNDER THIS LAW MAY MAKE PROVISION CORRESPONDING TO THAT IN THE FOLLOWING ACTS

1. Misrepresentation Act 1967[c].
2. Trade Descriptions Act 1968[d].
3. Unsolicited Goods and Services Act 1971[e]
4. Supply of Goods (Implied Terms) Act 1973[f].
5. Fair Trading Act 1973[g].
6. Hallmarking Act 1973[h].
7. Prices Act 1974[i].
8. Consumer Credit Act 1974[j].
9. Torts (Interference with Goods) Act 1977[k].
10. Unfair Contract Terms Act 1977[l].
11. Sale of Goods Act 1979[m].

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c 1967 c. 7.
d 1968 c. 29.
e 1971 c. 30.
f 1973 c. 13.
g 1973 c. 41.
h 1973 c. 43.
i 1974 c. 24.
j 1974 c. 39.
k 1977 c. 32.
l 1977 c. 50.

12. Supply of Goods and Services Act 1982[n]

13. Weights and Measures Act 1985[o]

14. Consumer Protection Act 1987[p].

15. Property Misdescriptions Act 1991[q].

16. Sale and Supply of Goods Act 1994[r].

17. Late Payment of Commercial Debts (Interest) Act 1998[s].

18. Enterprise Act 2002[t].

19. Consumer Credit Act 2006[u].

20. Any statutory instrument made under an Act of Parliament mentioned in this Schedule.

21. Any amendment to any Act of Parliament mentioned in this Schedule.

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m 1979 c. 54.

n 1982 c. 29.

o 1985 c. 72.

p 1987 c. 43.

q 1991 c. 33.

r 1994 c. 35.

s 1998 c. 20.

t 2002 c. 40.

u 2006 c. 14.

The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009

ARRANGEMENT OF SECTIONS

The Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009

THE STATES, in exercise of the powers conferred on them by sections 131, 132 and 137(2) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[a] and all other powers enabling them in that behalf, hereby order:-

Commencement of Law.

1. (1) Subject to subsections (2) and (3), and sections 2 to 4, the Law comes into force on the 1st October, 2009.

(2) Part IV of the Law does not come into force until a date appointed by further Ordinance.

(3) Part VII of the Law does not come into force until a date appointed by further Ordinance, except to the extent necessary to give effect to section 3 of this Ordinance.

Limited commencement of section 4.

2. Section 4 of the Law comes into force on the 1st October 2009 only to the extent necessary to establish and provide for the sub-committee for human medicines referred to in subsection (1)(a) of that section, but not the sub-committee for animal medicines referred to in subsection (1)(b) of that section.

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[a] Order in Council No. V of 2009.

Commencement of section 82.

3. Section 82 of the Law comes into force on the 1st October 2009.

Limited commencement of section 135.

4. Section 135 of the Law comes into force on the 1st October 2009 only to the extent necessary to repeal the provisions set out below –

Ordinance	*Extent of repeal*
The Pharmacists, Poisons and Pharmacy Ordinance, 1970[b]	Parts I, III, IV and V of the Ordinance.
The Penicillin and Allied Substances Ordinance, 1950[c]	The whole Ordinance.

Amendments to the Law.

5. The Law is amended as set out in the Schedule.

Transitional provision relating to pharmacies.

6. Until Part IV of the Law comes into force, the definition of "**registered pharmacy**" in section 136(1) shall be read as if that definition were substituted by the following definition –

" "**registered pharmacy**" means premises where –

(a) a retail pharmacy business is carried on, and

(b) medicinal products, other than medicinal products on a general sale list, are sold by retail under the personal

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b Recueil d'Ordonnances Tome XVI, p. 236.

c Recueil d'Ordonnances Tome X, p. 64.

control, management, or supervision of a pharmacist who is resident in the Bailiwick –

and for the purposes of this definition "**medicinal product on a general sale list**" means a medicinal product specified for the purposes of section 28(1) of the Law (general sale lists);".

Interpretation.

7. (1) In this Ordinance, unless the context otherwise requires, "**the Law**" means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[d].

(2) A reference in this Ordinance to an enactment, or any provision or part of it, is a reference to it as amended, or re-enacted or re-made (with or without modification), or extended or applied by or under any enactment.

(3) The Interpretation (Guernsey) Law, 1948[e] applies to the interpretation of this Ordinance throughout the Bailiwick.

(4) For the avoidance of doubt, unless the context otherwise requires, an expression used in this Ordinance has the same meaning as in the Law.

Extent.

8. This Ordinance has effect throughout the Bailiwick of Guernsey.

Citation and commencement.

9. This Ordinance may be cited as the Medicines (Human and

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d Order in Council No. V of 2009.

e Ordres en Conseil Vol. XIII, p. 355.

Veterinary) (Bailiwick of Guernsey) Law, 2008 (Commencement and Amendment) Ordinance, 2009, and comes into force on the 1st October, 2009.

Section 5

SCHEDULE

AMENDMENTS TO THE LAW

Provision	**Amendment**
Section 7(2)	In the proviso after paragraph (d), for the words "or recognised" substitute the words "or a licence, by or under regulations made under subsection (3),".
Section 7(3)	For the words “is recognised”, substitute the words "is or may be recognised".
Section 7	Immediately after subsection (3), insert the following subsection – "(3A) Any regulations made under subsection (3) may – (a) impose duties and obligations on persons who do not require a licence, or on persons who hold a licence or marketing authorisation recognised by or under those regulations, (b) create indictable offences, summary offences, or offences triable either way, in respect of those duties and obligations, and (c) specify penalties for each offence, not exceeding– (i) on summary conviction, a fine of level 3

Provision	Amendment
	on the uniform scale, and (ii) on conviction on indictment, a fine, or imprisonment for a term of 2 years, or both.".
Section 7(4)	For the word "accordance", substitute the word "compliance".
Section 7(5)	Insert the word "or" at the end of paragraph (a), and omit paragraph (b).
Section 8	Immediately after subsection (6), insert the following subsection – "(6A) The Department may by regulations – (a) impose duties and obligations in respect of the sale or supply by any person of starting materials used or intended to be used in the manufacture of medicinal products, (b) create indictable offences, summary offences, or offences triable either way, in respect of those duties and obligations, and (c) specify penalties for each offence, not exceeding- (i) on summary conviction, a fine of level 5 on the uniform scale, or imprisonment for a term of 3 months, or both, and

Provision	Amendment
	(ii) on conviction on indictment, a fine, or imprisonment for a term of 2 years, or both.".
Section 11(e)	For the word "Department", substitute the word "States".
Section 12	Omit subsection (2).
Section 12(3)	Omit the words "which are sold, supplied, prepared or assembled".
Section 12(4)	For the word "Ordinance", substitute the word "order".
Section 15(3)	For the word "Ordinance", substitute the word "order".
Section 16(2)	For paragraph (a) and the words preceding it, substitute the following words and paragraphs – "Section 7(2)(a), (b), and (d) shall not have effect in relation to a person in respect of his selling, supplying, procuring the sale or supply, or placing on the market in the Bailiwick, of a medicinal product if – (aa) it is not, and does not involve, an exportation of the product other than an exportation exempt under subsection (2B) from the prohibitions in section 7(2)(a) and (b), and (4), (ab) the condition in either paragraph (a) or paragraph (b) of subsection (2A) is satisfied, (a) in the course of a business carried on by him,

Provision	Amendment
	medicinal products of the same description as that medicinal product were sold, supplied, or procured to be sold or supplied, at any time before the first appointed day, and".
Section 16	Immediately after subsection (2), insert the following subsections – "(2A) The conditions referred to in subsections (2)(ab), (2B)(a), and (5)(b) are – (a) that product was imported into the Bailiwick before the first appointed day, or the importation of that product is exempt under subsection (3) from the prohibitions in sections 7(4) and 8(2), or (b) that product was manufactured or assembled in the Bailiwick before the first appointed day, or its manufacture or assembly in the Bailiwick is exempt under subsection (4) from the prohibitions in sections 7(2)(c) and 8(2). (2B) Neither section 7(2)(a) and (b), nor section 7(4) shall have effect in relation to a person in respect of his exporting, or procuring the exportation of, a medicinal product if – (a) the condition in either paragraph (a) or paragraph (b) of subsection (2A) is satisfied,

Provision	Amendment
	and (b) in the course of a business carried on by him, medicinal products of the same description as that medicinal product were exported within the period of 12 months ending with the first appointed day.".
Section 16(3)	For the words "Section 7(4) shall not", substitute the words "Neither section 7(4) nor section 8(2) shall".
Section 16(4)	For the words "Section 8(2), shall not", substitute the words "Neither section 7(2)(c) nor section 8(2) shall".
Section 16	For subsection (5), substitute the following subsections – "(5) Section 8(7)(a) shall not have effect in relation to a person in respect of his selling or offering for sale any medicinal product by way of wholesale dealing in the course of a business carried on by him if – (a) it is not, and does not involve, an exportation of the product, other than an exportation exempt under subsection (2B) from the prohibitions in section 7(2)(a) and (b), and (4), (b) the condition in either paragraph (a) or paragraph (b) of subsection (2A) is satisfied, and (c) in the course of that business, medicinal

Provision	Amendment
	products of the same description as that product were sold or offered for sale by way of wholesale dealing within the period of 12 months ending with the first appointed day. (6) For the avoidance of doubt, nothing in this section affects or limits any prohibition or restriction that relates to sale, supply, placing on the market, importation, exportation, manufacturing, assembly, wholesale dealing, or any other dealings with medicinal products that are imposed by or under any enactment other than this Law.".
Section 18	Immediately after the word "effect", insert the words "subject to any regulations to the contrary made under this Law".
Section 35(6)	For the words "made by the Department for the purposes of", substitute the word "under".
Section 36(1)	For the words before paragraph (a), substitute the following words – "Subject to subsection (4), in advising the States in relation to their exercise of powers under section 35(1) (Medicinal products on prescription only), the Department shall make best efforts to ensure that every product".
Section 37(1)(b)	For the word "order", substitute the word "Ordinance".
Section 37(2)(a)	For the expression “35(2),” substitute the expression "35(4)".
Section 37(2)(b)	For the expression "35(4)(a)," substitute the expression "35(6)(a)".

Provision	Amendment
Section 41	For subsection (1), substitute the following subsection – "(1) No person shall, to the prejudice of the purchaser, – (a) sell any medicinal product knowing that it is not of the nature or quality demanded by the purchaser, or (b) recklessly sell any medicinal product that is not of the nature or quality demanded by the purchaser. ".
Section 73	Immediately after subsection (10), insert the following subsection – "(11) Notwithstanding any of the preceding provisions, subsections (2) and (4) have effect subject to any exception or exemption prescribed by regulations made by the Department.".
Section 75(3)	For paragraph (a), substitute the following paragraph – " (a) the particulars or material which advertisements relating to medicinal products must contain, or must not contain,".
Section 75	Immediately after subsection (5), insert the following subsections – " (5A) Without prejudice to the preceding provisions,

Provision	Amendment
	the Department may by regulations regulate the promotion of medicinal products by any means whatsoever (whether or not involving advertisements or representations), and such regulations may impose duties and obligations on any or all of the following – (a) any person who holds a recognised marketing authorisation in respect of the products, (b) any person who is a commercially interested party in respect of the products, (c) any person concerned in any way with the promotion of the products, and (d) any person to whom the products are promoted. (5B) Regulations made under this section may confer on the regulatory authority or any other person any powers and functions that appear necessary or expedient to the Department to enforce the regulations.".
Section 78	For the words "a veterinary medicinal product that is", substitute the words ""**veterinary medicinal product**" means-". For the comma at the end of paragraph (b), substitute a full stop.

Provision	Amendment
	Omit the words after paragraph (b).
Section 80(2)	For the word "specify", substitute the words "advise the States to specify".
Section 80(5)	For the word "Department", substitute the word "States".
Section 97(2)(a)	For the expression "7(3)", substitute the expression "7(4)".
Section 107(2)	For the word "Ordinance" substitute the word "Order".
Section 112(2)(b)	Omit the words "or any regulations made under".
Section 113	Add the following subsection – " (7) The Chief Inspector shall be regarded as having all the powers, rights, and privileges of an inspector duly appointed under subsection (3), as well as any related duties; the exercise or performance by the Chief Inspector of such a power, right, privilege, or duty shall be treated as if it were an exercise or performance of the power, right, privilege, or duty concerned by an inspector so appointed.".
Section 132	Add the following subsection – " (3) Anything which, under this Law, may be prescribed, specified, or otherwise provided for by an order made by a Department, may be prescribed, specified, or otherwise provided for by regulations made by the Department; any such regulations have effect for all purposes as if they were provisions of an order made by the Department.".

Provision	Amendment
Section 136(1)	For the definition of "**enactment**", substitute the following definition – " "**enactment**" includes (a) any subordinate legislation, (b) any enactment of the United Kingdom, and (c) any Directive or Regulation of any institution of the European Union, ".
Section 136(1)	Insert the following definitions in the correct alphabetical order– " "**this Law**" includes any Ordinance, regulation, or order made under this Law; "**pharmacist**" means a person registered as a recognised pharmacist under the Doctors, Dentists and Pharmacists Ordinance, 1987[f]; "**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect; ".

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[f] Recueil d'Ordonnances Tome XXIV, pp. 79, 238 and 262.

The Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009

ARRANGEMENT OF SECTIONS

The Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009

THE STATES, in pursuance of their Resolution of 29th September, 2004[a], and in exercise of the powers conferred on them by sections 35 and 132 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[b], and by sections 6, 9, 21 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974[c] and all other powers enabling them in that behalf, hereby order:-

Appropriate practitioners.

1. For the purposes of section 35 of the Law (medicinal products on prescription only) the following are appropriate practitioners –

(a) in relation to the descriptions and classes of medicinal products specified in section 2 –

(i) doctors,

(ii) dentists,

(iii) veterinary surgeons,

(iv) nurse independent prescribers,

(v) pharmacist independent prescribers,

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a Article XIV on Billet d'État No. XIV of 2004.

b Order in Council No. V of 2009.

c Ordres en Conseil, XXIV, p. 273.

(vi) supplementary prescribers,

(b) in relation to the descriptions and classes of medicinal products specified in Schedule 3 to the UK Order (descriptions and classes of prescription only medicines in relation to which community practitioner nurse prescribers are appropriate practitioners), community practitioner nurse prescribers,

(c) in relation to the descriptions and classes of medicinal products specified in section 2, other than medicinal products that are controlled drugs or for parenteral administration, in addition to the persons specified in paragraph (a), optometrist independent prescribers.

Medicinal products on prescription only.

2. (1) A medicinal product is specified for the purposes of section 35 of the Law (medicinal products on prescription only) if –

(a) it is of a description or falls within a class set out in Article 3 of the UK Order (medicinal products on prescription only), and

(b) it is not an emergency contraceptive or any other kind of contraceptive.

(2) For the purposes of this section, references in Article 3 of the UK Order to controlled drugs shall be taken as being references to controlled drugs within the meaning of this Ordinance.

Conditions relating to prescribing and administration by supplementary prescribers.

3. (1) The conditions attaching to prescribing and administration by supplementary prescribers in the United Kingdom under the provisions of –

(a) Article 3B of the UK Order (prescribing and administration by supplementary prescribers),

(b) Article 3C of the UK Order (exemptions from conditions in respect of the cases or circumstances in which a supplementary prescriber may administer a medicinal product),

(c) Schedule 3B of the UK Order (particulars for clinical management plans), and

(d) any other relevant provisions of the UK Order,

shall apply to prescribing and administration by supplementary prescribers in the Bailiwick.

(2) For the purposes of this section, references in the UK Order to appropriate practitioners shall be taken as being references to appropriate practitioners within the meaning of this Ordinance.

Exempt medicinal products.

4. A medicinal product shall be exempt from the restrictions imposed by section 35(4)(a) of the Law if it satisfies the conditions set out in Article 5 of the UK

Order (exempt medicinal products) in respect of medicinal products exempt from the restrictions imposed by section 58(2)(a) of the Medicines Act 1968[d].

Exemption for administration of smallpox vaccine.

5. (1) The restrictions imposed by section 35(4)(b) of the Law do not apply to the administration to human beings of smallpox vaccine where the conditions specified in subsection (2), or alternatively subsection (3), are satisfied.

(2) The conditions referred to in subsection (1) are –

(a) the vaccine has been supplied by, or on behalf of, or under arrangements made by the Department, and

(b) the vaccine is administered for the purpose of providing protection against smallpox virus in the event of a suspected or confirmed case of smallpox in the Bailiwick.

(3) The conditions referred to in subsection (1) are –

(a) the vaccine has been supplied by, or on behalf of, or under arrangements made by Her Majesty's Forces, and

(b) the vaccine is administered for the purpose of providing protection against smallpox virus to –

(i) members of Her Majesty's Forces, or

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[d] An Act of Parliament, Chapter 67 of 1968.

(ii) other persons employed or engaged by those Forces.

Exemption in relation to radioactive medicinal products.

6. (1) The restrictions imposed by section 35(4)(b) of the Law do not apply to –

(a) a radioactive medicinal product, administration of which results in a medical exposure, or

(b) any other prescription only medicine if it is being administered in connection with a medical exposure,

where the conditions specified in subsection (2) are satisfied.

(2) The conditions referred to in subsection (1) are that –

(a) the radioactive medicinal product or other prescription only medicine is administered in accordance with such procedures and protocols as the Department thinks fit,

(b) the radioactive medicinal product or other prescription only medicine is administered by a person who is, in the opinion of the Department, suitably qualified,

(c) that medical exposure has been authorised by a person who is, in the opinion of the Department, suitably qualified or, where it is not practicable for that person to authorise the exposure, the person administering it has authorised it in accordance with written guidelines issued by a person who is, in the opinion of the Department, suitably qualified, and

(d) the radioactive medicinal product or other prescription only medicine is not a controlled drug.

Exemptions for emergency sale and supply.

7. (1) The restrictions imposed by section 35(4)(a) of the Law do not apply to the sale or supply of a prescription only medicine by a person lawfully conducting a retail pharmacy business where the conditions specified in subsection (2) are satisfied.

(2) The conditions referred to in subsection (1) are –

(a) that the pharmacist by or under whose supervision the prescription only medicine is to be sold or supplied is satisfied that the sale or supply has been requested by an appropriate prescriber who by reason of an emergency is unable to furnish a prescription immediately,

(b) that the appropriate prescriber has undertaken to furnish the person lawfully conducting the retail pharmacy business with a prescription within 72 hours of the sale or supply,

(c) that the prescription only medicine is sold or supplied in accordance with the directions of the appropriate prescriber requesting it,

(d) subject to subsection (5), that the prescription only medicine is not a controlled drug specified in Schedule 1, 2 or 3 to the Misuse of Drugs Ordinance, and

(e) that an entry is made in the record kept under regulation 1 of the Prescription Only Medicines (Human) (Pharmacy Records) (Bailiwick of Guernsey) Regulations, 2009 within the time specified in that regulation stating the particulars required under the Schedule to those Regulations.

(3) The restrictions imposed by section 35(4)(a) of the Law do not apply to the sale or supply of a prescription only medicine by a person lawfully conducting a retail pharmacy business where the conditions specified in subsection (4) are satisfied.

(4) The conditions referred to in subsection (3) are –

(a) that the pharmacist by or under whose supervision the prescription only medicine is to be sold or supplied has interviewed the person requesting it and has satisfied himself –

(i) that there is an immediate need for it to be sold or supplied and that it is impracticable in the circumstances to obtain a prescription without undue delay,

(ii) that treatment with it has on a previous occasion been prescribed by an appropriate prescriber for the person requesting it, and

(iii) as to the dose which in the circumstances it would be appropriate for that person to take,

(b) that no greater quantity of it than will provide 5 days' treatment in the case of a controlled drug, or 30 days' treatment in any other case, is sold or supplied except where –

(i) it is a preparation of insulin, an aerosol for the relief of asthma, an ointment or cream, and has been made up for sale in a container elsewhere than at the place or sale of supply, the smallest pack that the pharmacist has available for sale or supply may be sold or supplied,

(ii) it is an oral contraceptive, a quantity sufficient for a full treatment cycle may be sold or supplied, or

(iii) it is an antibiotic for oral administration in liquid form, the smallest quantity that will provide a full course of treatment may be sold or supplied,

(c) subject to subsection (5), that it does not consist of or contain a substance specified in Schedule 4 to the UK Order and is not a controlled drug specified in Schedule 1, 2 or 3 of the Misuse of Drugs Ordinance,

(d) that an entry is made in the record kept under regulation 1 of the Prescription Only Medicines (Human) (Pharmacy Records) (Bailiwick of Guernsey) Regulations, 2009 within the time specified in that regulation stating the particulars required under the Schedule to those Regulations, and

(e) that the container or package of the product is labelled so as to show –

(i) the date on which it is sold or supplied,

(ii) its name, quantity and, except where it is apparent from its name, its pharmaceutical form and strength,

(iii) the name of the person requesting it, and

(iv) the words "Emergency Supply".

(5) The conditions specified in subsections (2)(d) and (4)(c) do not apply where the prescription only medicine consists of or contains phenobarbitone or phenobarbitone sodium (but no other substance specified in Schedule 4 to the UK Order or Schedule 1, 2 or 3 to the Misuse of Drugs Ordinance) and is sold or supplied for use in the treatment of epilepsy.

(6) In this section "**appropriate prescriber**" means a doctor, supplementary prescriber, community practitioner nurse prescriber, nurse independent prescriber, optometrist independent prescriber or pharmacist independent prescriber.

Exemption for non-parenteral administration.

8. The restrictions imposed by section 35(4)(b) of the Law do not apply to the administration to human beings of a prescription only medicine which is not for parenteral administration.

Exemptions for aloxiprin, aspirin or paracetemol.

9. A medicinal product which is specified for the purposes of section 35 of the Law (medicinal products on prescription only) because it falls within a description or class set out in Article 3(g) of the UK Order (certain products containing aloxiprin, aspirin or paracetemol) is exempt from the restrictions imposed by section 35(4) of the Law (restrictions on sale, supply and administration) if the quantity of that product sold or supplied to a person at any one time does not exceed 100 tablets or capsules.

Exemptions for pseudoephedrine salts or ephedrine base or salts.

10. A medicinal product which is specified for the purposes of section 35 of the Law because it falls within a description or class set out in Article 3(h) of the UK Order (certain products containing pseudoephedrine salts or ephedrine base or salts) is exempt from the restrictions imposed by section 35(4) of the Law if it satisfies the conditions set out in Article 5B of the UK Order (quantitative limits of pseudoephedrine salts or ephedrine base or salts).

Exemption for parenteral administration in an emergency.

11. The restrictions imposed by section 35(4)(b) of the Law do not apply to the administration to human beings of any of the medicinal products for parenteral administration specified in Article 7 of the UK Order (exemption for parenteral administration in an emergency to human beings of certain prescription only medicines) where the administration is for the purposes of saving life in an emergency.

Exemption for medicinal products at high dilutions.

12. The restrictions imposed by section 35(4) of the Law do not apply to the sale, supply or administration of a medicinal product which is not for parenteral administration –

(a) which consists of or contains any of the substances referred to in Article 10(1) of the UK Order

(exemption for certain medicinal products at high dilutions), which satisfies the conditions set out in that paragraph,

(b) which consists of or contains solely any of the substances referred to in Article 10(2) of the UK Order (exemption for certain medicinal products at high dilutions), which satisfies the conditions set out in that paragraph.

Exemptions for certain persons.

13. (1) The restrictions imposed by section 35(4)(a) of the Law do not apply –

(a) to the sale or supply by a person listed in column 1 of Part I of Schedule 1 of the prescription only medicines listed in relation to that person in column 2 of that Part where the conditions specified in the corresponding paragraphs in column 3 of that Part are satisfied,

(b) to the supply by a person listed in column 1 of Part II of Schedule 1 of the prescription only medicines listed in relation to that person in column 2 of that Part where the conditions specified in the corresponding paragraphs in column 3 of that Part are satisfied.

(2) The restrictions imposed by section 35(4)(b) of the Law do not apply to the administration by a person listed in column 1 of Part III of Schedule 1 of the prescription only medicines for parenteral administration listed in relation to that person in column 2 of that Part where the conditions specified in the corresponding paragraphs in column 3 of that Part are satisfied.

Exemption for sale and supply in hospitals.

14. (1) Subject to subsection (3), the restrictions imposed by section 35(4) of the Law do not apply to the sale or supply of a prescription only medicine in the course of the business of a hospital where the medicine is sold or supplied for the purpose of being administered (whether in the hospital or elsewhere) to a particular person in accordance with directions satisfying the conditions specified in subsection (2).

(2) The conditions specified in subsection (1) are that the directions –

(a) are in writing,

(b) relate to the particular person to whom the medicine is to be administered, and

(c) are given by a person (other than a veterinary surgeon) who is an appropriate practitioner in relation to that medicine.

(3) A supplementary prescriber may give these directions only if he complies with any conditions applying under section 3 to the giving of a prescription for that medicine, as if the directions were a prescription.

(4) The exemption in subsection (1) applies even if the directions do not satisfy the conditions specified in section 19(2).

(5) For the purposes of subsection (1), the directions may, as an alternative to fulfilling the condition specified in subsection (2)(a), fulfil the conditions specified in subsection (6).

(6) The conditions referred to in subsection (5) are that the directions are created in electronic form and signed with an advanced electronic signature and transferred to the person by whom the medicinal product is dispensed as an electronic communication (including where it is transferred through one or more intermediaries).

Exemptions for use of Patient Group Directions.

15. (1) The restrictions imposed by section 35(4) of the Law do not apply to the sale, supply or administration of a prescription only medicine by –

(a) the Department,

(b) any person, other than an excepted person, with whom the Department has entered into an arrangement for the sale, supply or administration of prescription only medicines, or

(c) any hospital, infirmary, health centre, dispensary, clinic, nursing home or other institution at which human ailments are treated,

(the "**authorising person**") where the medicine is sold or supplied for the purpose of being administered, or is administered to a particular person in accordance with a Patient Group Direction and where the conditions set out in subsection (2) are satisfied.

(2) The conditions referred to in subsection (1) are that –

(a) the Patient Group Direction relates to the sale, supply or administration by the person who sells, supplies or administers the prescription only medicine, or description or class of prescription only medicine, and

the Direction has effect at the time at which the medicine is sold, supplied or administered,

(b) the Patient Group Direction contains the particulars specified in Part I of Schedule 2,

(c) the period during which the Patient Group Direction is to have effect, as set out in the particulars, is less than 5 years,

(d) where the authorising person is not the Department, the Patient Group Direction is signed by the authorising person,

(e) the individual who sells, supplies or administers the prescription only medicine belongs to one of the classes of individuals specified in Part II of Schedule 2,

(f) the individual who sells, supplies or administers the prescription only medicine is designated in writing by the authorising person for the purpose of the sale, supply or administration of the prescription only medicine under the Patient Group Direction,

(g) at the time when the medicine is sold, supplied or administered, a recognised marketing authorisation is in force in respect of it, and

(h) where the authorising person is not the Department, the Department has consented to the Patient Group Direction and that consent has not been withdrawn.

(3) In this section "**excepted person**" means –

(a) a doctor or dentist, or

(b) a person lawfully conducting a retail pharmacy business.

(4) In this Ordinance "**Patient Group Direction**" means a written direction relating to the sale, supply or administration of a description or class of prescription only medicine which –

(a) is signed by –

(i) a doctor or dentist, and

(ii) a pharmacist, and

(b) relates to the sale, supply or administration to persons generally, subject to any exclusion which may be set out in the Direction.

(5) Any Patient Group Direction which has been consented to by the Department and which is in effect immediately before the coming into force of this Ordinance shall be treated as if it complies with the requirements of this section, provided that the Department can still withdraw its consent in accordance with subsection (2)(h).

Exemption in cases involving another's default.

16. The restrictions imposed by section 35(4)(a) of the Law do not apply to the sale or supply of a prescription only medicine by a person who, having

exercised all due diligence, believes on reasonable grounds that the product sold or supplied is not a prescription only medicine.

Exemptions relating to prescriptions given by certain health professionals.

17. (1) The restrictions imposed by section 35(4)(a) of the Law do not apply to the sale or supply of a prescription only medicine by a pharmacist in accordance with a prescription given by –

(a) another pharmacist,

(b) a registered nurse,

(c) a registered midwife,

(d) a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance, 2006 relating to –

(i) chiropodists and podiatrists,

(ii) physiotherapists,

(iii) radiographers: diagnostic or therapeutic, or

(e) a registered optometrist,

who is not an appropriate practitioner in relation to that medicine where the pharmacist selling or supplying the medicine, having exercised all due diligence, believes on reasonable grounds that the person is such a practitioner.

(2) The restrictions imposed by section 35(4)(a) of the Law do not apply to the sale or supply of a prescription only medicine by a pharmacist in

accordance with a prescription given by a supplementary prescriber where the pharmacist, having exercised all due diligence, believes on reasonable grounds that the supplementary prescriber has complied with any condition with which he is required to comply under section 3.

Exemption in the case of a forged prescription.

18. The restrictions imposed by section 35(4)(a) of the Law do not apply to the sale or supply of a prescription only medicine by a pharmacist in accordance with a forged prescription where the pharmacist, having exercised all due diligence, believes on reasonable grounds that the prescription is genuine.

Formalities for preparation of prescriptions.

19. (1) For the purposes of section 35(4)(a) of the Law a prescription only medicine shall not be taken to be sold or supplied in accordance with a prescription given by an appropriate practitioner unless the conditions specified in subsection (2) are fulfilled.

(2) The conditions referred to in subsection (1) are that the prescription –

(a) is signed in ink with his own name by the appropriate practitioner giving it,

(b) without limiting paragraph (a), is written in ink or otherwise so as to be indelible,

(c) contains the following particulars –

(i) the address of the appropriate practitioner giving it,

(ii) the appropriate date,

(iii) such particulars as indicate whether the appropriate practitioner giving it is a doctor, dentist, supplementary prescriber, community practitioner nurse prescriber, nurse independent prescriber, optometrist independent prescriber, pharmacist independent prescriber or veterinary surgeon,

(iv) where the appropriate practitioner giving it is a doctor, dentist, supplementary prescriber, community practitioner nurse prescriber, nurse independent prescriber, pharmacist independent prescriber or optometrist independent prescriber, the name, address and age, if under 12, of the person for whose treatment it is given, and

(v) where the appropriate practitioner giving it is a veterinary surgeon, the name and address of the person to whom the prescription only medicine is to be delivered and a declaration by the veterinary surgeon that the prescription only medicine is prescribed for an animal or herd under his care,

(d) is not dispensed after a period of 6 months from the appropriate date, unless it is a repeatable prescription in which case it is not dispensed for the first time after that period, nor otherwise than in accordance with the directions contained in the repeatable prescription,

(e) in the case of a repeatable prescription which does not specify the number of times it may be dispensed, is not dispensed on more than 2 occasions unless it is a prescription for an oral contraceptive in which case it may be dispensed 6 times before the end of the period of 6 months from the appropriate date.

(3) For the purposes of subsection (1) the prescription may, as an alternative to fulfilling the conditions specified in subsection (2)(a) and (b), fulfil instead the conditions specified in subsection (4) unless –

(a) it is for controlled drug specified in Schedule 1, 2 or 3 of the Misuse of Drugs Ordinance, or

(b) it is given by a veterinary surgeon.

(4) The conditions referred to in subsection (3) are that the prescription shall be created in electronic form and signed with an advanced electronic signature and transferred to the person by whom it is dispensed as an electronic communication (including where it is transferred through one or more intermediaries).

(5) The prohibition on sale and supply imposed by section 35(4)(a) of the Law do not apply where a prescription only medicine is sold or supplied other than in accordance with a prescription given by an appropriate practitioner and –

(a) the reason the sale or supply is not in accordance with such a prescription is that a condition specified in subsection (2) or (4) is not fulfilled, and

(b) the person selling or supplying the prescription only medicine has exercised all due diligence and believes on reasonable grounds that the condition is fulfilled.

(6) In subsection (2) "**appropriate date**" means the date on which it was signed by the appropriate practitioner giving it or a date indicated by him as being the date before which it shall not be dispensed, and for the purposes of paragraphs (d) and (e) of that subsection, where the prescription bears both the date on which it was signed and a date indicated as being that before which it shall not be dispensed, the appropriate date is the later of those dates.

Interpretation.

20. (1) In this Ordinance, unless the context requires otherwise -

"**additional supply optometrist**" means a person –

(a) who is a registered optometrist, and

(b) against whose name particulars of the additional supply speciality have been entered in the relevant register;

"**advanced electronic signature**" means an electronic signature which is –

(a) uniquely linked to the signatory,

(b) capable of identifying the signatory,

(c) created using means that the signatory can maintain under his sole control, and

(d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

"**aerosol**" means a product which is dispersed from its container by a propellent gas or liquid;

"**anaesthetic assistant**" means a nurse or operating department practitioner against whose name is recorded in the relevant register, or a comparable register kept in the United Kingdom, an annotation or entry signifying that he is qualified to practise as an anaesthetic assistant;

"**community practitioner nurse prescriber**" means a person –

(a) who is a registered nurse or registered midwife, and

(b) against whose name is recorded in the professional register an annotation or entry signifying that he is qualified to order drugs, medicines and appliances from the Nurse Prescribers Formulary for Community Practitioners in the current edition of the British National Formulary;

"**controlled drug**" has the meaning given by section 1 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974[e];

"**electronic communication**" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) –

(a) by means of a telecommunications system, or

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[e] Ordres en Conseil, XXIV, p. 273.

(b) by other means but while in electronic form;

"**the Law**" means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[f];

"**master**" has the same meaning as in section 294 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002[g];

"**medical exposure**" means exposure of a person to ionising radiation for the purposes of his medical or dental examination or treatment;

"**medicinal product**" has the same meaning as in the Law, subject to section 21 of this Ordinance;

"**Misuse of Drugs Ordinance**" means the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997[h];

"**nurse independent prescriber**" means a person –

(a) who is a registered nurse or a registered midwife, and

(b) against whose name is recorded in the professional register an annotation or entry signifying that he is qualified to order drugs, medicines and appliances as a

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f Order in Council No. V of 2009.

g Order in Council No. VIII of 2004; amended by Ordinance XXXIII of 2003; sections 80-83, 85-100, 103-110, 123-129, 270, 289-295 and 297 came into force on the 30th May 2007 (Ordinance XV of 2007).

h Ordinance No. XVI of 1997, amended by GSI 2004 No. 5, 2006 No. 42 and 2008 No. 20.

nurse independent prescriber or a nurse independent/ supplementary prescriber;

"**occupational health scheme**" means a scheme in which a person, in the course of a business carried on by him, provides facilities for his employees for the treatment or prevention of disease;

"**operator**" means the person for the time being having management of an aircraft;

"**optometrist independent prescriber**" means a person –

(a) who is a registered optometrist, and

(b) against whose name is recorded in the relevant register an annotation or entry signifying that he is qualified to order drugs, medicines and appliances as an optometrist independent prescriber;

"**parenteral administration**" means administration by breach of the skin or mucous membrane;

"**Patient Group Direction**" has the meaning given by section 15;

"**person lawfully conducting a retail pharmacy business**" has the meaning given by section 47 of the Law;

"**pharmacist independent prescriber**" means a person –

(a) who is a pharmacist, and

(b) against whose name is recorded in the relevant register

an annotation or entry signifying that he is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;

"**prescription only medicine**" means a medicinal product of a description or falling within a class specified in section 2;

"**professional register**" means the register maintained by the Nursing and Midwifery Council under Article 5 of the Nursing and Midwifery Order 2001[i];

"**radioactive medicinal product**" means a medicinal product which is, which contains or which generates a radioactive substance and which is, contains or generates that substance in order, when administered, to utilize the radiation emitted from it;

"**recognised manufacturer's licence**" means a manufacturer's licence recognised by regulations made under section 7(3) of the Law;

"**registered chiropodist**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to chiropodists;

"**registered dietician**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to dieticians;

"**Registered Health Professionals Ordinance**" means the Registered

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[i] United Kingdom S.I. 2001 No. 253.

Health Professionals Ordinance, 2006[j];

"**registered midwife**" means a person registered in the Midwives' Part of the professional register;

"**registered nurse**" means a person registered in the Nurses' Part, or the Specialist Community Public Health Nurses' Part of the professional register;

"**registered occupational therapist**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to occupational therapists;

"**registered operating department practitioner**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to operating department practitioners;

"**registered optometrist**" means a person whose name is registered in the register of opticians maintained under section 7(a) of the Opticians Act 1989[k];

"**registered orthoptist**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to orthoptists;

"**registered paramedic**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health

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[j] Recueil D'Ordonnances, Tome XXXI, p.145.

[k] An Act of Parliament, Chapter 44 of 1989.

Professionals Ordinance relating to paramedics;

"**registered physiotherapist**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to physiotherapists;

"**registered prosthetist and orthotist**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to prosthetists and orthotists;

"**registered radiographer**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to radiographers;

"**registered speech and language therapist**" means a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to speech and language therapists;

"**relevant register**" means –

(a) in relation to a registered nurse or registered midwife, the professional register,

(b) in relation to a pharmacist, the register maintained by the Department under section 2 of the Doctors, Dentists and Pharmacists Ordinance, 1987[1],

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[1] Ordinance No. XVII of 1987, amended by No. XXXIV of 1987 and applied in Alderney by Ordinance No. IV of 1988.

(c) in relation to a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance relating to–

(i) chiropodists and podiatrists,

(ii) physiotherapists, or

(iii) radiographers: diagnostic or therapeutic,

that register, and

(d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989[m];

"**repeatable prescription**" means a prescription which contains a direction that it may be dispensed more than once;

"**signatory**" means the appropriate practitioner giving the direction;

"**supplementary prescriber**" means –

(a) a registered nurse,

(b) a pharmacist,

(c) a registered midwife,

(d) a person whose name is registered in the part of the

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[m] An Act of Parliament, Chapter 44 of 1989.

register maintained under section 3 of the Registered Health Professionals Ordinance relating to –

(i) chiropodists and podiatrists,

(ii) physiotherapists, or

(iii) radiographers: diagnostic or therapeutic, or

(e) a registered optometrist,

against whose name is recorded in the relevant register an annotation or entry signifying that he is qualified to order drugs, medicines and appliances as a supplementary prescriber or, in the case of a nurse or midwife, as a nurse independent / supplementary prescriber; and

"**UK Order**" means the Prescription Only Medicines (Human Use) Order 1997[n].

(2) A reference in this Ordinance to an enactment, or any provision or part of it, is a reference to it as amended, or re-enacted or re-made (with or without modification), or extended or applied by or under any enactment.

(3) The Interpretation (Guernsey) Law, 1948[o] applies to the interpretation of this Ordinance throughout the Bailiwick.

(4) For the avoidance of doubt, unless paragraph (1) or the context otherwise requires, an expression used in this Ordinance has the same meaning as in the Law.

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[n] United Kingdom S.I. 1997 No. 1830.

[o] Ordres en Conseil Vol. XIII, p. 355.

Extent.

21. This Ordinance has effect throughout the Bailiwick.

Consequential amendments to the Misuse of Drugs Ordinance.

22. The Misuse of Drugs Ordinance is amended as set out in Schedule 3.

Citation and commencement.

23. This Ordinance may be cited as the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 and comes into force on the 1st October, 2009.

Section 13

SCHEDULE 1

EXEMPTIONS FOR CERTAIN PERSONS FROM SECTION 35(4) OF THE LAW

Part I

Exemptions from Restrictions on Sale and Supply

Column 1	**Column 2**	**Column 3**
Persons exempted	**Prescription only medicines to which the exemption applies**	**Conditions**
1. Persons selling or supplying prescription only medicines to universities, other institutions concerned with higher education or institutions concerned with research.	1. All prescription only medicines.	1. The sale or supply shall be– (a) subject to the presentation of an order signed by the principal of the institution concerned with education or research or the appropriate head of department in charge of a specified course of research stating – (i) the name of the institution for which the prescription only medicine is required, (ii) the purpose for which the prescription only medicine is required, and (iii) the total quantity required, and (b) for the purposes of the education or research with which the institution is concerned.
2. Persons selling or supplying prescription only medicines to any of the following – (a) an authorised analyst within the meaning of section 1 of the Misuse of Drugs Ordinance,	2. All prescription only medicines.	2. The sale or supply shall be subject to the presentation of an order signed by or on behalf of any person listed in column 1 of this paragraph stating the status of the person signing it and the amount of prescription only

Column 1 **Persons exempted**	Column 2 **Prescription only medicines to which the exemption applies**	Column 3 **Conditions**
(b) an authorised officer within the meaning of the Food and Drugs (Guernsey) Law, 1970[p] authorised to exercise such powers of procuring samples for analysis or for bacteriological or other examination as are conferred by section 26 of that Law, (c) a person duly appointed under section 113 of the Law, or (d) a sampling officer within the meaning of Schedule 4 to the Law.		medicine required, and shall be only in connection with the exercise by those persons of their statutory functions.
3. Registered midwives	3. Prescription only medicines containing any of the substances listed in column 2 of paragraph 4 of Part I of Schedule 5 to the UK Order.	3. The sale or supply shall be only in the course of their professional practice and in the case of Ergometrine maleate only when contained in a medicinal product which is not for parenteral administration.
4. Persons lawfully conducting a retail pharmacy business.	4. Prescription only medicines which are not for parenteral administration and are listed in column 2 of paragraph 5 of Part I of Schedule 5 to the UK Order.	4. The sale or supply shall be subject to the presentation of an order signed by a registered optometrist.
5. Registered optometrists.	5. Prescription only medicines listed in column 2 of paragraph 5 of Part I of Schedule 5 to the UK Order.	5. The sale or supply shall be only – (a) in the course of their professional practice, and (b) in an emergency.

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p Ordres en Conseil, Vol. XXII, p. 412; Vol. XXV, p. 378; Vol. XXIX, p. 329; Order in Council No. X of 1995.

Column 1	Column 2	Column 3
Persons exempted	**Prescription only medicines to which the exemption applies**	**Conditions**
6. Persons lawfully conducting a retail pharmacy business.	6. Medicinal products not for parenteral administration which are prescription only medicines by reason only that they contain any of the substances listed in column 2 of paragraph 6A of Part I of Schedule 5 to the UK Order.	6. The sale or supply shall be subject to the presentation of an order signed by an additional supply optometrist.
7. Additional supply optometrists.	7. Prescription only medicines specified in column 2 of paragraph 6A of Part I of Schedule 5 to the UK Order.	7. The sale or supply shall be only – (a) in the course of their professional practice, and (b) in an emergency.
8. Persons selling or supplying prescription only medicines to the British Standards Institution.	8. All prescription only medicines.	8. The sale or supply shall be – (a) subject to the presentation of an order signed on behalf of the British Standards Institution stating the status of the person signing it and the amount of the prescription only medicine required, and (b) only for the purpose of testing containers of medicinal products or determining the standards of such containers.
9. Holders of recognised marketing authorisations, manufacturer's licences, or UK manufacturer's licences recognised under the Medicines (Human) (Recognition of Licences) (Bailiwick of Guernsey) Regulations, 2009.	9. Prescription only medicines referred to in the authorisation, licence, or recognition.	9. The sale or supply shall be only – (a) to a pharmacist, (b) so as to enable that pharmacist to prepare an entry relating to the prescription only medicine in question in a tablet or capsule identification guide or similar publication, and (c) of no greater quantity than is reasonably necessary

Column 1 Persons exempted	Column 2 Prescription only medicines to which the exemption applies	Column 3 Conditions
		for that purpose.
10. Registered chiropodists against whose names are recorded in the relevant register annotations or entries signifying that they are qualified to use the medicines specified in column 2.	10. The prescription only medicines listed in column 2 of paragraph 10 of Part I of Schedule 5 to the UK Order.	10. The sale or supply shall be only in the course of their professional practice. In the case of Co-dydramol 10/500 tablets the quantity sold or supplied to a person at any one time shall not exceed the amount sufficient for 3 days' treatment to a maximum of 24 tablets.
11. Pharmacists selling or supplying to persons authorised by Commerce and Employment Department for the purposes of this paragraph.	11. Amyl nitrate.	11. The sale or supply shall only be as far as is necessary to enable an antidote to be available to persons at risk of cyanide poisoning.

Part II

Exemptions from the Restriction on Supply

Column 1 Persons exempted	Column 2 Prescription only medicines to which the exemption applies	Column 3 Conditions
1. Royal National Lifeboat Institution and certified first aiders of the Institution.	1. All prescription only medicines.	1. The supply shall be only so far as is necessary for the treatment of sick or injured persons in the exercise of the functions of the Institution.
2. The owner or the master of a ship which does not carry a doctor on board as part of her complement.	2. All prescription only medicines.	2. The supply shall be only as far as is necessary for the treatment of persons on the ship.
3. Persons authorised by licences granted under section 4 of the Misuse of	3. Such prescription only medicines, being controlled drugs, as	3. The supply shall be subject to such conditions and in such circumstances and to such an

Column 1	Column 2	Column 3
Persons exempted	**Prescription only medicines to which the exemption applies**	**Conditions**
Drugs Ordinance to supply a controlled drug.	are specified in the licence.	extent as may be specified in the licence.
4. Persons employed or engaged in the provision of lawful drug treatment services.	4. Ampoules of sterile water for injection containing not more than 2 ml of sterile water.	4. The supply shall be only in the course of provision of lawful drug treatment services.
5. Persons requiring prescription only medicines for the purpose of enabling them, in the course of any business carried on by them, to comply with any requirements made by or in pursuance of any enactment with respect to the medical treatment of their employees.	5. Such prescription only medicines as may be specified in the relevant enactment.	5. The supply shall be – (a) for the purpose of enabling them to comply with any requirements made by or in pursuance of any such enactment, and (b) subject to such conditions and in such circumstances as may be specified in the relevant enactment.
6. Persons operating an occupational health scheme.	6. Prescription only medicines sold or supplied to a person operating an occupational health scheme in response to an order in writing signed by a doctor or registered nurse.	6. (1) The supply shall be in the course of an occupational health scheme. (2) The individual supplying the prescription only medicine, if not a doctor, shall be a registered nurse acting in accordance with the written instructions of a doctor as to the circumstances in which prescription only medicines of the description in question are to be used in the course of the occupational health scheme.

Part III

Exemptions from the Restriction on Administration

Column 1	**Column 2**	**Column 3**
Persons exempted	**Prescription only medicines to which the exemption applies**	**Conditions**
1. Registered chiropodists against whose names are recorded in the relevant register annotations or entries signifying that they are qualified to use the medicines specified in column 2.	1. Prescription only medicines for parenteral administration that contain, as the sole active ingredient, not more than one of the substances listed in column 2 of paragraph 1 of Part III of Schedule 5 to the UK Order.	1. The administration shall be only in the course of their professional practice.
2.Registered midwives.	2. Prescription only medicines for parenteral administration containing any substances listed in column 2 of paragraph 2 of Part III of Schedule 5 to the UK Order but no other substance specified in column 1 of Schedule 1 to the UK Order.	2. The administration shall be only in the course of their professional practice and in the case of Promazine hydrochloride, Lignocaine and Lignocaine hydrochloride shall be only while attending on a woman in childbirth.
3. Persons who are authorised as members of a group by a group authority granted under sections 7(3) or 8(3) of the Misuse of Drugs Ordinance to supply a controlled drug by way of administration only.	3. Prescription only medicines that are specified in the group authority.	3. The administration shall be subject to such conditions and in such circumstances and to such extent as may be specified in the group authority.
4. The owner or master of a ship which does not carry a doctor on board as part of her complement.	4. All prescription only medicines that are for parenteral administration.	4. The administration shall be only as far as is necessary for the treatment of persons on the ship.
5. Persons operating an occupational health scheme.	5. Prescription only medicines for parenteral administration sold or supplied to the person operating an occupational	5. (1) The administration shall be in the course of the occupational health scheme. (2) The individual administering the prescription

Column 1	Column 2	Column 3
Persons exempted	**Prescription only medicines to which the exemption applies**	**Conditions**
	health scheme in response to an order in writing signed by a doctor or a registered nurse.	only medicine, if neither a doctor nor acting in accordance with the directions of a doctor, shall be a registered nurse acting in accordance with the written instructions of a doctor as to the circumstances in which the prescription only medicines of the description in question are to be used in the course of the occupational health scheme.
6. The operator or commander of an aircraft.	6. Prescription only medicines for parenteral administration which have been sold or supplied to the operator or commander of the aircraft in response to an order in writing signed by a doctor.	6. The administration shall be only so far as is necessary for the immediate treatment of sick or injured persons on the aircraft and shall be in accordance with the written instructions of a doctor as to the circumstances in which prescription only medicines of the description in question are to be used on the aircraft.
7.Registered paramedics.	7. The prescription only medicines for parenteral administration listed in column 2 of paragraph 9 of Part III of Schedule 5 to the UK Order.	7. The administration shall be only for the immediate, necessary treatment of sick or injured persons and in the case of a prescription only medicine containing Heparin Sodium shall be only for the purpose of cannula flushing.

Section 15

SCHEDULE 2
PATIENT GROUP DIRECTIONS

Part I
Particulars to be included in a Patient Group Direction

(a) the period during which the Direction shall have effect,

(b) the description or class of prescription only medicines to which the Direction relates,

(c) whether there are any restrictions on the quantity of medicine which may be sold or supplied on any one occasion, and if so, what restrictions,

(d) the clinical situations which prescription only medicines of that description or class may be used to treat,

(e) the clinical criteria under which a person shall be eligible for treatment,

(f) whether any class of person is excluded from treatment under the Direction and, if so, what class of person,

(g) whether there are circumstances in which further advice should be sought from a doctor or dentist and, if so, what circumstances,

(h) the pharmaceutical form or forms in which prescription only medicines of that description or class are to be administered,

(i) the strength, or maximum strength, at which prescription only medicines of that description or class are to be administered,

(j) the applicable dosage or maximum dosage,

(k) the route of administration,

(l) the frequency of administration,

(m) any minimum or maximum period of administration applicable to prescription only medicines of that description or class,

(n) whether there are any relevant warnings to note, and, if so, what warnings,

(o) whether there is any follow up action to be taken in any circumstances, and, if so, what action and in what circumstances,

(p) arrangements for referral for medical advice, and

(q) details of the records to be kept of the supply, or the administration, of medicines under the Direction.

Part II

Classes of individuals by whom prescription only medicines may be supplied or administered

Anaesthetic assistants.

Pharmacists.

Registered chiropodists.

Registered dieticians.

Registered midwives.

Registered nurses.

Registered occupational therapists.

Registered operating department practitioners.

Registered optometrists.

Registered orthoptists.

Registered paramedics.

Registered physiotherapists.

Registered prosthetists and orthotists.

Registered radiographers.

Registered speech and language therapists.

Section 22

SCHEDULE 3

AMENDMENTS TO THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) ORDINANCE, 1997

1. Section 1(1) (interpretation) is amended as follows –

(a) in the definition of "authorised as a member of a group", for "section 8(3), 9(3) or 10(3)", substitute "section 7(3), 8(3) or 9(3)",

(b) in the definition of "medicinal product", for "Medicines Act 1968", substitute "Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[q]",

(c) in the definition of "prescription" immediately after the words "by a medical practitioner for the medical treatment of a single individual,", insert the words "by a supplementary prescriber for the medical treatment of a single individual, by a nurse independent prescriber for the medical treatment of a single individual, by a pharmacist independent prescriber for the medical treatment of a single individual,",

(e) for the definition of "registered midwife", substitute the following definition –

""**registered midwife**" means a person registered in the

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[q] Order in Council No. V of 2009.

Midwives' Part of the professional register,",

(e) insert the following definitions in the correct alphabetical order –

""**clinical management plan**" means a written plan (which may be amended from time to time) relating to the treatment of an individual patient agreed by –

(a) the patient to whom the plan relates,

(b) the doctor or dentist who is a party to the plan, and

(c) any supplementary prescriber who is to prescribe, give directions for administration or administer under the plan;

"**nurse independent prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**Patient Group Direction**" has the meaning given by section 15 of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**pharmacist independent prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick ofGuernsey) Ordinance, 2009,

"**professional register**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey)

Ordinance, 2009,

"**registered chiropodist**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered midwife**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered nurse**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered occupational therapist**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered operating department practitioner**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered optometrist**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered orthoptist**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered paramedic**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey)

Ordinance, 2009,

"**registered physiotherapist**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered prosthetist and orthotist**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**registered radiographer**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,

"**supplementary prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,".

2. In section 5(2), (general authority to supply and possess) immediately after "prescription of a practitioner", insert ", a pharmacist independent prescriber, a registered nurse, a supplementary prescriber or a person specified in Schedule 6A".

3. Section 6 (administration of drugs in Schedules 2, 3 4 and 5) is amended as follows –

(a) in subsection (2), immediately after "medical practitioner" insert ", nurse independent prescriber, pharmacist independent prescriber",

(b) between subsections (2) and (3), insert the following subsection –

"(2A) A supplementary prescriber, acting under and in accordance with the terms of a clinical management plan, may administer to a patient any drug specified in Schedule 2, 3 or 4.",

(c) immediately after subsection (3), insert the following subsections –

"(4) Any person may administer to a patient, in accordance with the directions of a nurse independent prescriber or a pharmacist independent prescriber, any drug specified in Schedule 2, 3 or 4.

(5) Any person may administer to a patient, in accordance with the directions of a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, any drug specified in Schedule 2, 3 or 4.

(6) A person specified in Schedule 6A may administer to a patient, under and in accordance with a Patient Group Direction, any drug specified in Schedule 2, 3 or 4.".

4. Section 7 (production and supply of drugs in Schedules 2 and 5) is amended as follows –

(a) in subsection (2), immediately after paragraph (g), insert the following paragraphs –

"(h) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan,

(i) a nurse independent prescriber;

(j) a pharmacist independent prescriber;",

(b) in the proviso to subsection (2), in paragraph (ii), for the words "or dentist" substitute the words ", nurse independent prescriber, pharmacist independent prescriber, dentist or supplementary prescriber acting under and in accordance with the terms of a clinical management plan",

(c) immediately after subsection (6), insert the following subsection –

"(7) Notwithstanding the provisions of section 3(1)(b) of the Law –

(a) a registered nurse, when acting in his capacity as such, may supply or offer to supply, under and in accordance with the terms of a Patient Group Direction, diamorphine for the treatment of cardiac pain to a person admitted as a patient to a coronary care unit or an accident and emergency department of a hospital;

(b) a registered nurse or a person specified in Schedule 6A may, when acting in their capacity as such, supply or offer to supply, under and in accordance with the terms of a Patient Group Direction, any drug specified in Schedule 5 to any

person who may lawfully have that drug in his possession.".

5. Section 8 (production and supply of drugs in Schedules 3 and 4) is amended as follows –

(a) in subsection (2), immediately after paragraph (g), insert the following paragraphs –

"(h) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan;

(i) a nurse independent prescriber;

(j) a pharmacist independent prescriber;",

(b) in the proviso to subsection (3), in paragraph (ii), for the words "or dentist" substitute the words ", nurse independent prescriber, pharmacist independent prescriber, dentist or supplementary prescriber acting under and in accordance with the terms of a clinical management plan",

(c) immediately after subsection (6), insert the following subsection –

"(7) Notwithstanding the provisions of section 3(1)(b) of the Law, a registered nurse or a person specified in Schedule 6A, when acting in his capacity as such, may supply or offer to supply, under

and in accordance with the terms of a Patient Group Direction, any drug specified in Schedule 4 or Midazolam to any person who may lawfully have that drug in his possession, but this exception does not apply to –

(a) the supply or offer to supply of any of the anabolic steroids specified in Part II of Schedule 4; or

(b) any drug or preparation which is designed for administration by injection and which is to be used for the purpose of treating a person who is addicted to a drug,

and for the purposes of paragraph (b), a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.".

6. Section 9 (possession of drugs in Schedules 2, 3 and 4) is amended as follows –

(a) in subsection (1)(a), for "subsections (a) to (g)" substitute "subsections (a) to (j)",

(b) in subsection (1)(b), for "subsections (a) to (e)" substitute "subsections (a) to (j)",

(c) in subsection (1), immediately after paragraph (c) insert –

"(d) a person specified in section 8(3)(b) or (c) or section 8(6) may have in his possession any drug specified in Part I of Schedule 4 which is contained in a medical product,",

(d) in subsection (2), for the word "practitioner" where it first appears, substitute the words "practitioner, nurse independent prescriber, pharmacist independent prescriber or a supplementary prescriber acting under and in accordance with the terms of a clinical management plan",

(e) in subsection (2) in the proviso, for the words "medical practitioner" where they first appear, substitute the words "medical practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber",

(f) in subsection (2)(a) –

(i) for the words "another medical practitioner", substitute the words "another medical practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber", and

(g) for the words "first mentioned medical practitioner" substitute the words "first mentioned medical practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber".

7. In section 10(1) (exemptions for midwives), immediately after "Nurses, Midwives and Health Visitors Ordinance, 1987", insert "or the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[r] or any enactment made under it".

8. In section 12(4) (documents to be obtained by the supplier of controlled drugs), immediately after paragraph (e), insert the following paragraphs –

"(f) a supplementary prescriber;

(g) a nurse independent prescriber;

(h) a pharmacist independent prescriber.".

9. In section 16(2)(c) (marking of bottles and other containers), for the word "practitioner", substitute the words "practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber".

10. In section 23(2) (furnishing of information with respect to controlled drugs), immediately after paragraph (h), insert the following paragraphs–

"(i) a supplementary prescriber;

(j) a nurse independent prescriber;

(k) a pharmacist independent prescriber.".

11. Immediately after Schedule 6 insert the following schedule –

"Sections 7(7) and 8(7)

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[r] Order in Council No. V of 2009.

SCHEDULE 6A

CLASSES OF PERSONS BY WHOM CONTROLLED DRUGS MAY BE

SUPPLIED OR ADMINISTERED UNDER A PATIENT GROUP DIRECTION

Any of the following persons may supply or administer a specified controlled drug under a Patient Group Direction –

Anaesthetic assistants

Registered midwives

Registered occupational therapists

Registered operating department practitioners.

Registered optometrists

Registered orthoptists

Registered orthotists and prosthetists

Registered paramedics

Registered physiotherapists

Registered radiographers".

The Fraud (Bailiwick of Guernsey) Law, 2009 (Commencement) Ordinance, 2009

THE STATES, in exercise of the powers conferred on them by section 17 of the Fraud (Bailiwick of Guernsey) Law, 2009[a], hereby order:-

Commencement of Law of 2009.

1. The Fraud (Bailiwick of Guernsey) Law, 2009 shall come into force on the 1st October, 2009.

Citation.

2. This Ordinance may be cited as the Fraud (Bailiwick of Guernsey) Law, 2009 (Commencement) Ordinance, 2009.

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a Order in Council No. XVI of 2009.

ORDINANCE LAID BEFORE THE STATES

The Alderney (Application of Legislation) (Education) Ordinance, 2009

THE LEGISLATION SELECT COMMITTEE, in exercise of the power conferred on the States by section 1 of the Alderney (Application of Legislation) Law, 1948[a] and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948[b], and in pursuance of the States Resolutions of the 10th May 2001[c], the 2nd November, 2007[d] and the 25th February 2009[e], hereby orders:-

Law of 2009 to have effect in Alderney.

1. The Education (Guernsey) (Amendment) Law, 2009[f] shall have effect in the Island of Alderney as it has effect in the Island of Guernsey.

Citation.

2. This Ordinance may be cited as the Alderney (Application of Legislation) (Education) Ordinance, 2009.

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a Ordres en Conseil Vol. XIII, p. 448; Vol. XVI, p. 124 and 126; Vol. XXIV, p. 210, Vol. XXIX, p. 299; Vol. XXX, p. 224 and Order in Council No. XVI of 1997 and Ordinance No. XXXIII of 2007.

b Ordres en Conseil Vol. XIII p. 288: there are amendments not material to this Ordinance.

c Billet d'État No. VII of 2001.

d Article XI of Billet d'État No. XXII of 2007.

e Article I of Billet d'État No. VII of 2009.

f Approved by resolution of the States on the 25th February, 2009.

Commencement.

3. This Ordinance shall come into force on the 1st September, 2009.

ORDINANCE LAID BEFORE THE STATES

The Cash Controls Law (Definition of Cash) (Bailiwick of Guernsey) Ordinance, 2009

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by section 10(2) of the Cash Controls (Bailiwick of Guernsey) Law, 2007[a] and all other powers enabling them in that behalf, and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended[b], and in pursuance of the Resolution of the States of 29th July 2009[c], hereby orders:

Amendment of the Cash Controls (Bailiwick of Guernsey) Law, 2007.

1. (1) The Cash Controls (Bailiwick of Guernsey) Law, 2007 is amended as follows.

(2) The definition of "cash" in section 10(1) shall be replaced by the following -

""**cash**" means -

(a) bearer negotiable instruments including monetary instruments in bearer form, such as travellers' cheques, negotiable instruments (including cheques, promissory notes and

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a Order in Council No. II of 2008.

b Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

c Article VIII of Billet d'État No. XXI of 2009.

money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery, incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted, and

(b) banknotes, bullion (which includes gold, silver, palladium and platinum bullion whether pure or impure) ingots and coins (whether or not in circulation as a medium of exchange),".

Citation and commencement.

2. (1) This Ordinance may be cited as the Cash Controls Law (Definition of Cash) (Bailiwick of Guernsey) Ordinance, 2009.

(2) This Ordinance shall come into force on the 10th August, 2009.

ORDINANCE LAID BEFORE THE STATES

The Gambling (Betting) (Amendment) Ordinance, 2009

THE STATES LEGISLATION COMMITTEE, in exercise of the powers conferred on the States by section 2 of the Gambling (Guernsey) Law, 1971, as amended[a] and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948, as amended[b], hereby orders:-

Amendments to Ordinance of 1973.

1. In the definition of "horse race" in section 38(1) of the Gambling (Betting) Ordinance, 1973[c], immediately after the word "gelding" wherever appearing insert ", sheep".

Citation.

2. This Ordinance may be cited as the Gambling (Betting) (Amendment) Ordinance, 2009.

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a Ordres en Conseil Vol. XXIII, p. 109; Vol. XXIV, p. 400; and No. XXVII of 1997.

b Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX. pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, p. 164; Vol. XXXII, p. 41; No. V of 1993; No. II of 1996; Nos. III and X of 1998; and No. XIII of 2003.

c Recueil d'Ordonnances Tome XIX, p. 147; Tome XX, p. 67; Tome XXI, p. 95; Tome XXV, p. 127; Tome XXVI, pp. 348 and 429; No. XXXVI of 1998 and No. II of 1999.