
GUERNSEY STATUTORY INSTRUMENT

1990 No. 37

The Health Service (Authorised Suppliers) Regulations, 1990

Made 18th December, 1990

Laid before the States

Coming into Operation 1st January, 1991

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections 12 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990(a), and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. (1) In these regulations, "the Law" means the Health Service (Benefit) (Guernsey) Law, 1990.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948(b), shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Form of application for authorisation as supplier of pharmaceutical benefit

2. An approved medical practitioner, approved dentist or pharmacist desiring to obtain the authorisation of the Authority under section 12(2) of the Law as a supplier of pharmaceutical benefit under the Law shall make application therefor and furnish an undertaking to the Authority in the form set out in Part I of the Schedule to these regulations, or, in the case where the applicant is a pharmacist, being a body corporate, in a form to the like effect with only such modifications as are necessary to take account of the applicant's corporate status.

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- (a) Ordres en Conseil No. XLVIII of 1990.
(b) Ordres en Conseil Vol.XIII, p.355.

Terms and conditions relating to the supply of pharmaceutical benefit

3. The terms and conditions in accordance with which an authorised supplier shall supply pharmaceutical benefit under the Law are specified in Part II of the Schedule to these regulations.

Extent

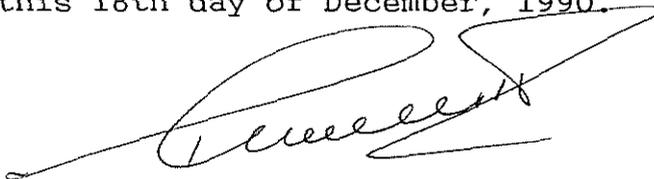
4. These regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation and commencement

5.(1) These regulations may be cited as the Health Service (Authorised Suppliers) Regulations, 1990.

(2) These regulations shall come into operation on the 1st day of January, 1991.

Dated this 18th day of December, 1990.



R M Chilcott
President of the States Insurance Authority
for and on behalf of the Authority

SCHEDULE

Regulations 2 and 3

FORM OF APPLICATION FOR AUTHORISATION AS A SUPPLIER OF PHARMACEUTICAL BENEFIT UNDER THE LAW AND TERMS AND CONDITIONS RELATING TO THE SUPPLY OF PHARMACEUTICAL BENEFIT BY AUTHORISED SUPPLIERS, ETC.

PART I

Form of application for authorisation as a supplier of pharmaceutical benefit under the Law

THE HEALTH SERVICE (BENEFIT) (GUERNSEY) LAW, 1990

To: The States Insurance Authority
Edward T Wheadon House
Le Truchot
St Peter Port
Guernsey

I,

of,(a)

being an approved medical practitioner/approved dentist/
pharmacist(b) hereby apply for authorisation as a supplier of
pharmaceutical benefit under the said Law.

I hereby undertake to supply pharmaceutical benefit under the
said Law in accordance with the terms and conditions prescribed
from time to time under the said Law.

The address/es of the place/s from which I undertake to
supply pharmaceutical benefit under the Law are as follows:-

.....
.....
.....
.....
.....

Signed

Date

-
- (a) Insert here your forenames and surname and your private address in block letters.
 - (b) Delete where inapplicable
 - (c) Insert particulars in block letters.

PART II

Terms and conditions subject to which pharmaceutical benefit is to be supplied under the Law by authorised suppliers

Supply of pharmaceutical benefit

1. (1) Subject to the provisions of or under section 13(5) of the Law (which relates to prescription charges) an authorised supplier shall supply pharmaceutical benefit under the Law with reasonable promptness and shall not, subject to any regulation made under section 13(3) of the Law (which relates to the supply of pharmaceutical benefit otherwise than on medical prescriptions), supply pharmaceutical benefit under the Law except on a medical prescription: Provided that:-

Pharmaceutical benefit shall not be supplied for the purposes of the Law by an authorised supplier who is -

- (a) a medical practitioner or dentist, unless the medical prescription authorising the supply of pharmaceutical benefit was issued by the medical practitioner or dentist himself or by another approved medical practitioner or approved dentist who is his assistant or with whom he is carrying on practice in partnership;
- (b) a pharmacist employed by a medical practice, unless the medical prescription authorising the supply of the pharmaceutical benefit was issued by an approved medical practitioner of the practice.

(2) Pharmaceutical benefit shall not be prepared or supplied except by, or under the direct supervision of, an approved medical practitioner, approved dentist or approved pharmacist.

(3) An authorised supplier shall supply pharmaceutical benefit in a suitable container.

(4) Any drug or medicine supplied as pharmaceutical benefit and included in the Drug Tariff or in the British National Formulary, European Pharmacopoeia, British Pharmacopoeia or the British Pharmaceutical Codex, must comply with the standard or formula specified therein unless the approved medical practitioner or approved dentist who ordered the supply of the pharmaceutical benefit has indicated to the contrary. Any pharmaceutical benefit not so included must be of a grade or quality not lower than that ordinarily used for medicinal purposes.

(5) In this paragraph "suitable container" means -

- (a) in relation to capsules, tablets, pills or any other medicine or drug in solid form (other than those pre-packed in foil or paper-board or strip card containers by the manufacturer) an airtight container of glass, aluminium or rigid plastic;

- (b) in relation to ointments, creams or pastes (other than those prepacked by the manufacturer) a container of glass, aluminium or rigid plastic;
- (c) in relation to eye, ear or nasal drops (other than those pre-packed by the manufacturer) a container of glass or rigid plastic either incorporating or having a separate dropper attachment;
- (d) in relation to liquid medicines (other than those pre-packed by the manufacturer) a container of glass or rigid plastic; and in the case of an oral liquid medicine there shall be provided with the container a 5 millilitres plastic measuring spoon which shall comply with BS 3221: Part 6: 1983 (except where the patient already possesses one or the manufacturer's pack includes one).

Place and hours of business

2.(1) An authorised supplier shall supply pharmaceutical benefit at the place or places from which he has undertaken to supply pharmaceutical benefit under the Law in pursuance of section 12(2) of the Law and, in the case of an authorised supplier who is a pharmacist, such place or places shall be open for the supply of pharmaceutical benefit under the Law during the hours specified in any scheme made by the Authority for that purpose under section 12(3)(d) of the Law.

(2) An authorised supplier who is a pharmacist not employed by a medical practice shall, at any place from which he supplies pharmaceutical benefit under the Law, exhibit, at times when that place is not open, and at other times specified by the Authority, and in such manner as to be clearly visible, a notice to be provided by the Authority in a form approved by the Authority indicating the addresses of other authorised suppliers who are pharmacists from where, and the times at which, pharmaceutical benefit may be obtained.

Names of pharmacists

3. An authorised supplier shall furnish to the Authority the names of any pharmacists acting on behalf of that authorised supplier in supplying pharmaceutical benefit under the Law.

Charges

4. Pharmaceutical benefit supplied under the Law and containers of pharmaceutical benefit so supplied shall be supplied free of charge, other than such prescription charges as are payable under the Law.

Medical prescriptions, etc. to be forwarded to the Authority

5.(1) An authorised supplier shall furnish to the Authority or to such other person or body as the Authority may direct, on dates appointed by the Authority, the medical

prescriptions on which pharmaceutical benefit has been supplied by him under the Law, arranged in such manner as the Authority may direct, together with a statement of accounts containing such particulars relating to the supply by him of pharmaceutical benefit under the Law and to the receipt by him of prescription charges as the Authority may from time to time require.

(2) The Authority shall, if any authorised supplier so requires, afford him reasonable facilities for examining any of the medical prescriptions which have been furnished to the Authority and on which pharmaceutical benefit has been supplied by him under the Law together with particulars of the amounts calculated to be payable in respect of such benefit and, if he takes objection thereto, the Authority shall take such objection into consideration.

(3) The Authority shall, if required so to do by any organisation which is, in the opinion of the Authority, representative of the general body of authorised suppliers who are approved medical practitioners, approved dentists or pharmacists afford such organisation facilities for examining medical prescriptions together with particulars of the amounts calculated to be payable in respect of pharmaceutical benefit supplied by such authorised suppliers under the Law and particulars relating to all or any such authorised suppliers and shall take into consideration any objection made by any such organisation.

Withdrawal

6. An authorised supplier may at any time give notice to the Authority that he no longer wishes to supply pharmaceutical benefit under the Law and, where such notice is given, he shall cease to be an authorised supplier upon the cancellation of the entry in the Pharmaceutical List relating to him in pursuance of the provisions of section 12(3)(c) of the Law:

Provided that if any reference has been made by the Authority to the Health Service Advisory Committee under section 5(2) of the Health Service (Benefit) Ordinance, 1990 (c) in relation to an authorised supplier he shall not, except with the consent of the Authority and subject to such conditions as the Authority may impose, be entitled to give notice under this paragraph pending the determination of that reference by the said Committee or any referees appointed under that section, as the case may be.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport)

These Regulations prescribe -

(a) the form of application and the form of undertaking to be completed by an approved medical practitioner, approved dentist, or approved pharmacist upon applying to the States Insurance Authority for authorisation as a supplier of drugs and medicines under the Health Service (Benefit) (Guernsey) Law, 1990;

(b) the terms and conditions relating to the supply of pharmaceutical benefit by authorised suppliers.