

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Doctors, Dentists and Pharmacists Ordinance, 1987 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

© States of Guernsey

* Recueil d'Ordonnances Tome XXIV, p. 79; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Nurses, Midwives and Health Visitors Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 238); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (No. XXII of 2015); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 262). See also the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (No. XXII of 2015).

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Doctors, Dentists and Pharmacists Ordinance, 1987

ARRANGEMENT OF SECTIONS

1. Restrictions on practice.
2. The Register.
3. Inspection of registered information.
4. Anaesthetics.
5. Offences and penalties.
6. Repeals, saving and construction enactments.
7. Interpretation.
8. Extent.
9. Citation.
10. Commencement.

SCHEDULE Enactments repealed.

(Made on 24th June, 1987.)

The Doctors, Dentists and Pharmacists Ordinance, 1987 ¹

THE STATES, in pursuance of their Resolution of the 28th of January, 1987, hereby order: –

Restrictions on practice.

1. A person shall not practise, or hold himself out as practising or as being prepared to practise, as [...] a dentist or a pharmacist unless he is registered –

- (a) as qualified so to practise in the United Kingdom, and
- (b) as [...] a registered dentist or, as the case may be, a recognised pharmacist in the register maintained by [the Committee] under section 2,

and a person who satisfies the requirements of this section as to registration is referred to in this Ordinance [...] as a "**recognised dentist**" or, as the case may be, as a "**recognised pharmacist**".

NOTES

In section 1,

the words omitted in the first, second and fourth pairs of square brackets were repealed by the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(1), Schedule 6, with effect from 3rd December, 2015, subject to the transitional and savings provisions in section 28 of and Schedule 7 to the 2015 Ordinance;

the words "the Committee" in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

The Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988, section 1, with effect from 1st March, 1988, subject to the modifications in the Schedule to the 1988 Ordinance.

The Register.

2. (1) [The Committee] shall maintain a register and shall enter in that register the names and profession of each person who –

- (a) applies to [the Committee], in such manner as [the Committee] may from time to time require, under this section. and
- (b) satisfies [the Committee] that he is registered as qualified to practise, as a medical practitioner, as a dentist or as a pharmacist, in the United Kingdom.

(2) [The Committee] may require a person who applies under this section to furnish such information (in addition to any information furnished pursuant to subsection (1) of this section), verified in such manner, as [the Committee] thinks fit.

(3) [The Committee] shall delete from the register maintained under this section any entry relating to a person –

- (a) at the request of that person, and
- (b) if, to the knowledge of [the Committee], that person ceases to be registered as qualified to practise, [...] as a dentist or, as the case may be, as a pharmacist, in the United Kingdom.

NOTES

In section 2,

the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;

the words omitted in the second pair of square brackets in paragraph (b) of subsection (2) were repealed by the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(1), Schedule 6, with effect from 3rd December, 2015, subject to the transitional and savings provisions in section 28 of and Schedule 7 to the 2015 Ordinance.

Inspection of registered information.

3. [The Committee] shall inform Her Majesty's Greffier of the names and professions of every person in relation to whom an entry is made in the register maintained under section 2 and of every such entry which is deleted by [the Committee] under section 2(3); and the information provided under this section shall, at all times when the Greffe is required under the law for the time being in force to be open, be available there for public inspection free of charge.

NOTES

In section 3, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 3 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988, section 1, Schedule, paragraph 1(a) and paragraph 1(b), with effect from 1st March, 1988.

Anaesthetics.

4. (1) Subject to subsection (2) of this section, a person who is not a

[registered practitioner (within the meaning given by section 26(1) of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015)] or a recognised dentist shall not administer an anaesthetic to a human being.

(2) This section does not apply to the administration of an anaesthetic in connection with childbirth by a [practising midwife as defined in the Nurses, Midwives and Health Visitors Ordinance, 1987].

NOTES

In section 4,

the words in square brackets in subsection (1) were substituted by the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(1), Schedule 6, with effect from 3rd December, 2015, subject to the transitional and savings provisions in section 28 of and Schedule 7 to the 2015 Ordinance;

the words in square brackets in subsection (2) were substituted by the Nurses, Midwives and Health Visitors Ordinance, 1987, section 15(2), Schedule, Part II, with effect from 26th November, 1987.

Offences and penalties.

5. (1) A person who contravenes section 1, or who contravenes or attempts to contravene section 4, is guilty of an offence and liable –

- (a) on conviction on indictment, to imprisonment for a term not exceeding six months, or to a fine not exceeding £2,000 or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding [level 4 on the uniform scale] or to both.

(2) A person who in connection with an application under section

2, knowingly or recklessly makes any false or misleading statement or furnishes any false or misleading information is guilty of an offence and liable, on summary conviction, to a fine not exceeding [level 4 on the uniform scale].

NOTE

In section 5, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Repeals, saving and construction enactments.

6. (1) The enactments specified in column 1 of the Schedule to this Ordinance are repealed to the extent specified in column 2 of that Schedule.

(2) A person who, on the date when this Ordinance comes into force, is authorised under any enactment repealed by this Ordinance to practise as [...] a dentist or a pharmacist shall be deemed to have applied to [the Committee] under section 2; and [the Committee] shall enter the name and profession of every such person in the register maintained under that section.

(3) Unless the context otherwise requires, any reference, however expressed, in any enactment, and in any other document, to a person authorised to practise as [...] as a dentist or as a pharmacist, or to a recognised medical practitioner, a recognised dentist or a recognised pharmacist, shall be construed as a reference to a recognised medical practitioner, a recognised dentist, or, as the case may be, a recognised pharmacist within the meaning of this Ordinance.

NOTES

In section 6,

the words omitted in the first pair of square brackets in subsection (2) and in square brackets in subsection (3) were repealed by the Regulation

of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(1), Schedule 6, with effect from 3rd December, 2015, subject to the transitional and savings provisions in section 28 of and Schedule 7 to the 2015 Ordinance;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

In its application to the Island of Alderney, section 6 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988, section 1, Schedule, paragraph 1(a) and paragraph 1(b), with effect from 1st March, 1988.

In accordance with the provisions of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(2), with effect from 3rd December, 2015, the references in this section to a recognised medical practitioner are to be construed as references to a registered practitioner within the meaning of section 26(1) of the 2015 Ordinance.

Interpretation.

7. (1) In this Ordinance –

"**[the Committee]**" means the States [Committee for Health & Social Care],

"**enactment**" includes any Law and any Ordinance of the States, any Act of Parliament extending to Guernsey and any subordinate instrument of a legislative character made under any such Law, Ordinance or Act, whether or not the Law, Ordinance, Act or instrument is in force when this Ordinance comes into force,

"**pharmacist**" includes a pharmaceutical chemist and a chemist and druggist.

(2) A reference in this Ordinance to a numbered provision is,

unless the context otherwise requires, a reference to the provision which is so numbered in this Ordinance.

NOTES

In section 7, the words, first, "the Committee" and, second, "Committee for Health & Social Care" in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.²

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

In its application to the Island of Alderney, section 7 is modified in accordance with the provisions of the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988, section 1, Schedule, paragraph 1(a) and paragraph 1(b), with effect from 1st March, 1988.

Extent.

8. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

NOTE

In its application to the Island of Alderney, section 8 of the Ordinance is omitted in accordance with the provisions of the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988, section 1, Schedule, paragraph 1(a) and paragraph 1(b), with effect from 1st March, 1988.

Citation.

9. This Ordinance may be cited as the Doctors, Dentists and Pharmacists

Ordinance, 1987.

Commencement.

10. This Ordinance shall come into force on the 1st day of July, 1987.

NOTE

In its application to the Island of Alderney, section 10 of the Ordinance is omitted in accordance with the provisions of the Alderney (Application of Legislation) (Doctors, Dentists and Pharmacists) Ordinance, 1988, section 1, Schedule, paragraph 1(a) and paragraph 1(b), with effect from 1st March, 1988.

SCHEDULE
ENACTMENTS REPEALED

Section [4](1)

(1) Enactments	(2) Extent of Repeal
The Doctors, Dentists and Veterinary Surgeons (Authorisation) Ordinance, 1951 ^b .	The whole Ordinance so far as it remains unrepealed.
The Pharmacists, Poisons and Pharmacy Ordinance, 1970 ^c .	Sections 1 to 4; in section 5 the words “under and by virtue of the provisions of this Part of this Ordinance”; in section 46(1), the word “Pharmacists”.
The Doctors, Dentists and Veterinary Surgeons (Authorisation) (Amendment) Ordinance, 1984 ^d .	The whole Ordinance.

NOTE

The figure in square brackets shown, incorrectly, in the printed version of this Schedule as "4" should read "6".

^b Recueil d'Ordonnances Tome X, p. 171; Tome XII, p. 117; Ordinance No. XVI of 1984.

^c Recueil d'Ordonnances Tome XVI, p. 236; Tome XVII, p. 121; Tome XIX, pp. 73 and 195; Tome XX, p. 342; Tome XXI, p. 13; Ordinance No. XXV of 1982.

^d Ordinance No. XVI of 1984.

¹ The Ordinance was previously modified by the Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020, regulation 1(e), Schedule, paragraph 5, with effect from 2nd April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 19(e), Schedule 1, paragraph 5, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 19(e), Schedule 1, paragraph 5, with effect from 15th May, 2020.

² The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

³ The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.