

GUERNSEY STATUTORY INSTRUMENT

1975 No. 52

The Health Service (Pharmaceutical) (General) (Amendment)
(Guernsey) Regulations, 1975

Made 2nd December, 1975
Laid before the States
Coming into operation 1st January, 1976

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by subsection (3) of section twenty-three and subsection (1) of section twenty-eight of the Health Service (Pharmaceutical) (Guernsey) Law, 1972, and of all other powers enabling it in that behalf, hereby orders:-

Amendment of regulation ten of the principal regulation

1. Regulation ten of the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972 (hereinafter referred to as "the principal regulations"), is hereby amended as follows, that is to say:-

- (a) in sub-paragraph (a) of paragraph (1) thereof, the words "or toilet preparation" are hereby repealed and the words "toilet preparation or anti-smoking preparation" are hereby substituted therefor;
- (b) sub-paragraph (c) of paragraph (2) thereof is hereby repealed and the following paragraphs are hereby substituted therefor -
 - "(c) the expression "toilet preparation" includes any substance specified in the first five paragraphs of Part II of the Second Schedule to these regulations except in relation to any case to which the provisions of the next following regulation apply;
 - (d) the expression "anti-smoking preparation" includes any substance specified in paragraph 6 of Part II of the Second Schedule to these regulations."

Amendment of the Second Schedule to the principal regulations

2. Parts I, II and III of the Second Schedule to the principal regulations are hereby repealed and Parts I, II and III set out in the Schedule to these regulations are hereby respectively substituted therefor.

Savings

3.(1) Notwithstanding the foregoing provisions of these regulations, a substance which has been ordered on a medical prescription issued before the day of the coming into operation of these regulations shall -

- (a) if it would, but for these regulations, have fallen to be included within the definition of the expression "drug" and the expression "medicine" under and for the purposes of the Health Service (Pharmaceutical) (Guernsey) Law, 1972, and any regulations made under that Law, continue to be treated for those purposes as falling to be included within that definition;
- (b) if it would, but for these regulations, have fallen to be excluded from that definition, continue to be treated for those purposes as falling to be excluded from that definition.

(2) In this regulation the expression "medical prescription" has the meaning assigned to it by paragraph (1) of regulation two of the principal regulations, and includes a copy of a medical prescription issued in pursuance of those regulations.

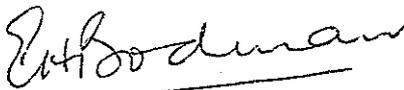
Citation, collective title and commencement

4.(1) These regulations may be cited as the Health Service (Pharmaceutical) (General) (Amendment) (Guernsey) Regulations, 1975.

(2) These regulations and the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972 to 1974, may be cited together as the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972 to 1975.

(3) These regulations shall come into operation on the first day of January nineteen hundred and seventy-six.

Dated this second day of December nineteen hundred and seventy-five.



E.H. BODMAN
President of the States Insurance Authority
for and on behalf of that Authority.

EXPLANATORY NOTE

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

Parts I and II of the Second Schedule to the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972, set out certain substances (commonly called "borderline substances") which are foods or toilet preparations and generally excluded from the definition of the expressions "drug" and "medicine" for the purposes of the Health Service (Pharmaceutical) (Guernsey) Law, 1972. Part III of that Schedule sets out some of those substances which are foods and generally so excluded, but which are treated as falling within that definition in so far as they are required for the treatment of the diseases specified in that Part of that Schedule opposite the references to those substances.

SUBSTANCES EXCLUDED FROM, OR INCLUDED IN, DEFINITION OF "DRUG" AND "MEDICINE"
IN THE LAW

PART I

Particular foods excluded from definition of "drug" and "medicine"

Aglutella Gentili
 Rigatini, Tagliatelle, Spaghetti, Anellini, Stelline
 Albumaid Complete
 Albumaid Metabolic Mineral Mixture
 Albumaid X Methionine
 Albumaid X P
 Alembicol D
 Allergilac
 Amin-Ex Biscuits
 Aminogran
 Aminutrin
 Apple Juices
 Aprotin Products
 Anellini, Crispbread, Flour, Rigatini, Semolina, Tagliatelle
 Arrowroot
 Azeta Products
 Pastry, Sticklets, Tirrenia Biscuits, Wafers

 Benger's Food
 Blackcurrant Juice
 Blackcurrant Pastilles
 Bournvita
 Bovril
 Brands Essence

 Calonutrin
 Caloreen
 Calves Foot Jelly
 Casilan
 Comminuted Chicken Meat
 Complian
 Corn Oil
 Corolac
 Cow & Gate Foods:-
 Baby Cereals
 Baby Milks
 Baby Meals
 Carobel
 HF (2)
 Himaizol
 Humanised Milk Food
 L.P.T. (1)
 L.P.T.M. (2)
 Prepared Feeds
 Trufood
 Follow-On-Trufood
 Cymogran

The purpose of these regulations is to effect several alterations to those Parts of that Schedule, and to exclude generally from the definition of the expressions "drug" and "medicine" for the purposes of the Law of 1972 anti-smoking preparations such as Bantron, Lobidan, Nicobrevin and Respaton.

These alterations do not have any effect as respects substances ordered on medical prescriptions, or copies of medical prescriptions, issued before the coming into operation of these regulations, that is to say, the 1st January , 1976.

Dextrose
Dextrosol
Diabetic Cordials and Squashes

Eliosol
Eledon
Energien and other Diabetic Preparations

Farex Baby Cereal
Farex Fingers
Farlene
Forceval Protein
Formula L.P.L.S. (1)
Fructose
Fruit Squashes
Full Cream Condensed Milk

Galactomin Formula 17
Galactomin Formula 18
Galactomin Formula 19
Gastro-Caloreen
Glucodin
Glucose
Glucose Barley Sugar
Glucosol
Glutenex
Gluten Free Biscuits
(Farley's, Liga, Rite Diet)

Homogenised Foods
Hycal

Iodised Table Salt

Kellogg's All Bran

Lactose
Laevoral
Lemco
Lemon Barley Water
Liga Infant Food
Linoleic Acid
Locasol
Lofenalac
Lucozade

Malt Extract
" " with Cod Liver Oil
" " with Halibut Liver Oil
Malted Milk and Malted Milk Tablets
Marmite
M.C.T. Oil
Milo
Minafen
Mineral and Spa Waters
 Contrexeville
 Soda Water
 Vichy Spa Waters and Similar Preparations
M.S.U.D. Aid

Nefranutrin
Nutramigen
Nutregen Wheat Starch

Nutregen High Fibre Crispbread

Optimax Powder
Ostermilk
Ovaltine
Oxo

PK Aid 1
P.L.J. Natural Fruit Juices
Portagen
Pregestimil
Prosobee
Prosol
Prosparol

Radio Malt
Ribena
Rite Diet Gluten Free Products
Flour, Sweet Biscuits, Savoury Biscuits; Gluten Free/
Protein Free Bread, Bread Mix
Rite Diet Protein Free Products
Gluten Free/Protein Free Bread with and without salt;
Flour
Robinson's Barley
Robinson's Groats
Roboleine
Rose Hip Syrup

Saccharin Tablets
Sanatogen
Saxin
Sister Laura's Food
S.M.A. Powder and Liquid
Sobee
Sorbitol
Strained Foods
Sunflower and Safflower Seed Oils
Sweetex

Torbet Lactic Oats
Triosorbon

Velactin
Virol
Vitaminised Chocolate
Vitamin Malt Extracts
Vivonex

Wate-On

PART II

Particular toilet preparations and anti-smoking preparations excluded from definition of "drug" and "medicine"

1. Deodorants

Amplex Clinical Deodorant Tablets
Amplexol
Chironair Odour Control Liquid
(Formerly Chiron deodorising cleanser)
Dor
No Roma
Nilodor
Ostomy Plus One and Two

2. Skin Cleansers

Acne Aid Bar
Cidal
Derbac
Gamophen
Genatosan
Neko
Neutragena
Oilatum Bar
Prodermide Solid
Simple Soap
Sterzac Bath Concentrate
Tetmosol

3. Skin Preparations

Atrixo
Boots covering cream
Covermark
Ipsel Hygienic Baby Salve
Karaya Paste
Kerodex Double Seven
Keromask
Lacto Calamine
Nivea
Ostomy Plus Three
Polytar Emollient
Woodwards Baby Cream

4. Sun Screens

Ardena Covering Cream
Spectraban
Uvistat

5. Scalp Cleansers and Shampoos

Alphosyl
Betadine
Capitol
Ceanel Concentrate
Cetavlon P.C.
Genisol
Polytar Liquid
Sebaveen
Sebbix

6. Anti-smoking Preparations

Bantron
Lobidan
Nicobrevin
Respaton

PART III

Particular substances included in Part I and Part II of this schedule which are to be deemed to be drugs and medicines when used in the treatment of certain diseases,

(1) substances	(2) diseases
1. <u>Substances included in Part I of this schedule</u>	
Aglutella Gentili Rigatini, Tagliatelle, Spaghetti, Anellini, Stellite,	Phenylketonuria, similar amino acid abnormalities, chronic renal failure, gluten-sensitive enteropathies including steatorrhoea due to gluten sensitivity, coeliac disease and dermatitis herpetiformis.
Albumaid Complete	Malabsorption states where there is failure to hydrolyse and/or absorb protein.
Albumaid Metabolic Mineral Mixture	Carbohydrate and amino acid disorders.
Albumaid X Methionine	Homocystinuria.
Albumaid X P	Phenylketonuria.
Alembicol D	Steatorrhoea association with cystic fibrosis of the pancreas, intestinal lymphangiectasis, steatorrhoea associated with surgery of the intestine, chronic liver disease and other proven malabsorption syndromes.
Amin-Ex Biscuits	Phenylketonuria, similar amino acid abnormalities; chronic renal failure and proven lactose with sucrose intolerance.
Aminogran	Phenylketonuria.
Aminutrin	Malabsorption states where there is failure to hydrolyse and/or absorb protein.
Aproten Products Anellini, Crispbread, Flour, Rigatini, Semolina, Tagliatelle.	Phenylketonuria, similar amino acid abnormalities, chronic renal failure, gluten sensitive enteropathies including steatorrhoea due to gluten sensitivity, coeliac disease and dermatitis herpetiformis.
Azeta Products Pastry, Sticklets, Tirrenia Biscuits, Wafers.	Phenylketonuria, renal failure and other conditions requiring a low protein, high calorie diet.
Calonutrin	Disaccharide intolerance (without isomaltose intolerance), amino acid disorders and/or whole protein intolerance, proven hypoglycaemia where there is no need to limit sodium and potassium intake.

Caloreen	Chronic renal failure or other conditions requiring a high calorie, low fluid, low electrolyte diet and disorders of amino acid metabolism.
Casilan	Biochemically proven hypoproteinaemia.
Comminuted Chicken Meat	Carbohydrate intolerance in association with possible or proven intolerance of milk.
Corn Oil	Familial hypercholesterolaemia.
Cymogran	Phenylketonuria.
Edosol	Conditions requiring a minimal sodium intake.
Forceval Protein	Biochemically proven hypoproteinaemia.
Formula L.P.L.S. (1)	Conditions where both a low protein and low sodium diet is essential.
Fructose	Proven glucose/galactose intolerance.
Galactomin Formula 17 and Galactomin Formula 18	Lactose intolerance and proven galactosaemia or galactokinase deficiency.
Galactomin Formula 19	Glucose plus galactose intolerance.
Gastro-Caloreen	Disaccharide intolerance (without isomaltose intolerance), amino acid disorders and/or whole protein intolerance, proven hypoglycaemia where there is no need to limit sodium and potassium intake.
Glutenex (Formerly Liga's Gluten Free Biscuit)	Gluten sensitive enteropathies including steatorrhoea due to gluten sensitivity, coeliac disease and dermatitis herpetiformis.
Gluten Free Biscuits (Farley's and Rite Diet)	Gluten sensitive enteropathies including steatorrhoea due to gluten sensitivity, coeliac disease and dermatitis herpetiformis.
Hycal	Chronic renal failure or other conditions requiring a high calorie, low fluid, low electrolyte diet.
Locasol	Intolerance to calcium.
Lofenalac	Phenylketonuria.
M.C.T. Oil	Steatorrhoea associated with cystic fibrosis of the pancreas, intestinal lymphangiectasis, steatorrhoea associated with surgery of the intestine, chronic liver disease and other proven malabsorption syndromes.
Minafen	Phenylketonuria.
N.S.U.D. Aid	Maple Syrup Urine Disease.
Nefranutrin	Chronic renal failure.

Nutramigen	Sensitivity to whole protein, galactosaemia and lactose intolerance without sucrose intolerance.
Nutregen Wheat Starch	Gluten sensitive enteropathies including steatorrhoea due to gluten sensitivity, coeliac disease and dermatitis herpetiformis, acute or chronic renal failure, phenylketonuria and similar disorders of amino acid metabolism.
P.K. Aid 1	Phenylketonuria.
Portagen	Lactose intolerance without sucrose intolerance but requiring M.C.T., steatorrhoea associated with cystic fibrosis of the pancreas, intestinal lymphangiectasis, steatorrhoea associated with surgery of the intestine, chronic liver disease and other proven malabsorption syndromes.
Pregestimil	Sucrose and/or lactose intolerance in association with whole protein intolerance or where amino acids and peptides are indicated in conjunction with medium chain triglycerides. Steatorrhoea associated with cystic fibrosis, intestinal lymphangiectasis, steatorrhoea associated with surgery of the intestine, and other proven malabsorption syndromes.
Prosobee	All forms of milk intolerance.
Prosol	Sprue, steatorrhoea and coeliac disease.
Prosparol	Chronic renal failure and other conditions requiring a high calorie, low fluid, low electrolyte diet; disorders of amino acid metabolism and disorders of carbohydrate absorption.
Rite Diet Gluten Free Products Flour, Sweet Biscuits, Savoury Biscuits, Gluten Free/ Protein Free Bread, Breadmix	Gluten sensitive enteropathies including steatorrhoea due to gluten sensitivity, coeliac disease and dermatitis herpetiformis without lactose and/or sucrose intolerance.
Rite Diet Protein Free Products Gluten Free/Protein Free Bread with and without salt; Flour	Lactose and sucrose intolerance with gluten sensitive enteropathy in acute or chronic renal failure and in phenylketonuria and similar disorders of amino acid metabolism.
Sobee	All forms of milk intolerance.
Velactin	All forms of milk intolerance.
Vivonex	Short Bowel syndrome, including gastrectomy and intractable malabsorption.

(1) substance	(2) disease
2. <u>Substances included in Part II of this schedule</u>	
Alphosyl	Psoriasis and other scaly disorders of the scalp.
Amplex Clinical Deodorant Tablets	Ileostomies or colostomies.
Amplexol	Ileostomies or colostomies.
Ardena Covering Cream	Protection of skin from Ultra-Violet radiation in photodermatoses.
Betadine	Seborrhoeic conditions of the scalp associated with excessive dandruff, pruritic scaling, exudation, and erythema of the scalp; pityriasis capitis; infected lesions of the scalp - pyodermas (recurrent furunculosis, infective folliculitis and impetigo).
Boots' covering cream	Post-operative scars and other deformities including birth-marks, and emotional disturbances due to mutilating skin disease.
Capitol	Pityriasis capitis and seborrhoeic dermatitis of the scalp.
Ceanel Concentrate	Psoriasis or seborrhoeic conditions.
Cetavlon P.C.	Seborrhoea capitis and seborrhoeic dermatitis.
Chironair Odour Control Liquid (Formerly Chiron deodorising cleanser)	Ileostomies or colostomies.
Covermark	Post-operative scars and other deformities including birth-marks, and emotional disturbances due to mutilating skin disease.
Dor	Ileostomies or colostomies.
Genisol	Psoriasis, eczema and seborrhoea of the scalp.
Karraya Paste	Ileostomies or colostomies.
Kerodex Double Seven	Ileostomies or colostomies.
Keromask	Post-operative scars and other deformities including birth-marks, and emotional disturbances due to mutilating skin disease.

Nilodor

Ileostomies or colostomies.

No Roma

Ileostomies or colostomies.

Ostomy Plus One and Two

Ileostomies or colostomies.

Ostomy Plus Three

Ileostomies or colostomies.

Polytar Emollient

Psoriasis, eczema, atopic and pruritic dermatoses.

Polytar Liquid

Psoriasis, eczema and seborrhoea of the scalp.

Spectraban

Photodermatoses including ultra-violet radiation.

Sterzac Bath Concentrate

Staphylococcal skin infections.

Tetmosol

Scabies.

Uvistat

Photodermatoses including ultra-violet radiation.