

GUERNSEY STATUTORY INSTRUMENT

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GUERNSEY

**The Medicines (Human) (Registration of Pharmacies)
(Bailiwick of Guernsey) Regulations, 2009**

Made

1st October, 2009

Coming into operation

When Part IV of the Law

comes into force

Laid before the States

, 2009

ARRANGEMENT OF REGULATIONS

1. Application of registration.
2. Notification of changes to the registrar.
3. Publication of register.
4. Annual retention fee.
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7. Interpretation.
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SCHEDULE: Particulars required in an application for registration of premises.

The Medicines (Human) (Registration of Pharmacies) (Bailiwick of Guernsey) Regulations, 2009

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 56, 57, and 132 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Application for registration.

1. (1) An application for the registration of premises under section 56 of the Law must be made to the pharmacy registrar in a form and by means he directs.

(2) The application must be made and signed by or on behalf of the person carrying on, or who proposes to carry on, the retail pharmacy business in the premises to which the application relates.

(3) The application must include or be accompanied by –

(a) the application fee, and

(b) the particulars specified in the Schedule.

(4) A separate application for registration must be made in respect of each of the premises to be registered.

Notification of changes to the registrar.

2. Without prejudice to regulation 6, if there is a material change in the particulars with which the premises were registered, the person carrying on the

^a Order in Council No. V of 2009.

retail pharmacy business at these premises shall give notice to the pharmacy registrar of these changes within a period of 2 months commencing on the date of the change.

Publication of register

3. The pharmacy registrar may publish the register or any part of it in any manner he thinks fit.

Annual retention fee.

4. (1) The person carrying on a retail pharmacy business at each premises entered in the register shall pay to the pharmacy registrar the annual retention fee in respect of each year following the year in which the premises were so entered.

(2) The annual retention fee shall be paid within the period of 2 months commencing on the date that a written demand is made for that fee by the pharmacy registrar.

Non payment of annual retention fee.

5. (1) If the person carrying on a retail pharmacy business at any premises entered in the register fails to pay the annual retention fee within the time specified in regulation 4(2), the pharmacy registrar may remove the premises from the register.

(2) The pharmacy registrar may restore the premises to the register if, before the end of the year in respect of which the annual retention fee is payable, or within a longer period that the pharmacy registrar thinks fit, the person carrying on the business pays to the pharmacy registrar the annual retention fee together with the penalty fee.

(3) If the pharmacy registrar thinks fit, the restoration shall be deemed to have had effect as from the date the premises were removed from the register.

Change of ownership.

6. (1) Where a change occurs in the ownership of a retail pharmacy business carried on at any premises registered under section 56 of the Law, the registration of the premises under that section –

- (a) if the change occurs on the death of the person carrying on the business, or, in the case of a partnership, on the death of one of the partners, shall become void at the end of the period of 3 months from the date of the death, and
- (b) in any other case, shall become void at the end of the period of 28 days from the date on which the change occurs.

(2) Where the registration becomes void under paragraph (1), an application for the premises to be restored to the register may be made by the person who, in consequence of the change of ownership, has become the owner of the business, and where such an application is made, and it is shown to the reasonable satisfaction of the pharmacy registrar either –

- (a) that at the time of the application the applicant is a person lawfully conducting a retail pharmacy business, or
- (b) that, if the premises are restored to the register, and the applicant thereafter carries on a retail pharmacy business at those premises, then as from the time when he begins to do so he will be a person lawfully conducting a retail pharmacy business –

and (in a case where, if the registration had not become void, an annual retention fee would have become payable) a fee equal to the annual retention fee has been paid, the pharmacy registrar shall restore the premises to the register.

Interpretation.

7. (1) In these Regulations, unless the context requires otherwise -

"**application fee**" means a fee of that name to be prescribed by further regulations made by the Department under sections 56, 57, and 132 of the Law;

"**annual retention fee**" means a fee of that name to be prescribed by further regulations made by the Department under sections 56, 57, and 132 of the Law;

"**the Law**" means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^b;

"**penalty fee**" means a fee of that name to be prescribed by further regulations made by the Department under sections 56, 57, and 132 of the Law;

"**register**" means the register kept by the pharmacy registrar under section 56 of the Law; and

"**year**" has the meaning given by section 55(2) of the Law.

(2) A reference in these Regulations 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.

^b Order in Council No. V of 2009.

(3) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations –

- (a) throughout the Bailiwick, and
- (b) for the avoidance of doubt, as it applies to the interpretation of an enactment.

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

Extent.

8. These Regulations have effect throughout the Bailiwick.

Citation and commencement.

9. These Regulations may be cited as the Medicines (Human) (Registration of Pharmacies) (Bailiwick of Guernsey) Regulations, 2009 and come into force when Part IV of the Law comes into force.

Dated this 1st day of October, 2009



A. H. Hunter

Minister of the States Health and Social Services Department

For and on behalf of the Department

^c Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE
PARTICULARS REQUIRED IN AN APPLICATION FOR REGISTRATION OF
PREMISES

Regulation 1(3)(b)

1. (1) Name of the person carrying on, or proposing to carry on, the retail pharmacy business and his private residential address.

(2) In the case of a partnership carrying on, or proposing to carry on, such a business, the names and such addresses of all the partners.

(3) In the case of a body corporate carrying on, or proposing to carry on, such a business, the registered name and the address of the registered office of the body.

(4) In the case where such a business is being carried on by a representative of a pharmacist (as defined by section 52 of the Law) and the business is under the personal control of a pharmacist (in accordance with section 52(3)(a) of the Law) the latter pharmacist's name and the number of his certificate of registration.

2. Where a person or, as the case may be, a partnership or body corporate is carrying on or proposes to carry on, such business under a business name which does not correspond to the name of the person or, as the case may be, the names of the partners or the name of the corporate body, the business name under which such business is being, or is to be, carried on.

3. (1) Name of the pharmacist or if more than one, the names of all the pharmacists under whose personal control the business is or is to be carried on at the premises to which the application relates.

(2) In the case of a body corporate, the name of the superintendent under whose management the business is or is to be carried on.

(3) The qualifications and number of the certificate of registration of each such pharmacist and, as the case may be, superintendent.

4. The full postal address, telephone number, fax number, website address and email address of the premises to which the application relates.

5. (1) If a retail pharmacy business had been carried on at the premises for which registration is sought, and there has been a change of ownership of the business within the last 12 months, the name and address of the immediate former owner of that business and the date of the change of ownership.

(2) The date or proposed date of the commencement of the retail pharmacy business.

(3) A brief description of the premises including the internal layout of the premises as respects the areas where medicinal products are or are proposed to be sold or supplied, prepared, dispensed or stored, together with –

(a) a statement showing whether or not there are arrangements so as to enable supervision to be exercised by a pharmacist of any dispensing and sale of medicinal products at one and the same time, and

(b) a sketch plan, drawn to scale, showing the areas and the layouts to which this sub-paragraph relates.

(4) The nature of the business and a brief list of any other services provided or proposed to be provided on or from the premises.

(5) Whether services are provided, or proposed to be provided to the Social Security Department.

(6) Whether any sale or supply is made, or is proposed to be made, over the internet.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedure for registering premises as a pharmacy. They provide for premises to be removed from the register for non payment of fees or in case of change in ownership. They allow for premises to be restored to the register if certain conditions are met. It should be noted that a pharmacy related business in Sark needn't be registered under these Regulations, but will require a separate authorisation under section 29 of the Medicines Law.