

GUERNSEY STATUTORY INSTRUMENT

2009 No. 65

**The Medicines (Human) (First Appointed Day) (Bailiwick
of Guernsey) Order, 2009**

<i>Made</i>	<i>1st October, 2009</i>
<i>Coming into operation</i>	<i>1st October, 2009</i>
<i>Laid before the States</i>	<i>, 2009</i>

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 16, 17, and 132 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^a and all other powers enabling it in that behalf, hereby orders:-

First appointed day.

1. The day appointed for the purposes of section 16(1) of the Law is the 1st October, 2009.

Termination of transitional exemptions.

2. (1) The exemption specified in section 16(3) ceases to have effect in relation to anything done on or after the 8th October, 2009.

(2) The exemptions specified in section 16(2B) and (4) cease to have effect in relation to anything done on or after the 1st January, 2010.

(3) The exemptions specified in section 16(2) and (5) cease to have effect in relation to anything done on or after the 1st October, 2010.

^a Order in Council No. V of 2009.

Interpretation.

3. (1) In this Order, “the Law” means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008^b.

(2) A reference in this Order 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^c applies to the interpretation of this Order –

(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 this Order has the same meaning as in the Law.

Extent.

4. This Order has effect throughout the Bailiwick.

Citation and commencement.

5. This Order may be cited as the Medicines (Human) (First Appointed Day) (Bailiwick of Guernsey) Order, 2009 and comes into force on the 1st October, 2009.

^b Order in Council No. V of 2009.

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

Dated this 1st day of October, 2009



A. H. Adam

Minister of the States Health and Social Services Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Order)

The First Appointed Day for the purposes of Section 16, 17, 37 and 76 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 will be 1 October 2009.

The effect of this appointment is to provide some flexibility to allow sell-through of stock already in the system at this date.

The requirement for marketing authorisations and manufacturers' or wholesale licences will not apply to anything done before the first appointed day (i.e. 1 October 2009).

The requirement for licences or marketing authorisations for selling or supplying (including by wholesale dealing), or placing on the market in the Bailiwick, medicinal products does not apply, under certain conditions, to stock imported into, or manufactured or assembled in, the Bailiwick before the first appointed day or within the transitional period specified in this order for section 16(3) and 16(4) of the Law respectively. This transitional exemption expires 1 year after the first appointed day.

The requirement for licences or marketing authorisations for exporting medicinal products does not apply, under certain conditions, to stock imported into, or manufactured or assembled in, the Bailiwick before the first appointed day or within the transitional period specified in this order for section 16(3) and 16(4) of the Law

respectively. This transitional exemption expires 3 months after the first appointed day.

The requirement for licences for importing medicinal products does not apply to products of the same description as those imported within the period of twenty-four months ending with the first appointed day. This transitional exemption expires 1 week after the first appointed day.

The requirement for manufacturers' licences will not apply to products of the same description as those manufactured or assembled in the Bailiwick within a year up to the first appointed day. This transitional exemption expires 3 months after the first appointed day.

Where a new medicinal product (meeting the requirements of section 37) is designated as a Prescription Only Medicine, but was not on the market before the first appointed day, certain relaxations apply on the restrictions on retail sale and administration.

The dispatch of advertisements to doctors is generally precluded, other than under specified conditions (relating to use of data sheets). However, this section does not become effective in the case of stock benefiting from the transitional arrangements, until six months after those transitional arrangements have been repealed. For any stock **not** benefiting from those transitional arrangements, however, the preclusion becomes effective from the first appointed day.