

GUERNSEY STATUTORY INSTRUMENT

2009 No. 66

**The Prescription Only Medicines (Human) (Pharmacy  
Records) (Bailiwick of Guernsey) Regulations, 2009**

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

ARRANGEMENT OF REGULATIONS

1. Pharmacy records.
2. Offences.
3. Interpretation.
4. Extent.
5. Citation and commencement.

SCHEDULE: Particulars in Pharmacy Records

# **The Prescription Only Medicines (Human) (Pharmacy Records) (Bailiwick of Guernsey) Regulations, 2009**

**THE HEALTH AND SOCIAL SERVICES DEPARTMENT**, in exercise of the powers conferred on it by sections 43(1), 44(8), and 132 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

## **Pharmacy records.**

1. (1) Subject to paragraph (2), every person lawfully conducting a retail pharmacy business shall –

- (a) in respect of every sale or supply of a prescription only medicine, make or cause to be made an entry in a record kept for that purpose, stating the particulars specified in paragraphs 1, 2, 3 or 4 of the Schedule as appropriate, and
- (b) make or cause to be made every such entry on the day the sale or supply takes place, or if that is not reasonably practicable, on the day next following that day, except that where the sale or supply is under section 7(1) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 (exemptions for emergency sale and supply) the particulars specified in paragraph 1(1)(e) and (f) of the Schedule may be entered on the day that the prescription relating to that sale or supply is received.

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<sup>a</sup> Order in Council No. V of 2009.

(2) The requirements imposed by paragraph (1) do not apply where –

- (a) the sale or supply is in pursuance of a medical prescription or a prescription for oral contraceptives,
- (b) a separate record of the sale or supply is made in accordance with section 17 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997<sup>b</sup>,
- (c) the sale is by way of wholesale dealing and the order or invoice relating to the sale or a copy thereof is retained by the person lawfully conducting the retail pharmacy business who makes the sale, or
- (d) the sale or supply is to the Chief Inspector acting in his role as Chief Inspector.

(3) Every person lawfully conducting a retail pharmacy business shall preserve for a period of 7 years from the relevant date –

- (a) the record kept under paragraph (1),
- (b) prescriptions in pursuance of which any prescription only medicine has been sold or supplied, other than –
  - (i) medical prescriptions, or

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<sup>b</sup> Ordinance No. XVI of 1997, amended by GSI 2004 No. 5, 2006 No. 42 and 2008 No. 20.

- (ii) prescriptions for a controlled drug specified in Schedule 1, 2 or 3 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997<sup>c</sup>,
  - (c) orders and invoices referred to in paragraph (2)(c) or copies thereof, and
  - (d) orders referred to in column 3 of Schedule 1 to the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009.
- (4) In paragraph (3) "the relevant date" means –
- (a) in relation to sub-paragraph (a) of that paragraph, the date on which the last entry was made in the record, and
  - (b) in relation to sub-paragraphs (b), (c) and (d) of that paragraph –
    - (i) where the prescription only medicine was sold or supplied in accordance with a repeatable prescription, the date of the final sale or supply pursuant to that prescription, and
    - (ii) in every other case, the date on which the prescription only medicine was sold or supplied.

**Offences.**

2. Any person who contravenes regulation 1 is guilty of an offence and

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<sup>c</sup> Ordinance No. XVI of 1997, amended by GSI 2004 No. 5, 2006 No. 42 and 2008 No. 20.

liable on summary conviction to a fine not exceeding level 3 on the uniform scale.

**Interpretation.**

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

"**community practitioner nurse prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**controlled drug**" has the meaning given by section 1 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974<sup>d</sup>;

"**the Law**" means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>e</sup>;

"**medical prescription**" means a prescription issued by a medical practitioner or a dentist under Part V of the Health Service (Benefit) (Guernsey) Law, 1990<sup>f</sup>;

"**nurse independent prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**optometrist independent prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**pharmacist independent prescriber**" has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey)

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<sup>d</sup> Ordres en Conseil Vol. XXIV, p. 273.

<sup>e</sup> Order in Council No. V of 2009.

<sup>f</sup> Ordres en Conseil Vol. XXXII, p.192.

Ordinance, 2009;

**"prescription only medicine"** means a medicinal product of a description or falling within a class specified in section 2 of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

**"repeatable prescription"** means a prescription which contains a direction that it may be dispensed more than once; and

**"supplementary prescriber"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009.

(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.

(3) The Interpretation (Guernsey) Law, 1948<sup>g</sup> 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.

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<sup>g</sup> Ordres en Conseil Vol. XIII, p. 355.

**Extent.**

4. These Regulations have effect throughout the Bailiwick.

**Citation and commencement.**

5. These Regulations may be cited as the Prescription Only Medicines (Human) (Pharmacy Records) (Bailiwick of Guernsey) Regulations, 2009 and come into force on the 1<sup>st</sup> October, 2009.

Dated this 1<sup>st</sup> day of October, 2009



A. H. Adam

Minister of the States Health and Social Services Department

For and on behalf of the Department

SCHEDULE  
PARTICULARS IN PHARMACY RECORDS

Regulation 1(1)

1. (1) Subject to paragraph 2, where the sale or supply of a prescription only medicine is either in pursuance of a prescription given by a prescriber, or under section 7(1) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 (exemptions for emergency sale and supply), the particulars referred to in regulation 1(1)(a) are –

- (a) the date on which the prescription only medicine was sold or supplied,
- (b) the name, quantity and, except where it is apparent from the name, the pharmaceutical form and strength of the prescription only medicine sold or supplied,
- (c) the name and address of the prescriber giving the prescription,
- (d) the name and address of the person the prescription only medicine was prescribed for,
- (e) the date on the prescription, and
- (f) in relation to the supply of a prescription only medicine under section 7(1) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, the date on which the prescription relating to that sale or supply is received.

(2) In this paragraph "**prescriber**" means a practitioner, a supplementary prescriber, a community practitioner nurse prescriber, a nurse

independent prescriber, an optometrist independent prescriber or a pharmacist independent prescriber.

2. Where the sale or supply is in pursuance of a repeatable prescription and is not the first sale or supply in pursuance of that prescription, the particulars referred to in regulation 1(1)(a) are either –

- (a) the following particulars –
  - (i) the date on which the prescription only medicine is sold or supplied, and
  - (ii) a reference to an entry in the record referred to in regulation 1(1)(a) which was made in respect of the first sale or supply in pursuance of that prescription and which contains the particulars specified in paragraph 1, or
- (b) the particulars specified in paragraph 1.

3. Where the sale or supply of a prescription only medicine is a sale or supply under section 7(3) of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 (exemptions for emergency sale and supply) the particulars referred to in regulation 1(1)(a) are –

- (a) the date on which the prescription only medicine was sold or supplied,
- (b) the name, quantity and, except where it is apparent from the name, the pharmaceutical form and strength of the prescription only medicine sold or supplied,
- (c) the name and address of the person requiring the

prescription only medicine, and

- (d) the nature of the emergency.

4. Where the sale or supply of a prescription only medicine is by way of wholesale dealing, and no order or invoice, or copy thereof, relating to it has been retained under regulation 1(2)(c), or where the sale or supply, although a sale or supply in circumstances corresponding to retail sale, is one to which the restrictions imposed by section 35(4) of the Law do not apply by reason of an exemption given otherwise than by section 7 of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 (exemptions for emergency sale and supply), the particulars referred to in regulation 1(1)(a) are –

- (a) the date on which the prescription only medicine was sold or supplied,
- (b) the name, quantity and, except where it is apparent from the name, the pharmaceutical form and strength of the prescription only medicine sold or supplied,
- (c) the name and address, trade, business or profession of the person to whom the prescription only medicine is sold or supplied, and
- (d) the purpose for which the prescription only medicine is sold or supplied.

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require pharmacists to keep records of the sale or supply of most prescription only medicines made by them for 7 years. They complement obligations to keep records in respect of controlled drugs contained in Misuse of Drugs legislation.

