GUERNSEY STATUTORY INSTRUMENT

2009 No. 69

The Medicines (Human) (Pharmacy and General Sale – Exemption) (Bailiwick of Guernsey) Order, 2009

Made	*1st October, 2009*
Coming into operation	*1st October, 2009*
Laid before the States	*, 2009*

ARRANGEMENT OF PROVISIONS

The Medicines (Human) (Pharmacy and General Sale – Exemption) (Bailiwick of Guernsey) Order, 2009

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 32(2)(b), 34(1) and (2), 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:-

Temporary exemption for certain products.

1. (1) The restrictions imposed by section 29 of the Law (sale or supply of medicinal products not on general sale list) do not apply during the period set out in paragraph (2) to the sale, offer or exposure for sale, or supply, of any medicinal product in respect of which there is in force a recognised marketing authorisation, if

(a) the recognised marketing authorisation contains, or has been varied to contain, a provision to the effect that the method of sale or supply of that product may be otherwise than by or under the supervision of a pharmacist (whether recognition or variation is made before, on, or after the date on which this Order comes into force), and

(b) the conditions specified in section 30(2), (3), and (4) of the Law (sale or supply of medicinal product on a general sale list) are satisfied in respect of the product.

(2) The period referred to in paragraph (1) is –

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[a] Order in Council No. V of 2009.

(a) where the marketing authorisation that is recognised is originally granted containing the provision referred to in paragraph (1)(a), 2 years from the date of its grant, and

(b) where the marketing authorisation that is recognised has been varied to contain the provision referred to in paragraph (1)(a), 1 year from the date of that variation.

Exemption in cases involving another's default.

2. (1) Subject to the condition in paragraph (2), the restrictions imposed by section 29 of the Law (sale or supply of medicinal products not on general sale list) do not apply to the sale, offer or exposure for sale or supply of a medicinal product by a person who, having exercised all due diligence, believes on reasonable grounds that the product is a medicinal product –

(a) on a general sale list, or

(b) which he may lawfully sell, offer or expose for sale, or supply, as the case may be free from the restrictions imposed by section 29 of the Law, by reason of the exemption provided by Article 1 -

where, due to the act or default of another person, that product is not such a medicinal product.

(2) The condition referred to in paragraph (1) is that the conditions specified in section 30(2), (3), and (4) of the Law (sale or supply of medicinal product on a general sale list) are satisfied in respect of the product.

Exemption for products used by midwives.

3. The following classes of medicinal products are specified for the purposes of section 32(2)(b) of the Law (exemption for doctors and dentists) –

(a) all medicinal products that are not prescription only medicines, and

(b) prescription only medicines which, by virtue of an exemption conferred by an Ordinance made under section 35(6)(a) of the Law (medicinal products on prescription only), may be sold or supplied by a registered midwife otherwise than in accordance with a prescription given by an appropriate practitioner within the meaning of section 35 of the Law.

Exemption for sale or supply in hospitals.

4. (1) None of the restrictions imposed by section 29 (sale or supply of medicinal products not on general sale list) or 30 (sale or supply of medicinal products on general sale list) of the Law apply to the sale, offer for sale, or supply of a medicinal product, in the course of the business of a hospital, where the product is sold, offered for sale, or supplied for the purpose of being administered (whether in the hospital or elsewhere) to a particular person in accordance with directions that meet the conditions specified in either paragraph (2) or paragraph (3).

(2) The conditions referred to in paragraph (1) are that the directions –

(a) are in writing,

(b) relate to the particular person to whom the medicinal product is to be administered, and

(c) are given by an appropriate prescriber.

(3) The conditions referred to in paragraph (1) are that the directions are created in electronic form and signed with an advanced electronic signature and transferred to the person by whom the medicinal product is dispensed as an electronic communication (including where it is transferred through one or more intermediaries).

(4) In this Article –

"**advanced electronic signature**" means an electronic signature which is –

(a) uniquely linked to the signatory,

(b) capable of identifying the signatory,

(c) created using means that the signatory can maintain under his sole control, and

(d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

"**appropriate prescriber**" means a supplementary prescriber, a pharmacist independent prescriber, an optometrist independent prescriber, a nurse independent prescriber or a community practitioner nurse prescriber;

"**electronic communication**" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) –

(a) by means of a telecommunications system, or

(b) by other means but while in electronic form; and

"**signatory**" means the appropriate prescriber giving the direction.

Exemption for use of Patient Group Directions.

5. (1) None of the restrictions imposed by section 29 (sale or supply of medicinal products not on general sale list) or 30 (sale or supply of medicinal products on general sale list) of the Law applies to the sale, supply or administration of a medicinal product by –

(a) the Department,

(b) any person, other than an excepted person, with whom the Department has entered into an arrangement for the sale, supply or administration of medicinal products, or

(c) any hospital, infirmary, health centre, dispensary, clinic, nursing home or other institution at which human ailments are treated -

("**the authorising person**"), where the medicinal product is sold or supplied for the purpose of being administered, or is administered to a particular person, in accordance with a Patient Group Direction and where the conditions set out in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that –

(a) the Patient Group Direction relates to the sale or supply by the person who sells or supplies the medicinal product, or description or class of medicinal product, and the Direction has effect at the time at which the medicine is sold or supplied,

(b) the Patient Group Direction contains the particulars specified in Part I of Schedule 1,

(c) the period during which the Patient Group Direction is to have effect, as set out in the particulars, is less than 5 years,

(d) where the authorising person is not the Department, the Patient Group Direction is signed by the authorised person,

(e) the individual who sells or supplies the medicinal product belongs to one of the classes of individuals specified in Part II of Schedule 1,

(f) the individual who sells or supplies the medicinal product is designated in writing by the authorising person for the purpose of the sale or supply of the medicinal product under the Patient Group Direction,

(g) at the time when the medicine is sold or supplied, a recognised marketing authorisation is in force in respect of it, and

(h) where the authorising person is not the Department, the Department has consented to the Patient Group Direction and that consent has not been withdrawn.

(3) Any Patient Group Direction which has been consented to by the Department and which is in effect immediately before the coming into force of this Order shall be treated as if it complies with the requirements of this Article, but the Department can still withdraw its consent in accordance with paragraph (2)(h).

(4) In this Article "**excepted person**" means –

(a) a doctor or dentist, or

(b) a person lawfully conducting a retail pharmacy business.

(5) In this Article, "**Patient Group Direction**" means a written direction relating to the sale or supply of a description or class of medicinal products which –

(a) is signed by –

(i) a doctor or dentist, and

(ii) a pharmacist, and

(b) relates to the sale or supply to persons generally, subject to any exclusions which may be set out in the Direction.

Exemptions for certain persons.

6. None of the restrictions imposed by section 29 (sale or supply of medicinal products not on general sale list) or 30 (sale or supply of medicinal products on general sale list) of the Law applies to the sale, offer or exposure for sale, or supply -

(a) by any person listed in column 1 of Part I or Part II of Schedule 2,

(b) of a medicinal product referred to in column 2 of Part I or Part II of Schedule 2, in relation to that person, -

where the conditions specified in the corresponding paragraphs in column 3 of Part I or Part II of that Schedule are met.

Exemption for medicinal products at high dilutions.

7. (1) None of the restrictions imposed by section 29 (sale or supply of medicinal products not on general sale list) or 30 (sale or supply of medicinal products on general sale list) of the Law applies to the sale, offer or exposure for sale or supply of a medicinal product which is neither for parenteral administration nor a controlled drug and which consists solely of one or more unit preparations of –

(a) any substance where the unit preparation has been diluted to at least one part in a million (6x),

(b) any substance listed in Part I of Schedule 2 to the UK Order where the unit preparation has been diluted to at least one part in a thousand (3x), or

(c) any substance referred to in Article 6(1)(c) of the UK Order where the unit preparation has been diluted to at least one part in ten (1x) –

where the person selling or supplying the medicinal product has been requested by or on behalf of a particular person and in that person's presence to use his own judgement as to the treatment required.

(2) The restrictions imposed by section 29 of the Law do not apply to the sale, offer or exposure for sale or supply of a medicinal product which is neither for parenteral administration nor a controlled drug and which consists solely of one or more unit preparations of –

(a) any substance where the unit preparation has been diluted to at least one part in a million million (6c),

(b) any substance listed in Part II of Schedule 2 to the UK Order where the unit preparation has been diluted to at least one part in a million (6x), or

(c) any substance referred to in Article 6(2)(c) of the UK Order where the unit preparation has been diluted to at least one part in ten (1x), -

where the conditions specified in section 30(2), (3), and (4) of the Law are satisfied in respect of the product.

Exemption for certain homeopathic medicinal products.

8. (1) None of the restrictions imposed by section 29 (sale or supply of medicinal products not on general sale list) or 30 (sale or supply of medicinal products on general sale list) of the Law applies to the sale or supply, offer or exposure for sale or supply of a homoeopathic medicinal product in respect of which a United Kingdom certificate of registration is recognised, other than an excluded product, where the person selling or supplying it has been requested by or on behalf of a particular person and in that person's presence to use his own judgement as to the treatment required.

(2) The restrictions imposed by section 29 of the Law do not apply to the sale or supply, offer or exposure for sale or supply of a homeopathic medicinal product in respect of which a United Kingdom certificate of registration is recognised, other than an excluded product, where the conditions specified in section 30 of the Law are satisfied in respect of the product.

(3) For the purposes of paragraphs (1) and (2), a product is an excluded product if it is –

(a) a prescription only medicine,

(b) a controlled drug, or

(c) in a class specified in Schedule 3 to the Medicines (Products other than Veterinary Drugs) (General Sale List) Order 1984[b].

Exemption for foods and cosmetics.

9. For the purposes of the sale, offer or exposure for sale or supply of any medicinal product on a general sale list which is for sale either for oral administration as a food or for external use as a cosmetic, section 30 of the Law have effect without the condition in subsection (2) of that section being required to be satisfied.

Interpretation.

10. (1) In this Order, unless the context requires otherwise –

"**additional supply optometrist**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**anaesthetic assistant**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

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

"**controlled drug**" has the meaning given by section 1 of the Misuse

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[b] United Kingdom S.I. 1984 No.769.

of Drugs (Bailiwick of Guernsey) Law, 1974[c];

"**cosmetic**" includes any substance or preparation intended to be applied to the various surfaces of the human body including epidermis, pilary system and hair, nails, lips and external genital organs, or the teeth and buccal mucosa wholly or mainly for the purpose of perfuming them, cleansing them, protecting them, caring for them or keeping them in condition, modifying their appearance (whether for aesthetic purposes or otherwise) or combating body odours or normal body perspiration;

"**external use**" means application to the skin, hair, teeth, mucosa of the mouth, throat, nose, ear, eye, vagina or anal canal, when a local action is intended and extensive systemic absorption is unlikely to occur; and references to medicinal products for external use shall be read accordingly except that such references shall not include throat sprays, throat pastilles, throat lozenges, throat tablets, nasal drops, nasal sprays, nasal inhalations or teething preparations;

"**food**" includes beverages, confectionery and articles and substances used as ingredients in the preparation of food and includes any manufactured substance to which there has been added any vitamin and which is advertised (within the meaning of section 72 of the Law) as available and for sale to the general public as a dietary supplement;

"**the Law**" means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[d];

"**master**" has the same meaning as in section 294 of the Merchant

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c Ordres en Conseil, XXIV, p. 273.

d Order in Council No. V of 2009.

Shipping (Bailiwick of Guernsey) Law, 2002[e];

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

"**occupational health scheme**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**operator**" means the person for the time being having management of an aircraft;

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

"**parenteral administration**" means administration by breach of the skin or mucous membrane;

"**Patient Group Direction**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**pharmacist independent prescriber**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**pharmacy medicine**" means a medicinal product which is not a

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[e] Order in Council No. VIII of 2004; amended by Ordinance XXXIII of 2003; sections 80-83, 85-100, 103-110, 123-129, 270, 289-295 and 297 came into force on the 30th May 2007 (Ordinance XV of 2007).

prescription only medicine or a medicinal product on a general sale list;

"**pre-school dental scheme**" means a scheme supervised by a doctor or dentist in which medicinal products are supplied to parents or guardians under five, for use by such children for the purpose of preventing dental caries;

"**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;

"**professional register**" means the register maintained by the Nursing and Midwifery Council under Article 5 of the Nursing and Midwifery Order 2001[f];

"**recognised manufacturer's licence**" means a manufacturer's licence recognised by regulations made under section 7(3) of the Law;

"**registered chiropodist**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered dietician**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered midwife**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered nurse**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered occupational therapist**" has the meaning given by the

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[f] United Kingdom S.I. 2001 No. 253.

Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered operating department practitioner**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered optometrist**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered orthoptist**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered paramedic**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered physiotherapist**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered prosthetist and orthotist** " has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered radiographer**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**registered speech and language therapist**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**relevant register**" means –

(a) in relation to a registered nurse or registered midwife, the professional register,

(b) in relation to a pharmacist, the register maintained by the Department under section 2 of the Doctors, Dentists and Pharmacists Ordinance, 1987[g],

(c) in relation to a person whose name is registered in the part of the register maintained under section 3 of the Registered Health Professionals Ordinance, 2006[h] relating to –

(i) chiropodists and podiatrists,

(ii) physiotherapists, or

(iii) radiographers: diagnostic or therapeutic, -

that register, and

(d) in relation to a registered optometrist, the register of optometrists maintained under section 7(a) of the Opticians Act 1989[i];

"**school dental scheme**" means a scheme supervised by a doctor or dentist in which medicinal products are supplied at a school to pupils of that school for the purpose of preventing dental caries;

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g Recueil D'Ordonnances, Tome XXIV, p. 79, amended by No. XXXIV of 1987 and applied in Alderney by Ordinance No. IV of 1988.

h Recueil D'Ordonnances, Tome XXXI, p.145.

i An Act of Parliament, Chapter 44 of 1989.

"**supplementary prescriber**" has the meaning given by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009;

"**UK Order**" means the Medicines (Pharmacy and General Sale - Exemption) Order 1980[j];

"**unit preparation**" means a preparation, including a mother tincture, prepared by a process of solution, extraction or trituration with a view to being diluted tenfold or one hundredfold, either once or repeatedly, in an inert dilutent, and then used either in this diluted form, or where applicable, by impregnating tablets, granules, powders or other inert substances for the purpose of being administered to human beings;

"**United Kingdom certificate of registration**" has the same meaning as in the Medicines (Human and Veterinary) (Exemptions and Recognition of Marketing Authorisations) (Bailiwick of Guernsey) Regulations, 2009; and

"**United Kingdom traditional herbal registration**" has the same meaning as in the Medicines (Human and Veterinary) (Exemptions and Recognition of Marketing Authorisations) (Bailiwick of Guernsey) Regulations, 2009.

(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[k] applies to the

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j United Kingdom S.I. 1980 No. 1924.

k Ordres en Conseil Vol. XIII, p. 355.

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.

11. This Order has effect throughout the Bailiwick.

Citation and commencement.

12. This Order may be cited as the Medicines (Human) (Pharmacy and General Sale – Exemption) (Bailiwick of Guernsey) Order, 2009 and comes into force on the 1st October, 2009.

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

SCHEDULE 1

PATIENT GROUP DIRECTIONS

Article 5

Part I

Particulars to be included in a Patient Group Direction

(a) the period during which the Direction shall have effect,

(b) the description or class of medicinal products to which the Direction relates,

(c) whether there are any restrictions on the quantity of medicine which may be sold or supplied on any one occasion, and if so, what restrictions,

(d) the clinical situations which medicines of that description or class may be used to treat,

(e) the clinical criteria under which a person shall be eligible for treatment,

(f) whether any class of person is excluded from treatment under the Direction and, if so, what class of person,

(g) whether there are circumstances in which further advice should be sought from a doctor or dentist and, if so, what circumstances,

(h) the pharmaceutical form or forms in which medicines of that description or class are to be administered,

(i) the strength, or maximum strength, at which medicines of that description or class are to be administered,

(j) the applicable dosage or maximum dosage,

(k) the route of administration,

(l) the frequency of administration

(m) any minimum or maximum period of administration applicable to medicines of that description or class,

(n) whether there are any relevant warnings to note, and, if so, what warnings,

(o) whether there is any follow up action to be taken in any circumstances, and, if so, what action and in what circumstances,

(p) arrangements for referral for medical advice,

(q) details of the records to be kept of the supply of medicines under the Direction.

Part II

Classes of individuals by whom medicines may be supplied

Anaesthetic assistants.

Pharmacists.

Registered chiropodists.

Registered dieticians.

Registered midwives.

Registered nurses.

Registered occupational therapists.

Registered operating department practitioners.

Registered optometrists.

Registered orthoptists.

Registered orthotists and prosthetists.

Registered paramedics.

Registered physiotherapists.

Registered radiographers.

Registered speech and language therapists.

SCHEDULE 2

EXEMPTIONS FOR CERTAIN PERSONS FROM SECTIONS 29 AND 30 OF THE LAW

Article 6

Part I

Exemptions from the Restriction on Sale or Supply

Column 1	**Column 2**	**Column 3**
Persons exempted	**Medicinal products to which the exemption applies**	**Conditions**
1.Registered chiropodists.	1. (a) Medicinal products on a general sale list which are for external use. (b) The pharmacy medicines for external use listed in column 2 of paragraph 1 of Part I of Schedule 1 to the UK Order.	
2. Registered chiropodists against whose names are recorded in the relevant register annotations or entries signifying that they are qualified to use the medicines specified in column 2.	2. The prescription only medicines listed in column 2 of paragraph 1A of Part I of Schedule 1 to the UK Order.	2. The sale or supply shall be only in the course of their professional practice, and the medicinal product must have been made up for sale or supply in a container elsewhere than at the place at which it is sold or supplied. The quantity to be sold or supplied to a person at any one time shall not exceed – (a) in the case of Co-dydramol 10/500 tablets an amount sufficient for 3 days' treatment to a maximum of 24 tablets, (b) in the case of Ibuprofen, an amount sufficient for 3 days' treatment where the maximum dose is 400mg,

Column 1 Persons exempted	Column 2 Medicinal products to which the exemption applies	Column 3 Conditions
		the maximum daily dose is 1200mg and the maximum pack size is 3,600mg.
3. Registered optometrists.	3. The medicinal products listed in column 2 of paragraph 2 of Part I of Schedule 1 to the UK Order.	3. The sale or supply shall be only – (a) in the case of medicinal products on a general sale list and pharmacy medicines, in the course of their professional practice, (b) in the case of prescription only medicines, in the course of their professional practice and in an emergency.
4. Additional supply optometrists.	4. Medicinal products which are prescription only medicines by reason only that they contain any substance listed in column 2 of paragraph 2A of Part I of Schedule 1 to the UK Order.	4. The sale or supply shall be only in the course of their professional practice and only in an emergency.
5. Holders of manufacturer's licences or recognised manufacturer's licences where the licence in question contains a provision that the licence holder shall manufacture the medicinal product to which the licence relates only for a particular person after being requested by or on behalf of that person and in that person's presence to use his own judgement as to the treatment required.	5. Medicinal products on a general sale list which are for external use and pharmacy medicines which are for external use in the treatment of hair and scalp conditions and which contain any of the substances listed in column 2 of paragraph 3 of Part I of Schedule 1 to the UK Order.	5. The licence holder shall sell or supply the medicinal product in question only to a particular person after being requested by or on behalf of that person and in that person's presence to use his own judgement as to the treatment required.
6. Persons selling or supplying medicinal products to universities,	6. All medicinal products.	6. The sale or supply shall be – (a) subject to the

Column 1 Persons exempted	Column 2 Medicinal products to which the exemption applies	Column 3 Conditions
other institutions concerned with higher education or institutions concerned with research.		presentation of an order signed by the principal of the institution concerned with education or research or the appropriate head of department in charge of a specified course of research stating – (i) the name of the institution for which the medicinal product is required, (ii) the purpose for which the medicinal product is required, and (iii) the total quantity required, and (b) for the purposes of the education or research with which the institution is concerned.
7. Persons selling or supplying medicinal products to any of the following – (a) an authorised analyst within the meaning of section 1 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997, (b) an authorised officer within the meaning of the Food and Drugs (Guernsey) Law, 1970[1] authorised to exercise such powers of procuring samples for analysis or for bacteriological or other	7. All medicinal products.	7. The sale or supply shall be subject to the presentation of an order signed by or on behalf of any person listed in column 1 of this paragraph stating the status of the person signing it and the amount of medicinal product required, and shall be only in connection with the exercise by those persons of their statutory functions.

[1] Ordres en Conseil, Vol. XXII, p. 412; Vol. XXV, p. 378; Vol. XXIX, p. 329; No. X of 1995

Column 1 **Persons exempted**	Column 2 **Medicinal products to which the exemption applies**	Column 3 **Conditions**
examination as are conferred by section 26 of that Law, (c) a person duly appointed under section 113 of the Law, (d) a sampling officer within the meaning of Schedule 4 to the Law.		
8. Persons selling or supplying medicinal products to the British Standards Institution.	8. All medicinal products.	8. The sale or supply shall be – (a) subject to the presentation of an order signed on behalf of the British Standards Institution stating the status of the person signing it and the amount of the medicinal product required, and (b) only for the purpose of testing containers of medicinal products or determining the standards of such containers.
9. Holders of marketing authorisations, recognised marketing authorisations, manufacturer's licences or recognised manufacturer's licences.	9. Medicinal products referred to in the authorisations, registrations, certificates or licences.	9. The sale or supply shall be only – (a) to a pharmacist, (b) so as to enable that pharmacist to prepare an entry relating to the medicinal product in question in a tablet or capsule identification guide or similar publication, and (c) of no greater quantity than is reasonably necessary for that purpose.
10. Pharmacy related businesses in Sark in accordance with an authorisation from the	10. The medicinal products specified in Part III of this Schedule.	10. The sale or supply– (a) shall be to: (i) a resident of Sark, or (ii) a person residing in

Column 1 **Persons exempted**	Column 2 **Medicinal products to which the exemption applies**	Column 3 **Conditions**
regulatory authority under section 29(a) of the Law.		Sark on vacation or temporarily; and (b) shall not be for the purpose of export, from Sark, of the medicinal products sold or supplied.

Part II

Exemptions from the Restriction on Supply

Column 1 **Persons exempted**	Column 2 **Medicinal products to which the exemption applies**	Column 3 **Conditions**
1. Royal National Lifeboat Institution and certified first aiders of the Institution.	1. All medicinal products.	1. The supply shall be only so far as is necessary for the treatment of sick or injured persons in the exercise of the functions of the Institution.
2. Persons authorised by licences granted under section 4 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 to supply a controlled drug.	2. Such prescription only medicines and such pharmacy medicines as may be specified in the licence.	2. The supply shall be subject to such conditions and in such circumstances and to such an extent as may be specified in the licence.
3. Persons employed or engaged in the provision of lawful drug treatment services.	3. Ampoules of sterile water for injection containing not more than 2 ml of sterile water.	3. The supply shall be only in the course of provision of lawful drug treatment services.
4. Persons requiring medicinal products for the purpose of enabling them, in the course of any business carried on by them, to comply with any requirements made by or in pursuance of any	4. Such prescription only medicines and such pharmacy medicines as may be specified in the relevant enactment and medicinal products on a general sale list.	4. The supply shall be – (a) for the purpose of enabling them to comply with any requirements made by or in pursuance of any such enactment, and (b) subject to such

Column 1 **Persons exempted**	Column 2 **Medicinal products to which the exemption applies**	Column 3 **Conditions**
enactment with respect to the medical treatment of their employees.		conditions and in such circumstances as may be specified in the relevant enactment.
5. The owner or the master of a ship which does not carry a doctor on board as part of her complement.	5. All medicinal products.	5. The supply shall be only so far as is necessary for the treatment of persons on the ship.
6. Persons operating an occupational health scheme.	6. All pharmacy medicines, all medicinal products on a general sale list and such prescription only medicines as are sold or supplied to a person operating an occupational health scheme in response to an order in writing signed by a doctor or registered nurse.	6. (1) The supply shall be in the course of an occupational health scheme. (2) The individual supplying the medicinal product, if not a doctor, shall be – (a) a registered nurse, and (b) where the medicinal product in question is a prescription only medicine, acting in accordance with the written instructions of a doctor as to the circumstances in which prescription only medicines of the description in question are to be used in the course of the occupational health scheme.
7. Persons carrying on the business of a school providing full-time education.	7. Pharmacy medicines that are for use in the prevention of dental caries and consist of or contain Sodium Fluoride.	7. The supply shall be – (a) in the course of a school dental scheme, and (b) if to a child under the age of 16 only where the parent or guardian of that child has consented to such supply.
8. The Department.	8. Pharmacy medicines that are for use in the prevention of dental caries and consist of or contain	8. The supply shall be in the course of – (a) a school dental scheme, and if to a child

Column 1 Persons exempted	Column 2 Medicinal products to which the exemption applies	Column 3 Conditions
	Sodium Fluoride.	under 16 only where the parent or guardian of that child has consented to such supply, or (b) a pre-school dental scheme, and the individual supplying the medicinal product shall be a registered nurse.
9. The operator or commander of an aircraft.	9. All pharmacy medicines, all medicinal products on a general sale list and prescription only medicines which are not for parenteral administration and which have been sold or supplied to the operator or commander of the aircraft in response to an order in writing signed by a doctor.	9. The supply shall be only so far as is necessary for the immediate treatment of sick or injured persons on the aircraft and in the case of a prescription only medicine, shall be in accordance with the written instructions of a doctor as to the circumstances in which prescription only medicines of the description in question are to be used on the aircraft.
10. A prison officer.	10. All medicinal products on a general sale list.	10. The supply shall only be so far as is necessary for the treatment of prisoners.
11. British Red Cross Society and certificated first aid and certificated nursing members of the Society.	11. All pharmacy medicines and all medicinal products on a general sale list.	11. The supply shall be only so far as is necessary for the treatment of sick or injured persons.
12. St John Ambulance Association and Brigade (including the St John Alderney Ambulance) and certificated first aid and certificated nursing members of the Association and Brigade.	12. All pharmacy medicines and all medicinal products on a general sale list.	12. The supply shall be only so far as is necessary for the treatment of sick or injured persons.

Part III

Medicinal Products which are exempt from the Restriction on Sale or Supply when sold by Sark pharmacy related businesses

[To be completed]

(Exemption No. 10 of Part I of this Schedule)

EXPLANATORY NOTE

(This note is not part of the Order)

The Medicines Law restricts the sale and supply of Pharmacy and General Sale List (Over The Counter) medicines to pharmacies and certain other premises. This Order provides exemptions to that rule so that certain health professionals and other persons who need to can sell or supply these medicinal products.