GUERNSEY STATUTORY INSTRUMENT

1972 - No. 49

THE HEALTH SERVICE (PHARMACEUTICAL) (APPROVED SUPPLIERS) (GUERNSEY) REGULATIONS, 1972

Made .. .. 27th October, 1972

Laid before the States .. ..

Coming into operation .. .. 4th December, 1972

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by subsection (2) of section seven of the Health Service (Pharmaceutical) (Guernsey) Law, 1972, and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1.(1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

> "the British Drug Tariff" means the statement, for the time being in force, relating to the prices and standards of drugs and prepared in pursuance of the provisions of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1966 made under the National Health Service Act 1946;
>
> "the Law" means the Health Service (Pharmaceutical) (Guernsey) Law, 1972;
>
> "medical prescription" means an order for the supply of pharmaceutical benefit under the Law in the form for the time being prescribed by regulations made under subsection (2) of section five of the Law, and includes a copy of a medical prescription issued in pursuance of the provisions of any regulations made under the Law;

and any other expressions have the same meanings as in the Law, so, however, that the expressions "medical practitioner", "dentist" and "pharmacist" shall be construed respectively as including a person who is practising in Alderney as a medical practitioner, dentist or pharmacist and who is approved by the Authority.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

Form of application for approval as supplier of pharmaceutical benefit

2. A medical practitioner, dentist or pharmacist desiring to obtain the approval of the Authority under subsection (2) of section seven of the Law as a supplier of pharmaceutical benefit under the Law shall make application therefor and furnish an undertaking to the Authority in the form set out in Part I of the Schedule to these regulations, or, in the case where the applicant is a pharmacist, being a body corporate, in a form to the like effect.

Terms and conditions relating to the supply of pharmaceutical benefit

3. The terms and conditions in accordance with which a medical practitioner, dentist or pharmacist applying for approval under subsection (2) of section seven of the Law as a supplier of pharmaceutical benefit shall undertake to supply such benefit under the Law shall be the terms and conditions specified in Part II of the Schedule to these regulations.

Citation and commencement

4.(1) These regulations may be cited as the Health Service (Pharmaceutical) (Approved Suppliers) (Guernsey) Regulations, 1972.

(2) These regulations shall come into operation on the fourth day of December, nineteen hundred and seventy-two.

Dated this twenty seventh day of October, nineteen hundred and seventy-two.

E. H. BODMAN

President of the States Insurance Authority, for and on behalf of the Authority.

SCHEDULE Regulations two and three

FORM OF APPLICATION FOR APPROVAL AS A SUPPLIER OF PHARMACEUTICAL BENEFIT UNDER THE LAW AND TERMS AND CONDITIONS RELATING TO THE SUPPLY OF PHARMACEUTICAL BENEFIT BY APPROVED SUPPLIERS, ETC.

PART I

Form of application for approval as a supplier of pharmaceutical benefit under the Law

THE HEALTH SERVICE (PHARMACEUTICAL) (GUERNSEY) LAW, 1972

To the States Insurance Authority,
P. O. Box No. 39,
St. Peter Port,
Guernsey.

I, ...

of.....(a)

being /a medical practitioner/dentist/pharmacist (b) authorised to practise in the Islands of Guernsey, Herm and Jethou as a medical practitioner/dentist/pharmacist (b) according to the law for the time being in force/ (b) /in practice in the Island of Alderney as a medical practitioner/dentist/pharmacist (b) and approved by the States Insurance Authority/ (b) hereby apply for approval in accordance with subsection (2) of section seven of the Health Service (Pharmaceutical) (Guernsey) Law, 1972, as a supplier of pharmaceutical benefit under the said Law.

I hereby undertake to supply pharmaceutical benefit under the said Law in accordance with the terms and conditions prescribed from time to time under the said Law.

The address/es of the place/s from which I undertake to supply pharmaceutical benefit under the Law are as follows:-

_____

_____

_____

_____

_____ (c)

Signed.....

Dated .....

(a) Insert here your forenames and surname and your private address in block letters.
(b) Delete where inapplicable.
(c) Insert particulars in block letters.

PART II

Terms and conditions relating to the supply of pharmaceutical benefit by by approved suppliers

Supply of pharmaceutical benefit

1.(1) Subject to the provisions of section ten of the Law (which relates to prescription charges) and of any regulations made under section nine of the Law (which relates to the supply of pharmaceutical benefit otherwise than on medical prescriptions), an approved supplier shall supply pharmaceutical benefit under the Law with reasonable promptness to any person who presents a medical prescription therefor and shall not supply pharmaceutical benefit under the Law except on a medical prescription:

Provided that:-

(a) pharmaceutical benefit shall not be supplied before the date specified in the medical prescription ordering the same;

(b) an approved supplier who is a medical practitioner shall not supply pharmaceutical benefit on a medical prescription which has not been issued by him or by a medical practitioner who is an assistant of his or with whom he is carrying on practice in partnership.

(2) An approved supplier shall supply in a suitable container any pharmaceutical benefit which he is required to supply under this paragraph.

(3) Any pharmaceutical benefit so supplied which is included in the British Drug Tariff shall be of a grade and quality not lower than the grade or quality specified therein and any pharmaceutical benefit not so included shall be of a grade and quality not lower than the grade or quality ordinarily used for medical purposes.

(4) In this paragraph "suitable container" means -

(a) in relation to capsules, tablets, pills or any other medicine or drug in solid form (other than those pre-packed in foil or paper-board or strip card containers by the manufacturer) an airtight container of glass, aluminium or rigid plastic;

(b) in relation to ointments, creams, or pastes (other than those pre-packed by the manufacturer) a container of glass, aluminium or rigid plastic;

(c) in relation to eye, ear or nasal drops (other than those pre-packed by the manufacturer) a container of glass either incorporating or having a separate dropper attachment;

(d) in relation to liquid medicines (other than those pre-packed by the manufacturer) a container of glass or rigid plastic, and in the case of an oral liquid medicine shall include a 5 millilitres plastic measuring spoon (except where the patient already possesses one or the manufacturer's pack includes one).

Place and hours of business

2.(1) An approved supplier shall supply pharmaceutical benefit at the place or places from which he has undertaken to supply pharmaceutical benefit under the Law in pursuance of subsection (2) of section seven of the Law and, in the case of an approved supplier who is a pharmacist, such place or places shall be open for the supply of pharmaceutical benefit under the Law during the hours specified in any scheme made by the Authority for that purpose under subsection (3) of that section.

(2) An approved supplier shall, at each place from which he supplies pharmaceutical benefit under the Law -

(a) exhibit a notice to be provided by the Authority in the form set out in Part III of this Schedule; and

(b) if he is a pharmacist, exhibit, at times when any place from which he supplies pharmaceutical benefit under the Law is not open, at that place and at such times in such manner as to be clearly visible, a notice to be provided by the Authority in the form for the time being approved by the Authority indicating the addresses of other approved suppliers who are pharmacists from where, and the times at which, pharmaceutical benefit may be obtained.

Names of pharmacists

3. An approved supplier shall furnish to the Authority the name of any pharmacist acting on behalf of that approved supplier in supplying pharmaceutical benefit under the Law.

Charges

4. Pharmaceutical benefit supplied under the Law and containers of pharmaceutical benefit so supplied shall be supplied free of charge, other than such prescription charges as are payable under the Law.

Medical prescriptions, etc., to be forwarded to the Authority

5.(1) An approves supplier shall furnish to the Authority or to such other person or body as the Authority may direct, on dates appointed by the Authority, the medical prescriptions on which pharmaceutical benefit has been supplied by him under the Law, arranged in such manner as the Authority may direct, together with a statement of accounts containing such particulars relating to the supply by him of pharmaceutical benefit under the Law and to the receipt by him of prescription charges as the Authority may from time to time require.

(2) The Authority shall, if any approved supplier so requires, afford him reasonable facilities for examining any of the medical prescriptions on which pharmaceutical benefit has been supplied by him under the Law together with particulars of the amounts calculated to be payable in respect of such benefit and, if he takes objection thereto, the Authority shall take such objection into consideration.

(3) The Authority shall, if required so to do by any organisation which is, in the opinion of the Authority -

(a) representative of the general body of approved suppliers who are medical practitioners, afford such organisation similar facilities for examining medical prescriptions on which pharmaceutical benefit has been supplied by such approved suppliers and particulars relating to all or any such approved suppliers;

(b) representative of the general body of approved suppliers who are dentists, afford such organisation similar facilities for examining medical prescriptions on which pharmaceutical benefit has been supplied by such approved suppliers and particulars relating to all or any such approved suppliers;

(c) representative of the general body of approved suppliers who are pharmacists, afford such organisation similar facilities for examining medical prescriptions on which pharmaceutical benefit has been supplied by such approved suppliers and particulars relating to all or any such approved suppliers;

and shall take into consideration any objection made by any such organisation.

Withdrawal

6. An approved supplier may at any time give notice to the Authority that he no longer wishes to supply pharmaceutical benefit under the Law and, where such notice is given, he shall cease to be an approved supplier upon the cancellation of the entry in the Pharmaceutical List relating to him in pursuance of the provisions of paragraph (b) of subsection (3) of section eight of the Law:

Provided that if any reference has been made by the Authority to the Health Service Advisory Committee under subsection (2) of section eighteen of the Law in relation to an approved supplier on the ground specified in paragraph (c), paragraph (d) or paragraph (e) of that subsection, he shall not, except with the consent of the Authority and subject to such conditions as the Authority may impose, be entitled to give notice under this paragraph pending the determination of that reference by the said Committee or any referees appointed under that section, as the case may be.

PART III

Form of notice to be exhibited by approved suppliers

THE HEALTH SERVICE (PHARMACEUTICAL) (GUERNSEY) LAW, 1972

(Name of approved supplier)

Approved under the said Law to supply pharmaceutical benefit.

EXPLANATORY NOTE

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

These Regulations prescribe the form of application and the form of undertaking to be completed by a medical practitioner, dentist or pharmacist upon applying to the States Insurance Authority for approval as a supplier of drugs and medicines under the Health Service (Pharmaceutical) (Guernsey) Law, 1972; and prescribe the terms and conditions in accordance with which the applicant undertakes to supply such benefit.