

GUERNSEY STATUTORY INSTRUMENT

1972 - No. 50

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

|                        |     |     |     |     |     |     |                    |
|------------------------|-----|-----|-----|-----|-----|-----|--------------------|
| Made                   | ... | ... | ... | ... | ... | ... | 27th October, 1972 |
| Laid before the States | ... | ... | ... | ... | ... | ... |                    |
| Coming into Operation  | ... | ... | ... | ... | ... | ... | 4th June, 1973     |

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section nine and section twelve 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:-

"bank holiday" means a day appointed as a bank holiday by Ordinance -

- (a) in relation to Guernsey, Herm and Jethou, of the States of Guernsey;
- (b) in relation to Alderney, of the States of Alderney;

"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" has the meaning assigned to it by paragraph (1) of regulation two of the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972, and includes a copy of a medical prescription issued in pursuance of those regulations;

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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.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.

Payment of approved suppliers

2. (1) Subject to the provisions of the next following paragraph, an approved supplier shall be paid out of the Guernsey Health Service Fund in respect of each item of pharmaceutical benefit supplied by him under the Law the

sum of the following amounts, that is to say, -

- (a) an amount equal to the amount of the basic price of the ingredients;
- (b) eight per centum of that amount;
- (c) an allowance of one penny for the container;
- (d) a dispensing fee of twenty-one pence;
- (e) where that item is a substance to which any of the provisions of the Dangerous Drugs (Guernsey) Law, 1966, apply and it has been supplied on a medical prescription endorsed with the initial letters "D.D.A." by the approved supplier, an additional dispensing fee of five pence;
- (f) where that item has been supplied by an approved supplier who is a pharmacist on a medical prescription which is endorsed with the word "URGENT" by the medical practitioner or dentist who has issued the same and -
  - (i) the medical prescription has been endorsed by the approved supplier with the time at which that item was supplied; and
  - (ii) that item has been supplied at any of the times specified in the first column of the Schedule to these regulations, not being a time when the approved supplier is required to keep his place of business open outside his normal hours of business in accordance with a scheme for the time being in force and prepared by the Authority in pursuance of the provisions of subsection (3) of section seven of the Law or with any other scheme approved by the Authority, an additional dispensing fee in the sum specified in the second column of that Schedule in relation to that time.

(2) The amount payable to an approved supplier under paragraph (1) of this regulation in respect of any item of pharmaceutical benefit shall be reduced by an amount equal to the amount of any prescription charge received or recoverable by him in respect of that item.

(3) For the purpose of paragraph (1) of this regulation, the basic price of an ingredient of any item of pharmaceutical benefit means the price which is, at the date on which that item is supplied under the Law, the basic price thereof applicable in relation to chemists and calculated in accordance with the appropriate provisions of the British Drug Tariff.

(4) Where a medical practitioner or dentist who is not an approved supplier has supplied pharmaceutical benefit under and in accordance with the provisions of regulation four of the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972, he shall -

- (a) comply with the provisions of sub-paragraph (1) of paragraph 5 of Part II of the Schedule to the Health Service (Pharmaceutical) (Approved Suppliers) (Guernsey) Regulations, 1972, in relation to the pharmaceutical benefit so supplied by him in all respects as if he were an approved supplier;
- (b) be paid out of the Guernsey Health Service Fund in respect of each item of pharmaceutical benefit so supplied an amount equal

to the amount which would have been payable to him under paragraph (1) of this regulation if he were an approved supplier, reduced by an amount equal to the amount of any charge received or recoverable by him in respect of that item by virtue of paragraph (2) of the said regulation four.

Provision of information by approved suppliers who are pharmacists and surveys of their places of business

3. (1) For the purpose of enabling the Authority to determine from time to time the adequacy or otherwise of any of the amounts payable to approved suppliers under paragraph (1) of the last foregoing regulation, other than sub-paragraph (a) thereof, an approved supplier who is a pharmacist -

- (a) shall furnish on demand to the Authority, or to such person as the Authority may direct, such information and such documents as the Authority may require for that purpose, and
- (b) shall permit any person authorised in writing in that behalf by the Authority to enter at all reasonable times any place of business at which he supplies pharmaceutical benefit or from which he supplies such benefit and to make such inspection, examination and enquiry therein as may be required for the said purpose.

(2) Any information obtained by the Authority or any such person as aforesaid in pursuance of paragraph (1) of this regulation shall not be disclosed to any person otherwise than for the purpose of making a statistical analysis thereof:

Provided that any such information shall not be disclosed in any such analysis in such manner as to enable any approved supplier or any place of business of an approved supplier to be identified.

Citation and commencement

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

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

Dated this *twentieth* - *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.

ADDITIONAL DISPENSING FEES PAYABLE IN RESPECT OF PHARMACEUTICAL BENEFIT  
SUPPLIED ON MEDICAL PRESCRIPTIONS ENDORSED "URGENT"

| (1)<br>Time of supply   | (2)<br>Dispensing fee |
|---|-----------------------|
| On any day, other than a Sunday and a bank holiday, between the time when the premises of the approved supplier are closed for the supply of pharmaceutical benefit and midnight ending that day.                 | 79p                   |
| On a Sunday or a bank holiday, between nine o'clock in the forenoon and midnight ending that day.   | 79p                   |
| On any day, between midnight ending the next previous day and nine o'clock in the forenoon or such earlier time at which the premises of the approved supplier are open for the supply of pharmaceutical benefit. | £1.29                 |

EXPLANATORY NOTE

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

These regulations provide for the payment of approved suppliers in respect of drugs and medicines supplied by them under and in accordance with the provisions of the Health Service (Pharmaceutical) (Guernsey) Law, 1972; for the manner in which such payment is to be calculated; and for the provision of information by approved suppliers who are pharmacists and surveys of their places of business.