

JAS.  
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GUERNSEY STATUTORY INSTRUMENT

1972 - No. 51

THE HEALTH SERVICE (PHARMACEUTICAL) (GENERAL) (GUERNSEY) REGULATIONS, 1972

Made ... .. 27<sup>th</sup> October, 1972  
Laid before the States ... ..  
Coming into operation ... .. 4<sup>th</sup> June, 1973

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by subsection (2), sub-paragraph (ii) of paragraph (c) of subsection (5) and paragraph (a) of subsection (6) of section five, section six, section nine, subsection (1) and subsection (3) of section ten, and subsection (1), subsection (2) and subsection (6) of section twenty-eight 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 Law" means the Health Service (Pharmaceutical) (Guernsey) Law, 1972;

"medical prescription" has the meaning assigned to it by paragraph (1) of regulation two of these 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shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced, revoked, extended or applied, by or under any other enactment or by any other regulations.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.

Form of medical prescriptions

2. (1) Subject to the provisions of paragraph (4) of the next following regulation, an order issued by a medical practitioner or dentist for the supply of pharmaceutical benefit under the Law (hereafter in these regulations referred to as "a medical prescription") shall be in the form set out in Part I of the First Schedule to these regulations and shall contain the particulars required thereby.

(2) A medical prescription shall contain on its reverse side the form of declaration set out in Part II of the First Schedule to these regulations.

Provisions relating to the use of medical prescriptions

3. (1) A medical prescription shall be completed in writing in ink or other indelible substance and signed and dated by the medical practitioner or dentist issuing the same with his own hand.

(2) A medical prescription shall not be written in such manner as to necessitate reference on the part of an approved supplier to a previous medical prescription.

(3) Subject to the provisions of the next following paragraph, a single medical prescription shall not be used for ordering the supply of pharmaceutical benefit under the Law for more than one person.

(4) The Authority may authorise a medical practitioner to issue a single medical prescription for ordering pharmaceutical benefit under the Law for two or more persons who are normally resident in a school or institution and for whose treatment he is responsible; and, where a medical prescription is so issued, the medical practitioner shall enter thereon, instead of the names of the said persons, the name of the school or institution.

(5) Subject to the provisions of the next following paragraph, a medical practitioner or dentist shall not order the supply of any item of pharmaceutical benefit under the Law for any person in excess of the quantity which is sufficient to provide that person with treatment and shall not, in any event, order the supply of any item of pharmaceutical benefit under the Law for any person in a quantity which would be sufficient to provide that person with treatment for a period exceeding thirty days.

(6) Where pharmaceutical benefit is required for the treatment of a person over a period exceeding thirty days, a medical practitioner or dentist may attach to the medical prescription on which the pharmaceutical benefit is ordered by him for that person under the Law not more than three copies thereof; and any such copy shall, on presentation to an approved supplier, be sufficient authority for the supply of pharmaceutical benefit under the Law.

(7) For the purposes of these regulations, the expression "medical prescription" shall, except where the context otherwise requires, be deemed to include a copy of a medical prescription issued in pursuance of the provisions of the last foregoing paragraph.

(8) A copy of a medical prescription issued in pursuance of the provisions of paragraph (6) of this regulation shall be signed and dated by the medical practitioner or dentist issuing the same with his own hand and shall be so dated by him that the date thereof shall be not earlier than the twenty-eighth day and not later than the thirty-first day next following the date of the original medical prescription or of the first or second copy thereof, as the case may be.

(9) Except in any case to which the provisions of the next following regulation apply and subject to the provisions of the next following paragraph, upon the completion of a medical prescription by a medical practitioner or dentist, he or his servant shall issue the same in the following manner, that is to say -

- (a) by delivering it by hand to the person in respect of whom it is required or to his parent, guardian or other representative, or
- (b) by making it available for collection by that person or by his parent, guardian or other representative at the surgery of the medical practitioner or dentist, as the case

may be, or

- (c) by sending it by post addressed to that person or to his parent, guardian or other representative, at his usual place of residence.

(10) In the case where a medical prescription is used in pursuance of the provisions of paragraph (4) of this regulation for ordering the supply of pharmaceutical benefit for two or more persons resident in a school or institution, the provisions of the last foregoing paragraph shall have effect as if for the references therein to the person in respect of whom a medical prescription is required, his parent, guardian or other representative, there were substituted references to the person in charge of that school or institution or a person acting on his behalf, and for the reference in sub-paragraph (c) thereof to his usual place of residence there were substituted a reference to that school or institution, as the case may be.

Supply of pharmaceutical benefit otherwise than on medical prescriptions

4. (1) A medical practitioner or dentist, whether or not he is an approved supplier, may supply pharmaceutical benefit under the Law otherwise than on a medical prescription to a person who is being treated by him (hereafter in this regulation referred to as "the patient") where the pharmaceutical benefit is required for immediate administration or application to the patient by that medical practitioner or dentist, as the case may be, or under his direct supervision and in his presence; and, in that event, that medical practitioner or dentist shall, as soon as may be thereafter, complete a medical prescription in all respects as if the prescription were to be issued to the patient; and the pharmaceutical benefit so supplied shall, for the purposes of the Law and of any regulations made thereunder, be deemed to have been supplied on that medical prescription.

(2) Where pharmaceutical benefit is supplied under and in accordance with the provisions of paragraph (1) of this regulation by a medical practitioner or dentist who is not an approved supplier, the patient shall be liable to pay to him a charge in the sum of twenty-five pence in respect of each item of pharmaceutical benefit so supplied unless it is declared to him that the patient is a person in respect of whom a certificate of exception for the time being in force has been granted; and any charge payable under this paragraph to a medical practitioner or dentist may be recovered by him as a civil debt.

(3) An approved supplier who is a pharmacist may supply pharmaceutical benefit under the Law to any person otherwise than on a medical prescription -

- (a) if that approved supplier is reasonably satisfied that the person ordering the same is a medical practitioner or dentist who is, by reason of some emergency, unable to issue a medical prescription immediately; and
- (b) the person ordering the same undertakes to furnish that approved supplier with a medical prescription within the twenty-four hours next following.

(4) Where a medical practitioner or dentist is required to complete or furnish a medical prescription under this regulation, he shall, if it is declared to him by or on behalf of the patient that the patient is a person in respect of whom a certificate of exception for the time being in force has been granted, complete the form of declaration to that effect on the reverse side of the medical prescription.

(5) Nothing in this regulation contained shall be construed as affecting any restriction or prohibition imposed by or under the provisions of any other enactment.

Entitlement of certain persons to pharmaceutical benefit

5. The provisions of section five of the Law shall apply to any person who is for the time being present in Guernsey and -

- (a) who would be a self-employed person but for the provisions of regulation two of the Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964; or
- (b) who has attained the age of sixty-five years -
  - (i) if that person was, immediately before he attained that age, a person of any description specified in paragraph (b) of section four of the Law, and
  - (ii) if that person would, if he had not attained that age, be a person of any such description or would be liable to pay insurance contributions;

and the said provisions shall apply to the child or wife of any such person who is for the time being present in Guernsey.

Persons to be treated as ordinarily resident in Guernsey

6. A person who is not ordinarily resident in Guernsey shall be treated as being ordinarily resident in Guernsey if -

- (a) he is receiving full-time education in Guernsey in a school within the meaning of the Education (Guernsey) Law, 1970;
- (b) he is a member of the Forces or a merchant seaman within the meaning of the Family Allowances (Guernsey) Law, 1950, and is present from time to time in Guernsey.

Declaration of entitlement to exception from liability to pay prescription charges

7. Subject to the provisions of regulation four of these regulations, where exception from liability to pay prescription charges under section eleven of the Law is claimed in respect of the supply of pharmaceutical benefit, the form of declaration on the reverse side of the medical prescription on which the pharmaceutical benefit is ordered shall be duly completed by or on behalf of the claimant before the medical prescription is presented to an approved supplier.

Exception from liability to pay prescription charges in certain cases

8. Where pharmaceutical benefit is supplied under the Law to two or more persons on the same medical prescription, being a medical prescription authorised to be issued under the provisions of paragraph (4) of regulation three of these regulations, the Authority may direct that prescription charges shall not be payable in respect of the pharmaceutical benefit so supplied, and accordingly an approved supplier shall be under an obligation to supply the same without payment of prescription charges.

Restriction of meaning of "medicinal purpose" in the Law

9. Subject to the provisions of paragraph (2) of regulation eleven of these regulations, the expression "medicinal purpose" in the Law shall not include anaesthesia or contraception.

Substances excluded from definition of "drug" and "medicine" in the Law

10. (1) Subject to the provisions of the next following regulation, the expression "drug" and the expression "medicine" in the Law shall not include any substance which is -

- (a) a food, alcoholic beverage (other than a spirit beverage containing rectified spirit) or ~~toilet preparation~~; <sup>Local Preparation or anti-smoking preparation?</sup>
- (b) a vitamin preparation, except in relation to any case where the substance is required for the purpose of managing an actual or potential vitamin deficiency; <sup>Rep and co 1975/52</sup>
- (c) a disinfectant, except in relation to any case where the substance is or is to be ordered on a medical prescription in such quantities and with such directions as are appropriate for the treatment of a disease.

(2) Without prejudice to the generality of the provisions of paragraph (1) of this regulation, for the purpose of that paragraph, -

- (a) the expression "food" includes any substance specified in Part I of the Second Schedule to these regulations except in relation to any case to which the provisions of the next following regulation apply;
- (b) the expression "alcoholic beverage" includes wines, tonic wines, spirits and similar preparations;
- ~~(c) the expression "toilet preparation" includes any substance specified in Part II of the Second Schedule to these regulations.~~ <sup>(c) and (d) rep. by 1977/37</sup>

~~(d)~~ <sup>1975/52</sup>

Substances included in definition of "drug" and "medicine" in the Law where required for the treatment of certain diseases, etc.

11. (1) The expression "drug" and the expression "medicine" in the Law shall include -

- (a) any substance specified in the first column of Part III of the Second Schedule to these regulations if it is required for the treatment of any disease specified in the second column of that Part of that Schedule in relation to that substance;
- (b) any chemical reagent specified in Part IV of that Schedule.

(2) The Authority may, if it is satisfied that any substance which falls to be excluded from the definition of the expression "drug" and the expression "medicine" by virtue of these regulations is required in any particular case for the prevention or treatment of a disease, direct that such substance shall, in relation to that case, be deemed to fall within that definition for the purposes of the Law.

Water

12. (1) Where the expression "aqua" is used in a medical prescription without qualification, that expression shall be construed as meaning

wholesome drinking water.

(2) The expression "drug" and the expression "medicine" in the Law shall not include -

(a) wholesome drinking water;

(b) purified water B.P., except in any case where it is specified in a medical prescription or where its use is necessary in conformity with standard dispensing practice.

Citation and commencement

13. (1) These regulations may be cited as the Health Service (Pharmaceutical) (General) (Guernsey) Regulations, 1972.

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

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.

FIRST SCHEDULE

Regulation two

FORMS OF MEDICAL PRESCRIPTION AND DECLARATION

Rep. and sub.

PART I

1974/31

Form of Medical Prescription

STATES INSURANCE AUTHORITY, GUERNSEY

MR./MRS./MISS .....

Supplier's Stamp

.....

(Initials and one full forename  
wherever possible)

Address .....

.....

.....

.....

Age if under 12 years ..... yrs..... mths.

Supplier's  
pack  
endorsement

NP

Pricing Office  
use only

Signature of Doctor/Dentist

Date

Items

Doctor's/Dentist's Stamp

Charges

IMPORTANT: Complete declaration overleaf, if applicable, before  
obtaining medicine.

PART II

Form of Declaration

To be completed by or on behalf of the patient

I DECLARE that the patient named overleaf is covered  
by a valid States Insurance Authority Certificate  
of Exception

AND THAT I AM

Please  
tick  
one

the patient

the patient's parent or guardian

the patient's representative

I understand that enquiries may be made to check this  
Declaration and that a deliberately false statement may lead  
to prosecution.

Signed: ..... Date .....

NAME AND ADDRESS .....

(Block letters) .....

.....

If your full  
address appears  
overleaf, write  
"As overleaf".

SUBSTANCES EXCLUDED FROM, OR INCLUDED IN, DEFINITION  
OF "DRUG" AND "MEDICINE" IN THE LAW

## PART I

Rep. by 1977/37  
and sub.

Particular foods excluded from definition of "drug" and "medicine"

(1) Baby Foods, Milk Foods and Invalid Foods

Allergilac  
 Ambrosia  
 Aminex  
 Barlova  
 Bengers Food  
 Bournvita  
 Cow and Gate Foods:  
     Beurlac  
     Cereal  
     Daltose  
     Frailac  
     Hemolac  
     Humanised Milk Food  
     L.C. Food  
     L.L. Food  
     Lacidac Full Cream  
     Lacidac Half Cream  
     Lacidac Separated  
     Milk Foods, Full Cream, Half Cream and Separated  
     Peptalac  
     Prenatalac  
     Prolac  
     Weylac  
  
 Cymogran  
 Edosol  
 Eledon  
 Farex  
 Full Cream Condensed Milk  
 Galactomin  
 Gluten Free Flour  
 Gluten Free Liga  
 Homogenised Foods  
 Lactagol  
 Lacta Milk Foods  
 Lofenalac  
 Malted Milk  
 Mellin's Food  
 Milo Tonic Food  
 Minafen  
 M.O.F.  
 Oatrex  
 Ostermilk  
 Ovaltine  
 Prosol  
 Rite Diet Gluten free bread, flour and rusks  
 Rite Diet Protein free bread, and flour, salted and unsalted  
 Robinson's Barley and Groats  
 Robrex  
 Sanatogen  
 Sister Laura's Food

S.M.A. Powder  
 Sprulac  
 Strained Foods  
 Torbet Lactic Oats  
 Trufood Follow-on Food  
 Trufood Humanised Food  
 Velactin  
 Vita-Cup  
 And similar preparations

(2) Compound Foods of Specified Vitamin Content

Casilan  
 Complian  
 C.V.B.  
 Marmite  
 Roboleine  
 Virol  
 And similar preparations

(3) Glucose Preparations

Dextrosol  
 Glucose with Vitamin D  
 And similar preparations

(4) Liquid Foods

Apple Juices  
 Diabetic Cordials and Squashes  
 Fruit Squashes  
 Glucosol  
 Lucozade  
 P.L.J. Natural Fruit Juices  
 Ribena  
 Robinson's Lemon Barley  
 Rose-Hip Syrup

(5) Malt Extract Preparations

Malt Extract  
 Malt Extract with Cod-Liver Oil or Halibut-Liver Oil  
 Radio Malt  
 Vitamin Malt Extracts  
 And similar preparations

(6) Meat and Vegetable Extracts and Juices

Bovril  
 Brand's Essence  
 Calves Foot Jelly  
 Lemco  
 Oxo  
 Valentine's Meat Juice  
 And similar preparations

(7) Mineral and Spa Waters

Contrexeville  
 Soda Water  
 Vichy Spa Waters  
 And similar preparations

(8) Miscellaneous Preparations

Arrowroot  
 Aurum Ambrosium  
 Blackcurrant Pastilles  
 Corolac  
 Energen and other diabetic preparations  
 Edosol  
 Glucose Barley Sugar  
 Gluten-Free flour  
 Iodised Table Salt  
 Kellogg's All Bran  
 Lactose  
 Malted Milk Tablets  
 Nutrex, Formula 21 and other slimming foods  
 Procasenol  
 Saccharine Tablets  
 Saxin  
 Sorbitol  
 Vitaminised Chocolate  
 Wate-On  
 And similar preparations

PART II

Rep and Sub. 1977/37

Particular toilet preparations excluded from definition of "drug" and "medicine"(1) Soaps

Acne Aid Bar  
 Cidal  
 Hexachloraphane  
 Neutrogena  
 Oilatum Bar

(2) Hand creams

Cover Cream  
 Nivea

(3) Skin lotions

Lacto Calamine

(4) Shampoos

Sebbix

(5) Cosmetic creams

Covermark

## PART III

Particular foods included in Part I of this Schedule which are to be deemed to be drugs and medicines when used in the treatment of certain diseases.

(1) Substance	(2) Disease
Allergilac	Milk allergy
Aminex	Phenylketonuria and tyrosinemia
Casilan	Biochemically proven hypoproteneamia
Cow and Gate L.C. Food	Intolerance to calcium
Cow and Gate L.L. Food	Fat intolerance with associated gastro intestinal disturbance and gastro-enteritis
Cow and Gate Lacidac H.C.	
Cow and Gate Lacidac Separated	
Cymogran	Phenylketonuria
Edosol	Nephritis with salt retention
Galactomin	Galactoseamia
Gluten Free Flour	Gluten sensitive enteropathies
Gluten Free Liga Biscuits	Coeliac disease
Locasol	Intolerance to calcium
Lofenalac	Phenylketonuria
Minafen	Phenylketonuria
Prosol	Sprue, steatorrhea and coeliac disease
Rite Diet free bread	Gluten sensitive enteropathies
Rite Diet Gluten free flour	
Rite Diet Gluten free rusks	
Rite Diet Protein free bread (salted and unsalted)	Proven chronic renal failure and phenylketonuria
Rite Diet Protein free flour (salted and unsalted)	
Sprulac	Sprue, steatorrhea and coeliac disease
Velactin	Galactosaemia and Gluten Free Diets for Gluten sensitive enteropathy.

## PART IV

Chemical reagents

Benedict's Solution (Qualitative)  
 Diagnostic Nitroprusside Tablets  
 Diagnostic solution - tablets of Copper  
 Fehling's Solution  
 Gerhardt's Reagent  
 Indicators required for measurement of pH of urine  
 Litmus papers  
 Rothera's Reagent  
 Strong solution of Ammonia

Rep. and sub.

S.I 1980/27

## EXPLANATORY NOTE

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

These regulations deal with the following main subjects, namely, (1) the form of prescription order to be used by medical practitioners and dentists ordering the supply of drugs and medicines under the Health Service (Pharmaceutical) (Guernsey) Law, 1972; (2) the form of declaration, on the reverse side of a prescription order, to be completed by or on behalf of a patient who is excepted from liability to pay prescription charges; (3) the manner in which a prescription order is to be completed and issued, and the maximum quantity of any drug or medicine which may be ordered to be supplied on a prescription order; (4) the supply, in exceptional cases, of a drug or medicine under that Law otherwise than on a prescription order; and (5) the entitlement to the supply of drugs and medicines under that Law to certain persons who are not ordinarily resident in Guernsey and who are not liable to pay health service contributions. By virtue of Regulation 9, substances intended for the purpose of anaesthesia or contraception may not be supplied under that Law. By virtue of Regulation 10, alcoholic beverages (wines, tonic wines, spirits and similar preparations), toilet preparations, vitamin preparations, disinfectants and foods (such as baby foods, milk foods, invalid foods, glucose preparations, malt extract preparations, meat and vegetable extract preparations, and mineral and spa waters) may not, as a general rule, be supplied under that Law. Regulation 11 provides, however, that certain of those substances may be so supplied if they are required for the prevention or treatment of certain specified diseases or if the States Insurance Authority is satisfied that they are required, in any particular case, for the prevention or treatment of any disease.