

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Penicillin and Allied Substances Ordinance, 1950 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome X, p. 64 (No. V of 1950); as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278; No. V of 1989); the Penicillin and Allied Substances (Amendment) Ordinance, 1953 (Recueil d'Ordonnances Tome X, p. 393; No. XXVII of 1953); and the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406). This Ordinance was repealed by the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 (No. V of 2009).

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ARRANGEMENT OF SECTIONS

1. Repeals.
2. Sale, administration, etc. of Scheduled substances.
3. Penalties.
4. Definitions.
5. Application to other Islands.
6. Commencement.

SCHEDULE

(Made on the 5th April, 1950.)

The Penicillin and Allied Substances Ordinance, 1950

THE STATES, on the representations of the States Board of Health, hereby order: –

Repeals.

1. There are hereby repealed –
 - (a) the Ordinance controlling the Acquisition and Sale of Penicillin, of the 6th day of July, 1946,
 - (b) the Provisional Ordinance of 1947 amending the Ordinance controlling the acquisition and sale of Penicillin passed on the 6th day of July, 1946.

Sale, administration, etc. of Scheduled substances.

2. (1) Subject to the provisions of this section, no person shall sell or otherwise supply any of the substances referred to in the Schedule to this Ordinance [or such other therapeutic substances as may be prescribed by order made by the States [Health and Social Services Department] (hereinafter referred to as ["**the Department**"])] being substances appearing to [the Department] to be capable of causing damage to the health of the community if used without a proper safeguard, unless] –

- (a) he is a registered medical or dental practitioner or a registered veterinary surgeon, or a person acting in accordance with the directions of any such practitioner

Consolidated text

or surgeon, and the substance is sold or supplied for the purposes of treatment by or in accordance with the directions of that practitioner or surgeon, or

- (b) he is a registered pharmacist, and the substance is sold or supplied under the authority of a prescription signed and dated by any such practitioner or surgeon as aforesaid.

(2) No person shall administer by way of treatment any such substance unless he is such a practitioner or surgeon as aforesaid or is acting in accordance with the directions of such a practitioner or surgeon.

(3) Subsection (1) of this section shall not apply to the sale or supply of any such substance –

- (a) by way of wholesale dealing,
- (b) for the purpose of being exported,
- (c) to any such practitioner or surgeon as aforesaid,
- (d) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical, surgical, dental or veterinary treatment, or
- (e) to any department or authority of the States.

(4) A prescription signed by any such practitioner or surgeon authorising the sale or supply of any such substance shall not, subject as hereinafter

provided, be dispensed on more than one occasion or more than three months after the date on which it was signed:

PROVIDED that, if the prescription expressly directs that it may be dispensed on a specified number of occasions or at specified intervals in a specified period, it may be dispensed in accordance with that direction.

NOTES

In section 2,

the words in square brackets in subsection (1) were substituted by the Penicillin and Allied Substances (Amendment) Ordinance, 1953, section 1, with effect from 6th November, 1953;

the words in the first, second and third pairs of square brackets within the square brackets in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

The functions, rights and liabilities of the Board of Health and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Health and Social Services Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

In accordance with the provisions of section 2 of the Penicillin and Allied Substances (Amendment) Ordinance, 1953, subsection (1) of this section shall not apply to the sale or supply of a substance or preparation specified in an order made by the Health and Social Services Department under this section, if it is sold or supplied in such circumstances and in accordance with such conditions as may be specified in that order.

Penalties.

3. (1) Any person who contravenes any provision of section 2 of this Ordinance shall on conviction be liable to a fine not exceeding [level 3 on the

uniform scale] or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

(2) Where an offence under this Ordinance has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

NOTE

In section 3, the words in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Definitions.

4. In this Ordinance the following expressions have the meanings hereby respectively assigned to them, that is to say –

"registered dental practitioner" means a person registered in the dentists register under the Dentists Acts, 1878 to 1923, or under any Act from time to time substituted for or amending those Acts or any of them,

"registered medical practitioner" means a person registered under the Medical Act, 1858, or under any Act from time to time substituted for or amending that Act,

"registered pharmacist" means a person authorised to practise as a pharmacist in this Island or in the Island of Alderney,

"registered veterinary surgeon" means a veterinary surgeon registered in pursuance of the Veterinary Surgeons Act, 1881 either in the register of veterinary surgeons or in the register of existing practitioners, or a person registered in the Supplementary Veterinary Register in pursuance of the Veterinary Surgeons Act, 1948, or under any Act from time to time substituted for or amending those Acts or either of them,

"sale by way of wholesale dealing" means sale to a person who buys for the purpose of selling again.

Application to other Islands.

5. This Ordinance shall apply to the Islands of Alderney, Herm and Jethou.

Commencement.

6. This Ordinance shall come into force on the 11th day of April, 1950.

SCHEDULE

Penicillin.

Streptomycin.

Chloromycetin.

Aureomycin.

Any preparation containing any of the above-name substances.

REPEALED