

GUERNSEY STATUTORY INSTRUMENT

2022 No. 114

**The Health Service (Pharmaceutical Benefit) (Serious Shortage Protocol) Regulations, 2022**

<i>Made</i>	22 <sup>nd</sup> December, 2022
<i>Coming into operation</i>	23 <sup>rd</sup> December, 2022
<i>Laid before the States</i>	, 2023

THE COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by sections 11, 13(3) and (4) and 35 of the Health Service (Benefit) (Guernsey) Law, 1990<sup>a</sup>, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Supply of pharmaceutical benefit on medical prescription.**

1. (1) This regulation applies where -
  - (a) a person lawfully conducting a retail pharmacy business sells or supplies a prescription only medicine ("**the dispensed medicine**") for the purpose of being administered to a person in accordance with a serious shortage protocol,

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<sup>a</sup> Ordres en Conseil Vol. XXXII, p. 192; this enactment has been amended.

- (b) conditions B and C in section 35A of the Medicines Law are met in respect of the dispensed medicine and its sale and supply,
  - (c) the person to whom the dispensed medicine is to be administered -
    - (i) satisfies the conditions as to entitlement to benefit specified in section 3(1) of the Health Benefit Law, and
    - (ii) is being treated in Guernsey or Alderney by an approved medical practitioner or approved dentist,
  - (d) the dispensed medicine is sold or supplied upon the presentation of a medical prescription issued by the medical practitioner or dentist, or an approved prescriber, and
  - (e) either the person lawfully conducting the retail pharmacy business, or the pharmacist by whom or under whose supervision the dispensed medicine is sold or supplied, is an authorised supplier.
- (2) Where this regulation applies -
- (a) for the purposes of sections 10(2) and 13(1) and all other provisions of the Health Benefit Law, the medical prescription is to be regarded as a medical prescription for, and authorising the supply of, the dispensed medicine, regardless that the dispensed medicine -

- (i) is of a different strength, quantity or pharmaceutical form to the strength, quantity or pharmaceutical form of the prescription only medicine ordered in that medical prescription, or
  - (ii) is a different medicinal product from the prescription only medicine ordered in that medical prescription, and
- (b) the authorised supplier is permitted to supply the dispensed medicine as pharmaceutical benefit.
- (3) This regulation is made for the removal of any doubt.

**Interpretation.**

2. In these Regulations -

**"approved dentist", "approved medical practitioner" and "authorised supplier"** have the respective meanings given by section 39(1) of the Health Benefit Law,

**"approved prescriber"** has the meaning given by section 1(3) of the Health Service (Benefit) (Approved Prescribers) Ordinance, 2017<sup>b</sup>,

**"the Health Benefit Law"** means the Health Service (Benefit) (Guernsey) Law, 1990,

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<sup>b</sup> Ordinance No. XXV of 2017.

"**medical prescription**" has the meaning given by section 10(2) of the Health Benefit Law,

"**medicinal product**" has the meaning given by section 133 of the Medicines Law,

"**the Medicines Law**" means the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008<sup>c</sup>,

"**person lawfully conducting a retail pharmacy business**" has the meaning given by section 47 of the Medicines Law,

"**pharmaceutical benefit**" has the meaning given by section 10(1) of the Health Benefit Law,

"**pharmacist**" means a person registered as a recognised pharmacist under the Doctors, Dentists and Pharmacists Ordinance, 1987<sup>d</sup>,

"**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<sup>e</sup>, and

"**serious shortage protocol**" means a serious shortage protocol issued under section 35A of the Medicines Law.

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<sup>c</sup> Order in Council No. V of 2009; this enactment has been amended.

<sup>d</sup> Recueil d'Ordonnances Tome XXIV, p. 79; this enactment has been amended.

<sup>e</sup> Ordinance No. XXV of 2009; this enactment has been amended.

**Extent.**

3. These Regulations have effect in Guernsey and Alderney.

**Citation.**

4. These Regulations may be cited as the Health Service (Pharmaceutical Benefit) (Serious Shortage Protocol) Regulations, 2022.

**Commencement.**

5. These Regulations shall come into force on the 23<sup>rd</sup> December, 2022.

Dated this 22<sup>nd</sup> day of December, 2022



A. H. BROUARD

President of the States Committee for Health & Social Care

For and on behalf of the Committee

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for prescription only medicines sold or supplied in accordance with a serious shortage protocol issued under the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 to be supplied as pharmaceutical

benefits under the Health Service (Benefit) (Guernsey) Law, 1990. They are made for the removal of any doubt.

The Regulations come into force on the 23<sup>rd</sup> December, 2022.