



Jersey

**HEALTH INSURANCE (PHARMACEUTICAL
BENEFIT) (GENERAL PROVISIONS) (No. 2)
(JERSEY) ORDER 2002**

Official Consolidated Version

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HEALTH INSURANCE (PHARMACEUTICAL BENEFIT) (GENERAL PROVISIONS) (No. 2) (JERSEY) ORDER 2002

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Jersey

HEALTH INSURANCE (PHARMACEUTICAL BENEFIT) (GENERAL PROVISIONS) (No. 2) (JERSEY) ORDER 2002¹

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 15, 17 and 36 of the [Health Insurance \(Jersey\) Law 1967](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Order, unless the context otherwise requires –

“approved prescribing practitioner” means any medical practitioner, dentist, optician or other prescribing practitioner approved by the Minister under Article 26 of the Law;

“Drug Tariff” means the statement compiled and published by the Secretary of State for Health of the United Kingdom pursuant to Regulation 18(1) of the National Health Service (Pharmaceutical Services) Regulations 1992 of the United Kingdom, as that statement is for the time being in force;

“Health Card” means an Identity Card issued in accordance with the [Health Insurance \(Evidence\) \(Jersey\) Order 2008](#);

“Law” means the [Health Insurance \(Jersey\) Law 1967](#);

“prescription” has the same meaning as given to the expression “prescribed form” by Article 5.²

(2) ³

2 Approval of suppliers

(1) An application by a person conducting a retail pharmacy business for approval under Article 26(2) of the Law as a supplier of pharmaceutical benefit must be substantially in the form set out in Part 1 of Schedule 1.

(2) An application by any other person for that approval must be substantially in the form set out in Part 2 of Schedule 1.

3 Terms and conditions of supply of pharmaceutical benefit

For the purpose of Article 26(2) and (3) of the Law the terms and conditions a person in an application for approval as an approved supplier must undertake to supply pharmaceutical benefit on are those set out in Part 1 of Schedule 2.

4 Schemes for securing proper pharmaceutical services

- (1) The Minister may act in accordance with paragraph (2) if at any time he or she is satisfied that there is an insufficient number of places of business of approved suppliers open outside normal business hours.
- (2) The Minister may after consulting the Pharmaceutical Benefit Advisory Committee prepare a scheme designed to ensure that a sufficient number of places of business of approved suppliers are open at reasonable times outside normal business hours.
- (3) The scheme must –
 - (a) specify the days and hours during which places of business of approved suppliers are to be open; and
 - (b) provide for payments to be made to those suppliers in respect of periods during which their premises are open under the scheme.

5 Prescribed form for the supply of pharmaceutical benefit

- (1) For the purposes of Article 15(2) of the Law “prescribed form” means a form substantially in the form set out in Schedule 3 that –
 - (a) contains the particulars required to complete the form;
 - (b) is dated with the date on which it is to become effective;
 - (c) is signed by the approved prescribing practitioner that gave the form; and
 - (d) is printed and watermarked in such manner as may be designated by the Minister.⁴
- (2) A form is not in the prescribed form if it authorizes the supply of pharmaceutical benefit for more than one person.

6 Period of supply of pharmaceutical benefit⁵

- (1) An approved prescribing practitioner, other than a dentist, must not give a prescription for the supply of pharmaceutical benefit to a person for a period exceeding 90 days.
- (2) An approved prescribing practitioner who is a dentist must not give a prescription for the supply of pharmaceutical benefit to a person for a period exceeding 30 days.
- (3) An approved prescribing practitioner must not give more than one prescription for the same pharmaceutical benefit at any one time.
- (4) However, an approved prescribing practitioner may give up to 4 prescriptions in respect of the same pharmaceutical benefit at any one time if the prescriptions are for consecutive periods of supply.

- (5) An approved prescribing practitioner must not during a period of treatment give a further prescription to a person for the same pharmaceutical benefit unless the practitioner is satisfied that it is necessary or desirable to do so for the purpose of the treatment and –
 - (a) the pharmaceutical benefit is intended for the continuation of the treatment after the expiry of the present period of treatment and the prescription is dated no earlier than 21 days before the end of that period;
 - (b) the prescription is for an increase in dosage; or
 - (c) the prescription is to replace pharmaceutical benefit previously supplied on prescription and destroyed or lost.
- (6) An approved supplier must not supply pharmaceutical benefit ordered on a prescription –
 - (a) before the effective date of the prescription; or
 - (b) which does not comply with the requirements of this Article.

7 Supply

- (1) This Article applies where in accordance with a prescription pharmaceutical benefit is supplied by an approved supplier in respect of an insured person or a dependant of an insured person.
- (2) The person to whom the pharmaceutical benefit is supplied must produce and show to the approved supplier the insured person's Health Card.
- (3) Subject to paragraph (4) –
 - (a) the person to whom the pharmaceutical benefit is supplied must surrender the prescription to the approved supplier; and
 - (b) the approved supplier must mark on the prescription the health insurance number specified on the insured person's Health Card.
- (4) The person taking delivery of pharmaceutical benefit is not required to surrender the prescription if, by electronic means, the approved prescribing practitioner who signed the prescription –
 - (a) notifies the approved supplier of the particulars contained in the prescription and its effective date;
 - (b) confirms that the prescription is signed by the practitioner; and
 - (c) undertakes to surrender the prescription to the approved supplier within 72 hours of the notification,

and the approved supplier is satisfied that, by reason of an emergency, the practitioner has been unable to furnish the person taking delivery of the pharmaceutical benefit with the prescription so that it is available for surrender at the time of delivery.⁶

- (5) ⁷
- (6) ⁸
- (7) ⁹
- (8) ¹⁰

8 Offences

- (1) Except as provided by paragraph (2), a person who fails to comply with a provision of this Order shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.
- (2) A person who fails to surrender a prescription as required under Article 7(3)(a) is liable to a fine not exceeding level 1 on the standard scale.

9 Calculation of prescription costs payable by the Minister¹¹

- (1) The amount to be paid by the Minister to an approved supplier for each item of pharmaceutical benefit supplied on a prescription in respect of an insured person or a dependant of an insured person is the sum of –
 - (a) the basic price of the ingredients calculated in accordance with the Drug Tariff as at the date of supply;
 - (b) the appropriate basic dispensing fee in Table 1 of Schedule 5; and
 - (c) any additional dispensing fee or fees in Table 2 of Schedule 5.
- (2) However, if paragraph (3) applies, the amount to be paid under paragraph (1) is the amount that would be payable under that paragraph if each instalment had been supplied on a separate prescription.
- (3) This paragraph applies if the prescription –
 - (a) was signed by an approved medical practitioner;
 - (b) specifies that it is to be supplied in instalments at stipulated intervals or on given dates; and
 - (c) at the time of supply is for a substance or product that is in Part 1, 2 or 3 of Schedule 2 to the [Misuse of Drugs \(Jersey\) Law 1978](#).

10 Citation

This Order may be cited as the Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002.

SCHEDULE 1

(Article 2)

APPROVAL OF SUPPLIERS OF PHARMACEUTICAL BENEFIT

PART 1

HEALTH INSURANCE (JERSEY) LAW 1967

Form of application for approval as supplier of pharmaceutical benefit of person(s) lawfully conducting a retail pharmacy business

To: The Minister for Social Security

I/We,

of

being a person or persons lawfully conducting a retail pharmacy business within the meaning of the [Medicines \(Jersey\) Law 1995](#), apply for approval in accordance with Article 26(2) of the [Health Insurance \(Jersey\) Law 1967](#). I/we undertake to dispense medicines and supply drugs at the prices fixed and in accordance with the terms and conditions prescribed under the [Health Insurance \(Jersey\) Law 1967](#). I/We understand that those prices, terms and conditions are subject to variation in the manner provided by that Law.

The address(es) of my/our business premises registered in accordance with the [Medicines \(Jersey\) Law 1995](#) and the pharmacist(s) in charge of those premises will be as follows –

Address(es) of premises	Full name(s) of pharmacist(s) in charge

Signed:.....

Date:

PART 2

HEALTH INSURANCE (JERSEY) LAW 1967

**Form of application for approval as supplier of pharmaceutical benefit of person(s)
other than person(s) lawfully conducting a retail pharmacy business**

To: The Minister for Social Security

I/We

of

apply for approval in accordance with Article 26(3) of the [Health Insurance \(Jersey\) Law 1967](#). I/we undertake to supply drugs (except poisons in Part 1 of the Poisons List set out in the Schedule to the [Poisons List \(Jersey\) Order 1986](#)) at the prices fixed and in accordance with the terms and conditions prescribed under the [Health Insurance \(Jersey\) Law 1967](#). I/We understand that those prices, terms and conditions are subject to variation in the manner provided by that Law.

The address(es) of my/our business premises for this purpose will be

.....

Signed:

Date:

SCHEDULE 2¹²

(Article 3)

PART 1

TERMS AND CONDITIONS TO BE OBSERVED BY AN APPROVED SUPPLIER

1 Supplier to supply pharmaceutical benefit

- (1) The supplier must supply pharmaceutical benefit with reasonable promptness to a person who presents a prescription for them.
- (2) Sub-paragraph (1) does not require a supplier to supply a pharmaceutical benefit that the supplier does not ordinarily supply.
- (3) If under this paragraph a supplier is required to supply a medicine or drug the supplier must supply the medicine or drug in a suitable container being –
 - (a) in relation to capsules, tablets, pills or any other medicine or drug in solid form (other than those prepacked 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 prepacked by the manufacturer) – a container of glass, aluminium or rigid plastic;
 - (c) in relation to eye, ear or nasal drops (other than those prepacked by the manufacturer) – a container of glass either incorporating or having a separate dropper attachment;
 - (d) in relation to liquid medicines (other than those prepacked by the manufacturer) – a container of glass or rigid plastic, including, in the case of an oral liquid medicine, a 5 ml. plastic measuring spoon (unless the patient already has one or the manufacturer's pack includes one).
- (4) The supplier must not give, promise or offer a gift or a reward as an inducement to or in consideration of a person presenting a prescription to the supplier.

2 Place and hours of business

- (1) The supplier must supply pharmaceutical benefit at the place or places of business specified in the supplier's application for approval under Article 26 of the Law.
- (2) The supplier must keep that place or those places open for the supply of pharmaceutical benefit –
 - (a) during normal business hours; and
 - (b) on the days and during the hours specified in any scheme made by the Minister under Article 4.

- (3) At each such place of business the supplier must display a notice to be provided by the Minister in the form set out in Part 2 or Part 3 of this Schedule.
- (4) If the supplier is a person lawfully conducting a retail pharmacy business the supplier must also display a notice to be provided by the Minister in the form set out in Part 4 of this Schedule when the supplier's place of business is closed.
- (5) The notice must indicate –
 - (a) the addresses of other people lawfully conducting a retail pharmacy business where medicines and drugs may be obtained; and
 - (b) the times when they may be obtained at those premises.
- (6) Each notice must be displayed in a manner that makes it easily visible to members of the public.

3 Dispensing medicines

The supplier must ensure that the supply of medicines on prescriptions is performed by or under the supervision of a pharmacist.

4 Names of pharmaceutical chemists

Whenever required to do so by the Minister the supplier must furnish to the Minister the name of each pharmacist employed by the supplier in dispensing medicines on prescription.

5 Charges

Except for charges that are required or authorized to be made by this or any other Order made under the Law the supplier must supply a pharmaceutical benefit and any container free of charge.

6 Advertising

- (1) The supplier must not advertise either directly or by implication that the supplier is an approved supplier or that the supplier provides or is authorized to provide pharmaceutical benefit.
- (2) Despite sub-paragraph (1) the supplier may –
 - (a) display a notice required by paragraph 2;
 - (b) include in an advertisement a statement of the days and hours at which pharmaceutical benefit is supplied.

7 Information to be provided

- (1) This paragraph does not apply except where the Minister requires information to determine the amount payable under Article 10 to the supplier for pharmaceutical benefit supplied by the supplier.

- (2) The supplier must furnish to the Minister or to such person or body as the Minister directs information that the Minister requires concerning so much of the supplier's business that relates to the supply of pharmaceutical benefit.
- (3) The supplier must permit a person authorized in writing to do so by the Minister to conduct surveys at each place of business at or from which the supplier supplies pharmaceutical benefit.

8 Payment

- (1) On dates specified by the Minister the supplier must furnish to the Minister or to such person or body as the Minister directs the prescriptions on which pharmaceutical benefit has been supplied by the supplier.
- (2) The prescriptions must be arranged in the manner the Minister directs and must be accompanied by a declaration.
- (3) The declaration must contain such particulars relating to the supply by the supplier of pharmaceutical benefit as the Minister specifies.

9 Withdrawal

If the supplier wishes to cease to be an approved supplier the supplier must give at least 3 months written notice to the Minister (or such shorter notice as the Minister may agree) that the supplier no longer wishes to supply pharmaceutical benefit.

PART 2

Form of notice to be displayed by an approved supplier who is a person lawfully conducting a retail pharmacy business

Health Insurance Scheme

(Name of approved supplier)

Approved under the [Health Insurance \(Jersey\) Law 1967](#) to dispense medicines and supply drugs.

These premises are open at the following times –

PART 3

Form of notice to be displayed by an approved supplier other than a person lawfully conducting a retail pharmacy business

Health Insurance Scheme

(Name of approved supplier)

Approved under the [Health Insurance \(Jersey\) Law 1967](#) to supply drugs (except poisons in Part 1 of the Poisons List set out in the Schedule to the [Poisons List \(Jersey\) Order 1986](#)).

These premises are open at the following times –

PART 4

Form of notice to be displayed by an approved supplier who is a person lawfully conducting a retail pharmacy business at times when the person's premises are closed

Health Insurance Scheme

When these premises are closed, medicines and drugs may be obtained at the addresses and times shown below –

SCHEDULE 3¹³

(Article 5)

FORM OF PRESCRIPTION

<p>HEALTH INSURANCE PRESCRIPTION FORM Form H9 09</p> <p>Name (including forename) and address</p>		<p>NOTES FOR PATIENT</p> <p>This Prescription Form may be taken to any Approved Chemist Supplier on the Social Security Department Register.</p> <p>Medicines urgently required may be obtained outside normal business hours if the prescription is marked "URGENT" and signed by the doctor.</p> <p>REMEMBER Your benefits card MUST be produced when first presenting this prescription to the Approved Chemist Supplier.</p> <p>Information about the medicine or other items on this form will be processed centrally to pay monies due to the pharmacist or doctor for items they have supplied to you. The Social Security Department will also use this information to analyse what has been prescribed and the cost. The Social Security Department may use information from this form to prevent and detect fraud and incorrectness.</p>							
<p>Supplier's Stamp</p>	<p>Age</p> <p>D.o.B. if under 16</p>	<p>No. of days treatment <i>NB Ensure dose is stated</i></p>	<p>N.P.</p> <p>FOR USE BY P.P.D.</p>						
<p>Approved Supplier Endorsement</p>	<p>Collectors of Schedule 1, 2 & 3 Controlled Drugs should print and sign their name:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Print Name</td> <td style="width: 50%;"></td> </tr> <tr> <td>Print Address if different from overleaf</td> <td></td> </tr> <tr> <td>Signature</td> <td></td> </tr> </table>			Print Name		Print Address if different from overleaf		Signature	
Print Name									
Print Address if different from overleaf									
Signature									
<p>Signature of Doctor</p>	<p>Date</p>								
<p>Items</p>	<p>Health Insurance Number (See Notes overleaf)</p>								
<p>Charges</p>	<p>Privacy Statement</p> <p>The Social Security Department collects information for the purpose of dealing with all matters relating to the benefits and services it administers. We may check information about you with other information we have. We will not give information about you to anyone outside the Department unless the law allows us to or we have your consent. The Social Security Department is the Data Controller for the purposes of the Data Protection (Jersey) Law 2005.</p>								

SCHEDULE 4¹⁴

SCHEDULE 5¹⁵

(Article 9(1)(b) and (c))

DISPENSING FEES

TABLE 1: BASIC DISPENSING FEES

Date of supply and description	Fee in pence for each item of pharmaceutical benefit supplied on a prescription
In the period of 8 months beginning on 1st May 2023 –	
for supply by an approved supplier of each of the first 50,000 items of pharmaceutical benefit	401
for supply by an approved supplier of each item of pharmaceutical benefit after the first 50,000 items	340
In 2024 –	
for supply by an approved supplier of each of the first 50,000 items of pharmaceutical benefit	433
for supply by an approved supplier of each item of pharmaceutical benefit after the first 50,000 items	367
In 2025 and for each ensuing period of 12 months –	
for supply by an approved supplier of each of the first 50,000 items of pharmaceutical benefit in each calendar year	467
for supply by an approved supplier of each item of pharmaceutical benefit in each calendar year after the first 50,000 items	396

TABLE 2: ADDITIONAL DISPENSING FEES

Description	Fee in pence for each item of pharmaceutical benefit supplied on a prescription
Prescription endorsed “C.D.” by the approved supplier for drugs listed in Schedules 2 or 3 to the Misuse of Drugs (General Provisions) (Jersey) Order 2009	128
Prescriptions endorsed “C.D.” by the approved supplier for chlordiazepoxide, diazepam,	43

Description	Fee in pence for each item of pharmaceutical benefit supplied on a prescription
flurazepam, lorazepam, nitrazepam, oxazepam, zolpidem or zopiclone	
Urgent additional dispensing fees (see Notes)	
Category 1	1756
Category 2	2118
Expensive items additional dispensing fees	
Cost of item of pharmaceutical benefit –	
£75 – £99.99	300
£100 – £199.99	500
£200 – £499.99	1000
£500 or over	2500

Notes

- (1) Category 1 urgent additional dispensing fees are payable only if –
 - (a) the prescription is endorsed –
 - (i) “URGENT” by the approved prescribing practitioner, and
 - (ii) by the approved supplier with the date and time of dispensing;
 - (b) the prescription is supplied on a day other than a Sunday or a public holiday; and
 - (c) the supply is made –
 - (i) when the supplier’s premises are not open for supply, and
 - (ii) on the same day the prescription is written, or the following day if supplied after midnight.
- (2) Category 2 urgent additional dispensing fees are payable only if –
 - (a) the prescription is endorsed –
 - (i) “URGENT” by the approved prescribing practitioner, or “DISPENSED URGENTLY” by the approved supplier, and
 - (ii) by the approved supplier with the date and time of dispensing;
 - (b) the prescription is signed by the patient (or the patient’s representative);
 - (c) the prescription is supplied on a Sunday or a public holiday; and
 - (d) the supply is made –
 - (i) when the supplier’s premises are not open for supply, and

- (ii) on the same day the prescription is written, or the following day if supplied after midnight.
- (3) The urgent additional dispensing fees are not payable for prescriptions supplied by an approved supplier when the supplier's premises are open for supply in accordance with a scheme prepared by the Minister under Article 4.

SCHEDULE 6¹⁶

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002	R&O.48/2002	1 October 2002
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment) (Jersey) Order 2003	R&O.85/2003	4 October 2003
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 2)) (Jersey) Order 2004	R&O.90/2004	1 October 2004
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 3) (Jersey) Order 2004	R&O.99/2004	1 October 2004
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 4) (Jersey) Order 2007	R&O.185/2007	21 January 2008 (applies to benefit supplied on or after 1 October 2007)
Health Insurance (Consequential Amendments) (Jersey) Order 2008	R&O.15/2008	28 January 2008
Health Insurance (Pharmaceutical Benefit) (No. 2) (Amendment No. 5) (Jersey) Order 2008	R&O.19/2008	1 February 2008
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 6) (Jersey) Order 2008	R&O.122/2008	1 October 2008
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 7) (Jersey) Order 2009	R&O.35/2009	1 May 2009
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 8) (Jersey) Order 2009	R&O.98/2009	1 November 2009
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 9) (Jersey) Order 2010	R&O.99/2010	1 November 2010

Legislation	Year and No	Commencement
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 10) (Jersey) Order 2013	R&O.44/2013	1 May 2013
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 11) (Jersey) Order 2013	R&O.119/2013	1 October 2013
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 12) (Jersey) Order 2014	R&O.141/2014	1 October 2014
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 13) (Jersey) Order 2014	R&O.174/2014	1 December 2014
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 14) (Jersey) Order 2014	R&O.102/2017	13 October 2017
Health Insurance (Approved Prescribing Practitioners – Midwives and Nurses) (Jersey) Order 2018	R&O.55/2018	30 April 2018
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 15) (Jersey) Order 2023	R&O.23/2023	1 May 2023

Table of Renumbered Provisions

Original	Current
1(2)(b)	spent, omitted from this revised edition
1(2)(c)	1(2)(b)
10	spent, omitted from this revised edition
11	10

Table of Endnote References

- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1(1) amended by R&O.15/2008, R&O.55/2018, editorial change, definition “Health Card”, “Order 2007” deleted, “Order 2008” inserted instead*

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- ³ Article 1(2) *deleted by R&O.23/2023*
- ⁴ Article 5(1) *amended by R&O.55/2018*
- ⁵ Article 6 *substituted by R&O.23/2023*
- ⁶ Article 7(4) *amended by R&O.55/2018*
- ⁷ Article 7(5) *repealed by R&O.19/2008*
- ⁸ Article 7(6) *repealed by R&O.19/2008*
- ⁹ Article 7(7) *deleted by R&O.15/2008, repealed by R&O.19/2008*
- ¹⁰ Article 7(8) *deleted by R&O.15/2008, repealed by R&O.19/2008*
- ¹¹ Article 9 *substituted by R&O.23/2023*
- ¹² Schedule 2 *amended by R&O.19/2008, R&O.23/2023*
- ¹³ Schedule 3 *substituted by R&O.35/2009*
- ¹⁴ Schedule 4 *substituted by R&O.102/2017, amended by R&O.55/2018, deleted by R&O.23/2023*
- ¹⁵ Schedule 5 *amended by R&O.85/2003, R&O.90/2004, R&O.185/2007, R&O.122/2008, R&O.98/2009, R&O.99/2010, R&O.44/2013, R&O.119/2013, R&O.141/2014, substituted by R&O.23/2023*
- ¹⁶ Schedule 6 *substituted by R&O.141/2014, deleted by R&O.23/2023*