



Jersey

MEDICINES (AMENDMENT No. 3) (JERSEY) LAW 2011

Arrangement

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A LAW to amend further the Medicines (Jersey) Law 1995

<i>Adopted by the States</i>	<i>19th July 2011</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>12th October 2011</i>
<i>Registered by the Royal Court</i>	<i>21st October 2011</i>

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “principal Law” means the Medicines (Jersey) Law 1995¹.

2 Article 1 amended

In Article 1(1) of the principal Law, the following definition shall be inserted after the definition of “animal feeding stuff” –

“‘appropriate practitioner’ means a person of a description, or class, specified under Article 57(1)(b);”.

3 Article 54 amended

In Article 54(1)(b) of the principal Law for the words “a doctor or dentist” there shall be substituted the words “an appropriate practitioner”.

4 Article 57 amended

For Article 57 of the principal Law there shall be substituted the following Article –

“57 Medicinal products on prescription only

- (1) The Minister may by Order specify the following matters for the purposes of this Article –
 - (a) descriptions, or classes, of medicinal products;
 - (b) descriptions, or classes, of persons (being doctors, dentists, veterinary surgeons, registered nurses, certified midwives or other practitioners or other persons), being persons that the Minister thinks fit to be appropriate practitioners.
- (2) Subject to the following provisions of this Article –
 - (a) no person shall sell by retail, or supply in circumstances corresponding to retail sale, a medicinal product of a description, or falling within a class, specified under paragraph (1)(a) except in accordance with a prescription given by an appropriate practitioner; and
 - (b) no person shall administer (otherwise than to himself or herself) a medicinal product of a description, or falling within a class, specified under paragraph (1)(a) unless the person is –
 - (i) an appropriate practitioner, or
 - (ii) a person acting in accordance with the directions of an appropriate practitioner.
- (3) Paragraph (2)(a) shall not apply –
 - (a) to the sale or supply of a medicinal product, to a patient of his or hers, by a person who is an appropriate practitioner other than a veterinary surgeon; or
 - (b) to the sale or supply of a medicinal product, for administration to an animal or herd under his or her care, by a veterinary surgeon who is an appropriate practitioner.
- (4) Without prejudice to paragraph (3), an Order made under paragraph (1) may include provision for one or more of the following matters –
 - (a) that paragraph (2)(a) or (b), or both those sub-paragraphs, shall have effect subject to such exemptions as may be specified in the Order;
 - (b) that, for the purpose of paragraph (2), a medicinal product shall not be taken to be –
 - (i) sold or supplied in accordance with a prescription given by an appropriate practitioner, or
 - (ii) administered by an appropriate practitioner or a person acting in accordance with the directions of an appropriate practitioner,unless such conditions or limitations as are specified by the Order are complied with in relation to any of the following matters –
 - (A) the relevant classes of appropriate practitioner,

- (B) the relevant classes of medicinal product,
 - (C) the sale, supply, use or administration, of the medicinal product,
 - (D) the prescription,
 - (E) any other matter that the Minister thinks fit.
- (5) Any exemption conferred by an Order in accordance with paragraph (4)(a) may be conferred subject to such conditions or limitations as may be specified in the Order.”.

5 Article 63 amended

In Article 63(5) of the principal Law for the words “a practitioner” there shall be substituted the words “an appropriate practitioner”.

6 Article 64 amended

In Article 64(1)(b) of the principal Law for the words “a practitioner” there shall be substituted the words “an appropriate practitioner”.

7 Article 88 amended

In Article 88(3)(a) and (b) of the principal Law for the words “a practitioner”, in each place where they occur, there shall be substituted the words “an appropriate practitioner”.

8 Article 90 amended

In Article 90(2)(c) of the principal Law for the words “a practitioner”, in each place where they occur, there shall be substituted the words “an appropriate practitioner”.

9 Article 91 amended

In Article 91 of the principal Law –

- (a) in the heading for the word “practitioners” there shall be substituted the words “appropriate practitioners”;
- (b) in paragraphs (1) and (2) for the words “a practitioner”, in each place where they occur, there shall be substituted the words “an appropriate practitioner”.

10 Citation, commencement and saving

- (1) This Law may be cited as the Medicines (Amendment No. 3) (Jersey) Law 2011.
- (2) This Law shall come into force on the seventh day after it is registered.

- (3) An Order that –
- (a) is in force under Article 57 of the principal Law immediately before the substitution of that Article by this Law; and
 - (b) could have been made under that Article as so substituted,
- shall continue in force as if it had been made under that Article as so substituted.
- (4) Anything done, whether before or after that substitution, pursuant to such an Order shall not be affected by that substitution.

M.N. DE LA HAYE

Greffier of the States

¹ *chapter 20.625*