

Jersey Law 28/1952**PHARMACY, POISONS AND MEDICINES (JERSEY) LAW, 1952.**

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A LAW for regulating the practice of pharmacy and for controlling the sale of poisons¹ and medicines, sanctioned by Order of Her Majesty in Council of the

29th day of JULY, 1952.

(Registered on the 23rd day of August, 1952).

STATES OF JERSEY.

The 12th day of May, 1952.

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

PART I

INTERPRETATION

ARTICLE 1

INTERPRETATION

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

“advertisement” includes any notice, circular, label, wrapper or other document, or any announcement made orally or by any means of producing or transmitting light or sound;

¹ Power of control extended to include use of poisons – see Pharmacy, Poisons and Medicines (Extension of Powers) (Jersey) Law, 1974 (Volume 1973–1974, page 411 – Article 1).

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“authorized seller of poisons” means any of the persons declared by Article 9, 10 or 11 to be authorized sellers of poisons within the meaning of this Law;

“British Pharmaceutical Codex” means the book published by that name by the Pharmaceutical Society of Great Britain;

“British Pharmacopoeia” means the book published by that name in pursuance of section twenty-three of the Medical Act, 1950 (14 Geo. 6, c.29);

“certificate of registration” means –

- (a) in the case of a person authorized to practise pursuance of this Law, a copy of the Act of the Court, under the hand of the Judicial Greffier, ordering such registration;
- (b) in the case of a person authorized to practice pharmacy in pursuance of a Regulation in force prior to the coming into force of this Law, a copy of the Act of the Court, under the hand of the Judicial Greffier, granting such authority;

“the Committee” means the Public Health Committee;

“the Court” means the Inferior Number of the Royal Court;

“container” includes a wrapper;

“dispensing”, in relation to a medicine or a poison, means supplying a medicine or a poison on and in accordance with a prescription duly given by a registered medical practitioner, registered dentist or registered veterinary surgeon;

“order” means an order made by the Committee under this Law;

“pharmacist” means a pharmaceutical chemist * * * *2;

² Words deleted by Pharmacy, Poisons and Medicines (Amendment) (Jersey) Law, 1955.

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“poison” has the meaning assigned thereto by Article 15;

“the Poisons List” has the meaning assigned thereto by Article 15;

“proprietary designation”, in relation to the sale of an article consisting of or comprising a substance recommended as a medicine, means a word or words used or proposed to be used in connexion with the sale of articles consisting of or comprising the substance for the purpose of indicating that they are the goods of a particular person by virtue of manufacture, selection, certification, dealing with or offering for sale, and “proprietor”, in relation to such a designation, means a person whose goods are indicated or intended to be indicated as aforesaid by the designation;

“prescribed” means prescribed by order;

“the register of premises” has the meaning assigned thereto by Article 13;

“registered”, in relation to a medical practitioner, dentist or veterinary surgeon, means registered under the enactments for the time being regulating the exercise of those professions in the Island;

“registered pharmacist” and “registration” have the meanings assigned thereto by Article 2;

“sale by way of wholesale dealing” means a sale to a person who buys for the purpose of selling again;

“shop” includes any premises where any retail trade or business is carried on;

“substance” includes a preparation;

“substance recommended as a medicine”, in relation to the sale of an article consisting of or comprising a substance so recommended, means a substance which is referred to –

- (a) on the article, or on any container in which the article is sold, or on any label affixed to, or in any document enclosed in, the article or such a container; or
- (b) in any placard or other document exhibited at the place where the article is sold; or
- (c) in any advertisement published after the coming into force of this Law by or on behalf of the manufacturer of the article, or the person carrying on the business in the course of which the article was sold, or, in a case where the article was sold under a proprietary designation, the proprietor of the designation;

in terms which are calculated to lead to the use of the substance for the prevention or treatment of any ailment, infirmity or injury affecting the human body (whether or not the ailment, injury or infirmity is specified therein), not being terms which give a definite indication that the substance is intended to be used as, or as part of, a food or drink, and not as, or as part of, a medicine;

“word” includes a letter or a numeral.

- (2) For the purposes of this Law –
 - (a) an article shall be deemed to be sold under a designation or title if, but not unless, the designation or title is used for naming the article or the substance which it consists of or comprises –
 - (i) by any person in connexion with the sale; or

(ii) on the article, or on any container in which the article is sold, or on any label affixed to, or in any document enclosed in, the article or such a container;

(b) a reference to a description set out at the head of any monograph contained in an edition of the British Pharmacopoeia or the British Pharmaceutical Codex shall be construed as including a reference to any synonym or abbreviation of that description being a synonym or abbreviation set out at the head of that monograph.

(3) References in this Law to the edition of the British Pharmacopoeia or the British Pharmaceutical Codex last published before a given date shall be construed –

(a) if that date falls after the time at which any such edition has taken effect, as references to the latest edition which has so taken effect before the said date, as affected by any amendments which have taken effect before that date;

(b) if that date falls before the said time but after the time at which any amendment has taken effect, as references to the latest edition published before the said date, as affected by any amendments which have taken effect before that date;

and references in this paragraph to amendments shall be construed as including references to amendments by way of addition or deletion.

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PART II

PHARMACY

ARTICLE 2

REGISTERED PHARMACISTS

(1) In this Law, “registered pharmacist” means a person registered as a pharmacist in pursuance of this Law and includes any person who was authorized to practise pharmacy in pursuance of a Regulation in force prior to the coming into force of this Law, and “registration” shall be construed accordingly.

[(2) No person shall be registered as a pharmacist in pursuance of this Law unless he is duly registered as a pharmaceutical chemist in pursuance of the Pharmacy Act 1954 (2 & 3 Eliz. 2, c.61).]³

ARTICLE 3

REGISTRATION

(1) An application for registration as a pharmacist in pursuance of this Law shall be made to the Court and shall be accompanied by either –

- (a) [(i) a copy of the last official edition of the Annual Register of Pharmaceutical Chemists published in accordance with the provisions of section two of the Pharmacy Act, 1954;]⁴ and
- (ii) the certificate or certificates of qualification by virtue of which the applicant was registered in the said Register; or

³ Paragraph substituted by Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law, 1959.

⁴ Clause substituted by Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law, 1959.

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(b) a certificate under the hand of the Registrar of the Council of the Pharmaceutical Society of Great Britain to the effect that the applicant is registered in the said Register and specifying the qualifications by virtue of which he was so registered.

(2) Where the applicant is an alien, the Court may require him to produce a duly authenticated certificate of good character.

(3) The qualifications by virtue of which a person is registered as a pharmacist in pursuance of this Law shall be set out in the act of the Court ordering the registration.

[(4) Where, in any such certificate as is mentioned in subparagraph (a) (ii) of paragraph (1) of this Article, the person named therein is shown to have the qualifications of a chemist and druggist, the qualifications shall be deemed to be those of a pharmaceutical chemist.]⁵

ARTICLE 4

LIST OF REGISTERED PHARMACISTS TO BE KEPT

The Judicial Greffier shall make, and keep posted in the Lobby of the Royal Court House, a list of registered pharmacists, showing their names and addresses and the qualifications by virtue of which they were registered in pursuance of this Law or, in the case of a person who was authorized to practise pharmacy under a Regulation in force prior to the coming into force of this Law, the qualifications by virtue of which he was so authorized.

ARTICLE 5

PENALTY FOR ABUSE OF CERTIFICATES OR FRAUDULENTLY OBTAINING REGISTRATION

If, any person –

⁵ Paragraph inserted by Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law, 1959.

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- (a) with intent to deceive, forges, or uses, or lends to or allows to be used by any other person, a certificate of registration or any certificate of registration or other certificate issued [under the Pharmacy Act 1954, or under any enactment repealed by the said Act,]⁶ or makes or has in his possession a document so closely resembling any such certificate as aforesaid as to be calculated to deceive; or
- (b) obtains or attempts to obtain the registration of himself as a pharmacist in pursuance of this Law by assuming the name or qualifications of another person;

he shall be liable in respect of each offence to a fine not exceeding one hundred pounds sterling or to imprisonment for a term not exceeding one year.

ARTICLE 6

PROCEDURE WHERE PHARMACISTS REMOVED FROM OR RESTORED TO [ANNUAL REGISTER OF PHARMACEUTICAL CHEMISTS]⁷

(1) The Court, on the motion of the Attorney General, shall order that the registration of any person be cancelled where the name of that person has been removed from the [Annual Register of Pharmaceutical Chemists]⁷ by direction of the Statutory Committee constituted under [the Pharmacy Act 1954]⁸ or by the Council of the Pharmaceutical Society of Great Britain under the powers respectively conferred upon them by the said Act.

(2) Where the said Statutory Committee or Council, as the case may be, has directed that the name of a person in respect of whom an order under this Article has been made shall be restored to the said Register, the Court shall, on the application of the person concerned, rescind the said order.

⁶ Words substituted by Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law, 1959.

⁷ Words substituted by Pharmacy, Poisons and Medicines (Amendment) (Jersey) Law, 1955.

⁸ Words substituted by Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law, 1959.

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ARTICLE 7

POWER OF COURT TO CANCEL REGISTRATION

(1) Subject to the provisions of Article 12 of this Law, the Court, on the motion of the Attorney General, may order that the registration of any person be cancelled, where that person or a person employed in the carrying on of his business has been convicted of any such criminal offence or found guilty of such misconduct as, in the opinion of the Court, renders him or, in the case of an employee, would render him unfit to be a registered pharmacist.

(2) The Court may, where it thinks fit so to do, either of its own motion or on the motion of the Attorney General or on the application of the person concerned, rescind any order made under this Article.

ARTICLE 8

RESTRICTION ON USE OF CERTAIN TITLES, ETC

(1) It shall not be lawful for a person, unless he is a registered pharmacist, to take or use the title of pharmaceutical chemist, pharmacist, "chemist and druggist", druggist or pharmacist, or to take or use in connexion with the sale of goods by retail the title of chemist.

* * * * *

(3) It shall not be lawful for any person to take or use the title of member of the Pharmaceutical Society unless he is a member of the Pharmaceutical Society of Great Britain.

(4) It shall not be lawful for any person to use in connexion with any business any title, emblem or description reasonably calculated to suggest that he or anyone employed in the business possesses any

⁹ Paragraph repealed by Pharmacy, Poisons and Medicines (Amendment) (Jersey) Law, 1955.

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qualification with respect to the selling, dispensing or compounding of drugs or poisons other than the qualification which he in fact possesses.

(5) For the purposes of paragraph (4) of this Article, the use of the description “pharmacy” in connexion with a business carried on on any premises shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having the control of the business on those premises are registered pharmacists.

(6) If any person acts in contravention of the provisions of this Article, he shall be liable in respect of each offence to a fine not exceeding twenty pounds sterling and, in the case of a continuing offence, to a further fine not exceeding five pounds sterling for every day subsequent to the day on which he is convicted of the offence during which the contravention continues.

ARTICLE 9

CONDITIONS TO BE FULFILLED BY PHARMACIST IN ORDER TO BECOME AUTHORIZED SELLER OF POISONS

A registered pharmacist carrying on a business which comprises the retail sale of drugs shall be an authorized seller of poisons within the meaning of this Law if the following conditions are complied with –

- (a) in each set of premises where the business is carried on, the business must, so far as concerns the retail sale of drugs, be under the personal control of the pharmacist himself or of some other registered pharmacist; and
- (b) the name and certificate of registration of the person having the control of the business as aforesaid must be conspicuously exhibited in the premises.

ARTICLE 10

**CONDITIONS TO BE FULFILLED BY BODY CORPORATE IN
ORDER TO BECOME AUTHORIZED SELLER OF POISONS**

(1) Subject to the provisions of this Article, a body corporate carrying on a business which comprises the retail sale of drugs shall be an authorized seller of poisons within the meaning of this Law if the following conditions are complied with –

- (a) the business must, so far as concerns the keeping, retailing, dispensing and compounding of poisons, be under the management of a superintendent in relation to whom the following requirements are fulfilled –
 - (i) he must be a registered pharmacist;
 - (ii) a statement in writing signed by him and on behalf of the body corporate stating his name and specifying whether or not he is a member of the board must have been sent to the Committee;
 - (iii) he must not be acting at the time in a similar capacity for any other body corporate; and
- (b) in each set of premises where the business is carried on, the business must, so far as concerns the retail sale of drugs, if not under the personal control of the superintendent, be carried on, subject to the directions of the superintendent, under the personal control of a manager or assistant who is a registered pharmacist; and
- (c) the name and certificate of registration of the person having the control of the business as aforesaid, whether he is the superintendent or some other person, must be conspicuously exhibited in the premises.

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(2) Without prejudice to the generality of the foregoing provisions of this Article, it shall be the duty of a superintendent, duly appointed for the purposes of this Article, to notify the Committee immediately on relinquishing his appointment as such, and if he fails without reasonable excuse to comply with the provisions of this paragraph he shall be liable to a fine not exceeding five pounds sterling.

(3) Notwithstanding the restrictions imposed by the foregoing provisions of this Law on the use of certain titles, emblems and descriptions, a body corporate which is an authorized seller of poisons may, if the superintendent is a member of the board, use the description of “chemist and druggist”, chemist, druggist, dispensing chemist or dispensing druggist, and may use the description “pharmacy” in connexion with the business:

Provided that nothing in this paragraph shall authorize the use of any of the said descriptions in or on any premises which are for the time being disqualified by virtue of a direction under this Article for being registered in the register of premises, or in connexion with any business so far as it is carried on in any premises so disqualified.

(4) Subject to the provisions of Article 12 of this Law, the Court, on the motion of the Attorney General, may order –

- (a) that a body corporate shall, in a case where it is an authorized seller of poisons, cease to be such a seller and, in any case, be disqualified, for such period as the court may determine, for being an authorized seller of poisons; or
- (b) that all or any of the premises of a body corporate shall, in a case where they are registered in the register of premises, be removed from that register and, in any case, be disqualified, for such period as the Court may determine for being registered therein;

where –

- (i) the body corporate has been convicted of an offence against this Law; or
- (ii) any member of the board or any officer of the body corporate, or any person employed by the body corporate in carrying on a business, has been convicted of any such criminal offence, or been guilty of any such misconduct as, in the opinion of the Court, renders him, or would, if he were a registered pharmacist, render him, unfit to be a registered pharmacist;

and any such order may be made whether the body corporate was or was not an authorized seller of poisons at the time when the offence or misconduct was committed.

(5) The Court may, either of its own motion or on the motion of the Attorney General or on the application of the body corporate concerned, rescind any order made under paragraph (4) of this Article.

ARTICLE 11

CONTINUATION OF BUSINESS OF PHARMACIST BY REPRESENTATIVES IN CASE OF DEATH, ETC

(1) Subject to the provisions of this Article, if a registered pharmacist who is an authorized seller of poisons dies or becomes deprived of the right to transact in his own name in matters real and personal or enters into any arrangement with his creditors, any representative who thereafter carries on his business in accordance with the conditions hereinafter specified and is a person in relation to whom the requirements of this Article are satisfied shall, for the purposes of that business and during a period not exceeding the period specified in paragraph (4) of this Article, be an authorized seller of poisons within the meaning of this Law and be entitled to use, in conjunction with the business name of the pharmacist, such titles, emblems and descriptions as might have been used by the pharmacist.

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(2) The conditions referred to in paragraph (1) of this Article are as follows –

- (a) in each set of premises where the business is carried on, the business, so far as concerns the retail sale of drugs, must be under the personal control of a registered pharmacist; and
- (b) the name and certificate of registration of the person having the control of the business as aforesaid must be conspicuously exhibited in the premises.

(3) The requirements to be satisfied under paragraph (1) of this Article in relation to a representative are that his name and address must be registered with the Committee, together with a statement of the name of the pharmacist whose representative he is.

(4) The period referred to in paragraph (1) of this Article shall be –

- (a) in the case of the death of a pharmacist, a period of five years from the date thereof;
- (b) in the case of a pharmacist who has become deprived of the right to transact in his own name in matters real and personal, a period of three years from the date when he became deprived of that right;
- (c) in the case of a pharmacist who has entered into an arrangement with his creditors, a period of three years from the date when the representative became entitled, under the arrangement, to carry on his business;

or such longer period as, on the application of the representative, the Committee may, having regard to all the circumstances of the case, think fit to direct.

(5) Subject to the provisions of Article 12 of this Law, the Court, on the motion of the Attorney General, may order that a

representative shall cease to be an authorized seller of poisons and cease to be entitled to use the titles, emblems and descriptions which might have been used by the pharmacist, where the representative or a person employed by the representative in the carrying on of the business has been convicted of any such criminal offence, or been guilty of any such misconduct, as in the opinion of the Court renders him, or would, if he were a registered pharmacist, render him, unfit to be a registered pharmacist.

(6) Where, immediately prior to the coming into force of this Law, the executor of the will or the administrator of the personal estate of a deceased pharmacist was continuing the business of that pharmacist in accordance with the provisions of the Regulation repealed by this Law, this Article shall apply to the executor or administrator as if the pharmacist had died immediately after the coming into force of this Law.

(7) In this Article, “representative” means –

- (a) in the case of the death of a pharmacist, the executor of his will or the administrator of his personal estate and, in respect of a pharmacist leaving no executor who is entitled and willing to carry on his business, includes any person beneficially interested in his personal estate, but only for the period of three months after his death;
- (b) in the case of a pharmacist who has become deprived of the right to transact in his own name in matters real and personal or who has entered into an arrangement with his creditors, the person authorized to transact on his behalf.

ARTICLE 12

CONDITIONS AS TO MAKING OF ORDER BY COURT IN CASE OF CONVICTION, ETC. OF EMPLOYEE

(1) Where an act or omission which, under the foregoing provisions of this Law, may be made the ground of an order of the Court

involving the cesser or restriction of the right of a person (in this Article referred to as “the owner of the business”) to be an authorized seller of poisons, is an act or omission on the part of an employee of the owner or, if the owner is a body corporate, is an act or omission on the part of any member of the board or any officer or employee of the body corporate, the Court shall not make any such order unless proof is given to its satisfaction of some one or more of the facts specified in paragraph (2) of this Article, and the Court is of opinion that, having regard to the facts so proved, the owner ought to be regarded as responsible for the act or omission.

(2) The facts as to some one or more of which the Court must be satisfied before making any such order as is mentioned in paragraph (1) of this Article are –

- (a) that the act or omission in question was instigated or connived at by the owner of the business, or, if the owner is a body corporate, by any member of the board;
- (b) that the owner of the business, or any employee of the owner, or, if the owner is a body corporate, any member of the board or any officer or employee of the body corporate, had been guilty at some time within twelve months before the date on which the act or omission in question took place, of a similar act or omission and that the owner had, or reasonably ought to have had, knowledge of that previous act or omission;
- (c) if the act or omission in question was a continuing act or omission, that the owner of the business had, or reasonably ought to have had knowledge of the continuance thereof;
- (d) in the case of a criminal offence being an offence against this Law, that the owner of the business had not used due diligence to enforce the execution of this Law.

(3) In this Article, references to the responsibility, knowledge or diligence of the owner of the business shall, if the owner is

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a body corporate, be construed as references to the responsibility, knowledge or diligence of the board as a whole.

ARTICLE 13

DUTY OF AUTHORIZED SELLERS OF POISONS TO REGISTER BUSINESS PREMISES¹⁰

(1) Every authorized seller of poisons shall cause all the sets of premises where his business, so far as it comprises the retail sale of drugs, is being carried on to be registered under this Article.

(2) The Committee shall keep a register for the purposes of this Article (in this Law referred to as “the register of premises”) and shall enter therein all sets of premises in respect of which an application for registration is duly made in the prescribed form.

(3) The registration of any premises under this Article shall become void on the expiration of fourteen days from the date of any change in the ownership of the business carried on therein.

(4) A document purporting to be a certificate signed by the Greffier of the States stating that, on a specified date, specified premises were, or were not, registered under this Article shall be admissible in any proceedings as evidence that those premises were, or were not, registered on that date.

ARTICLE 14

AUTHORIZED SELLERS OF POISONS TO FURNISH COMMITTEE WITH LIST OF BUSINESS PREMISES AND PHARMACISTS IN CHARGE

(1) Every authorized seller of poisons shall, in the month of January in each year, send to the Committee a list of all the sets of premises where his business, so far as it comprises the retail sale of

¹⁰ See also Poisons (General Provisions) (Jersey) Order, 1968–Art. 32 (R. & O – 5129).

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drugs, is being carried on and the name of the registered pharmacist having the personal control of the business on each set of premises.

(2) An authorized seller of poisons who fails to comply with the provisions of this Article shall be liable in respect of each offence to a fine not exceeding five pounds sterling and to a further fine not exceeding one pound sterling for every day subsequent to the day on which he is convicted of the offence during which the default continues.

*PART III*¹¹

POISONS

ARTICLE 15

POISONS LIST

(1) The Committee shall, by order, prescribe a list of substances which are to be treated as poisons for the purposes of this Law and such list shall be divided into [three parts]¹² as follows –

Part I of the list shall consist of those poisons which, subject to the provisions of this Law, are not to be sold except by a person who is an authorized seller of poisons;

Part II of the list shall consist of those poisons which, subject to the provisions of this Law, are not to be sold except by a person who is an authorized seller of poisons or whose name is entered in the list kept in pursuance of Article 19 of this Law;

[Part III of the list shall consist of those poisons which are not be used except by a person or body authorized in writing by the Committee to use such poisons as may be specified in the

¹¹ See also Poisons (General Provisions) (Jersey) Order, 1968–Article 28 (R. & O – 5129).

¹² Words substituted by Pharmacy, Poisons and Medicines (Extension of Powers) (Jersey) Law, 1974 (Volume 1973–1974, page 411).

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authorisation, subject to such conditions as may be so specified.]¹³

(2) In determining the distribution of poisons, as between Part I and Part II of the said list, regard shall be had to the desirability of restricting the said Part II to articles which are in common use, or likely to come into common use, for purposes other than the treatment of human ailments and which it is reasonably necessary to include in the said Part II if the public are to have adequate facilities for obtaining them.

(3) The said list as in force for the time being is in this Law referred to as “the Poisons List”, and in this Law “poison” means a poison included in the Poisons List.

ARTICLE 16

RESTRICTIONS ON SALE OF POISONS¹⁴

(1) Subject to the provisions of this Part of this Law, it shall not be lawful –

- (a) for a person to sell any poison included in Part I of the Poisons List, unless –
 - (i) he is an authorized seller of poisons; and
 - (ii) the sale is effected on premises duly registered under Part II of this Law; and
 - (iii) the sale is effected by, or under the personal supervision of, a registered pharmacist;
- (b) for a person to sell any poison included in Part II of the Poisons List, unless either –

¹³ Sub-paragraph inserted by Pharmacy, Poisons and Medicines (Extension of Powers) (Jersey) Law, 1974 (Volume 1973–1974, page 411).

¹⁴ See also Poisons (General Provisions) (Jersey) Order, 1968 (R. & O – 5129).

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- (i) he is an authorized seller of poisons and the sale is effected on premises duly registered under Part II of this Law; or
 - (ii) his name is entered in the list kept in pursuance of Article 19 of this Law and the sale is effected on premises specified in the said list as being premises on which he is entitled, subject to the provisions of this Law, to sell poisons included in Part II of the Poisons List;
- (c) for a person to sell any poison, whether included in Part I or Part II of the Poisons List, unless the container of the poison is labelled in the prescribed manner –
- (i) with the name of the poison; and
 - (ii) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients; and
 - (iii) with the word “poison” or other prescribed indication of the character of the article; and
 - (iv) with the name of the seller of the poison and the address of the premises on which it was sold.

[and, in such cases as may be prescribed, is accompanied by a statement, in the prescribed form, of the precautions to be taken in the handling, storage and use of the poison and otherwise in relation thereto.]¹⁵

(2) Subject to the provisions of this Part of this Law and of any order dispensing with or relaxing any of the requirements of this paragraph –

¹⁵ Words inserted by Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law, 1959.

- (a) it shall not be lawful to sell any poison included in Part I of the Poisons List to any person unless that person is either –
- (i) certified in writing in the prescribed manner by a person authorized by order to give a certificate for the purposes of this Article; or
 - (ii) known by the seller or by some registered pharmacist in the employment of the seller at the premises where the sale is effected;
- to be a person to whom the poison may properly be sold;
- (b) the seller of any such poison shall not deliver it until –
- (i) he has made or caused to be made an entry in a book to be kept for that purpose stating, in the prescribed form, the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under sub-paragraph (a) of this paragraph was given, the name and quantity of the article sold, and the purposes for which it is stated by the purchaser to be required; and
 - (ii) the purchaser has affixed his signature to the entry aforesaid.

ARTICLE 17

EXEMPTION WITH RESPECT TO MEDICINES

- (1) Nothing in Article 16 of this Law shall apply –
- (a) to a medicine which is supplied by a registered medical practitioner for the purposes of medical treatment, by a registered dentist for the purposes of dental treatment or by a registered veterinary surgeon for the purposes of animal treatment; or

- (b) to a medicine which is dispensed by an authorized seller of poisons on premises duly registered under Part II of this Law; or
- (c) to a poison forming part of the ingredients of a medicine which is supplied by an authorized seller of poisons on premises duly registered under Part II of this Law;

if the requirements contained in the following provisions of this Article are satisfied in relation thereto.

(2) The medicine must be distinctly labelled with the name and address of the person by whom it is supplied or dispensed.

(3) On the day on which the medicine is supplied or dispensed or, if that is not reasonably practicable, on the day next following that day, there must be entered in a book which is used regularly for the purpose of this provision, but which need not be used exclusively for that purpose, the following particulars –

- (a) the date on which the medicine was supplied or dispensed;
- (b) the ingredients of the medicine and the quantity thereof supplied;
- (c) if the medicine was dispensed by an authorized seller of poisons, the name or initials and, if it is known, the address of the person by whom, and the name and, if it is known, the address of the person to whom, and the date on which, the prescription was given;
- (d) if the medicine was not so dispensed, the name of the person to whom it was supplied:

Provided that the provisions of this paragraph shall, in the case of a medicine supplied on a prescription on which the medicine has been supplied by the seller on a previous occasion, be deemed to be complied with if the day on which the medicine is supplied and the quantity thereof

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supplied are entered in the book on that day or, if that is not reasonably practicable, on the day next following that day, together with a sufficient reference to any entry in the book duly recording the dispensing of the medicine on the previous occasion.

(4) In the case of a medicine which is supplied or dispensed by a person who is an authorized seller of poisons and is compounded by the person supplying or dispensing it or by a person in his employment, the medicine must have been compounded by or under the direct and personal supervision of a registered pharmacist.

(5) In the case of a medicine which is supplied or dispensed by a person who is an authorized seller of poisons, the supplying or dispensing of the medicine must be effected by or under the direct and personal supervision of a registered pharmacist.

ARTICLE 18

**EXEMPTION WITH RESPECT TO SALES BY WHOLESALE
AND SALES TO CERTAIN PERSONS¹⁶**

Except as provided by order, nothing in the foregoing provisions of this Part of this Law shall extend to or interfere with –

- (a) the sale of poisons by way of wholesale dealing; or
- (b) the sale of poisons to be exported to purchasers outside the Island; or
- (c) the sale of an article to a registered medical practitioner, registered dentist or registered veterinary surgeon for the purpose of his profession; or
- (d) the sale of an article for use in or in connexion with any hospital, infirmary, dispensary or similar institution which is under the control of any administration of the States or

¹⁶ See also Poisons (General Provisions) (Jersey) Order, 1968 (R. & O – 5129).

of any parochial authority or which has been approved by the Committee for the purposes of this Article; or

- (e) the sale of an article by a person carrying on a business, in the course of which poisons are regularly sold either by way of wholesale dealing or for use by the purchasers thereof in their trade, business or profession to –
 - (i) a person who requires the article for the purpose of his trade, business or profession or for the purpose of enabling him to comply with any requirements made by or in pursuance of any enactment with respect to the medical treatment of persons employed by that person in any trade, business or profession carried on by him; or
 - (ii) any Department of Her Majesty's Government, any administration of the States or any parochial authority requiring the article for the purposes of the public service; or
 - (iii) a person or institution concerned with scientific education or research, if the article is required for the purpose of that education or research.

ARTICLE 19

CERTAIN PERSONS OTHER THAN AUTHORIZED SELLERS OF POISONS TO BE ENTITLED TO SELL POISONS IN PART II OF POISONS LIST¹⁷

(1) Any person who, not being entitled to sell poisons included in Part I of the Poisons List, desires to be entitled, subject to the provisions of this Law, to sell poisons included in Part II of the Poisons List, may apply to the Committee in the prescribed form for his name and the address of the premises on which he desires to be entitled to sell such poisons to be entered on a list to be kept by the Committee for the

¹⁷ See also Poisons (General Provisions) (Jersey) Order, 1968 (R. & O – 5129).

purposes of this Article and, subject as hereinafter provided, the Committee shall enter in the list the name and address of the premises of any person who makes such an application as aforesaid:

Provided that the Committee may refuse to enter in, or may remove from, the list the name of any person who in the opinion of the Committee is, for any sufficient reasons relating either to him personally or to his premises, not fit to be on the list.

(2) If any person is aggrieved by the refusal of the Committee to enter his name in the said list or by the removal of his name therefrom, he may appeal to the Court against the refusal or removal.

(3) If any person whose name is entered in the said list is convicted before any court of any criminal offence which, in the opinion of the court, renders him unfit to have his name on the list, the court may, as part of the sentence, order his name to be removed from the list and direct that he shall, for such period as may be specified in the order, be disqualified for having his name entered in the list.

(4) The said list shall be open at all reasonable times to the inspection of any person without fee.

(5) It shall not be lawful for any person whose name is entered in the said list to use in connexion with his business any title, emblem or description reasonably calculated to suggest that he is entitled to sell any poison other than a poison which he is under this Law entitled to sell, and, if any person acts in contravention of this paragraph, he shall be liable in respect of each offence to a fine not exceeding twenty pounds sterling and, in the case of a continuing offence, to a further fine not exceeding five pounds sterling for every day subsequent to the day on which he is convicted of the offence during which the contravention continues.

(6) In this Article “relating to him personally” means, in relation to a person being a body corporate, relating personally to the

members of the board, or to the manager or other officers of the body corporate.

ARTICLE 20

PROHIBITION ON SALE OF POISONS BY MEANS OF AUTOMATIC MACHINES

It shall not be lawful for a poison to be exposed for sale in, or to be offered for sale by means of, an automatic machine.

PART IV

MEDICINE

ARTICLE 21

DISCLOSURE OF COMPOSITION OF MEDICINES

(1) Subject to the provisions of this Part of this Law, no person shall –

- (a) sell any article consisting of or comprising a substance recommended as a medicine; or
- (b) supply any such article as a sample for the purpose of inducing persons to buy by retail the substance of which it consists or which it comprises;

unless there is written so as to be clearly legible on the article or a label affixed thereto, or, if the article is sold or supplied as aforesaid in a container, on the container or a label affixed thereto, or, if the article is sold or supplied as aforesaid in more than one container, on the inner container or a label affixed thereto –

- (i) the appropriate designation of the substance so recommended, or of each of the active constituents thereof,

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or of each of the ingredients of which it has been compounded; and

- (ii) in a case where the appropriate designation of each of the active constituents or the ingredients is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients:

Provided that this paragraph shall not apply to any article made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person.

(2) If any person sells or supplies an article in contravention of the provisions of this Article, he shall, subject to the provisions of this Part of this Law, be liable –

- (a) in the case of a first conviction, to a fine not exceeding twenty pounds sterling; and
- (b) in the case of a subsequent conviction, to a fine not exceeding one hundred pounds sterling, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(3) In this Article –

- (a) “appropriate designation” in relation to a substance, constituent or ingredient, means –
 - (i) in a case where the substance, constituent or ingredient is a poison included in the Poisons List, the name with which the container of the poison is for the time being required to be labelled in pursuance of sub-paragraph (c) of paragraph (1) of Article 16 of this Law;
 - (ii) in a case where the substance, constituent or ingredient is not a poison and is described in any of

the monographs contained in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex which was last published before the date on which the article was sold or supplied, the description set out at the head of that monograph;

- (iii) in a case where the substance, constituent or ingredient is not such a poison and is not so described, the accepted scientific name, or other name descriptive of the true nature, of the substance, constituent or ingredient;
- (b) “appropriate quantitative particulars”, in relation to the active constituents or the ingredients of a substance, means –
- (i) the approximate percentage of each of those constituents or ingredients contained in the substance or the approximate quantity of each of those constituents or ingredients contained in the article sold or supplied; or
 - (ii) in a case where the said article consists of or comprises a number of separate portions of the substance, either the approximate percentage or quantity aforesaid, or the approximate quantity of each of the constituents or ingredients contained in each portion;

but, in relation to constituents or ingredients being sera, vaccines, or vitamins, means –

- (iii) the approximate quantity, expressed in terms of international units, of each of those constituents or ingredients contained in the substance or in the article sold or supplied; or

- (iv) in a case where the said article consists of or comprises a number of separate portions of the substance, either the approximate quantity aforesaid, or the approximate quantity, expressed in terms of international units, of each of the constituents or ingredients contained in each portion.

ARTICLE 22

RESTRICTION ON SALE OF MEDICINES BY UNAUTHORIZED PERSONS

(1) Subject to the provisions of this Part of this Law, no person shall sell by retail any article consisting of or comprising a substance recommended as a medicine unless he is –

- (a) a registered medical practitioner or registered dentist; or
- (b) an authorized seller of poisons; or
- (c) a person, not being a registered medical practitioner or registered dentist or an authorized seller of poisons, but being a person who –
 - (i) has served a regular apprenticeship to a registered pharmacist, or to a body corporate authorized to sell poisons by virtue of Article 10 of this Law; and
 - (ii) is, at the date of the coming into force of this Law, carrying on on his own account a business which comprises the retail sale of drugs.

(2) Subject to the provisions of this Part of this Law –

- (a) an authorized seller of poisons shall not sell by retail any article consisting of or comprising a substance recommended as a medicine unless the sale is effected at premises duly registered under Part II of this Law; and

- (b) a person mentioned in sub-paragraph (c) of paragraph (1) of this Article shall not sell by retail any such article unless the sale is effected at a shop and the business carried on at that shop, so far as it concerns the retail sale of drugs, is under the personal control of that person.

(3) If any person sells an article in contravention of any of the provisions of this Article, he shall, subject to the provisions of this Part of this Law, be liable –

- (a) in the case of a first conviction, to a fine not exceeding twenty-pounds sterling; and
- (b) in the case of a subsequent conviction, to a fine not exceeding one hundred pounds sterling, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(4) It shall be a defence for a person charged with selling an article in contravention of the provisions of this Article to prove that the sale was effected at a shop, and that the article consisted wholly either –

- (a) of a substance produced by drying, crushing, or comminuting (but not subjecting to any other process) a plant or plants or any part thereof, or of a mixture the sole ingredients whereof are two or more such substances, or of a mixture the sole ingredients whereof are one or more of such substances and water; or
- (b) of a natural mineral water or an artificial imitation thereof.

(5) It shall also be a defence for a person charged with selling in contravention of the provisions of this Article an article consisting of or comprising a substance recommended as a medicine to prove that the sale was effected at a shop, and that the article was sold under a proprietary designation, and either –

- (a) that the substance recommended as a medicine, as distinguished from individual constituents or ingredients of that substance, was not described in any of the monographs contained in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex which was last published before the date of the coming into force of this Law or the date on which the substance was first sold by retail under the proprietary designation, whichever date is the later; or
- (b) if the said substance was described in such a monograph, that the article was not sold under a title which included, in addition to the proprietary designation, any word or words which constitute or form part of the description set out at the head of that monograph; or
- (c) if the said substance was described in such a monograph and the article was sold under such a title, that at the date of the coming into force of this Law –
 - (i) the said substance was ordinarily being sold by retail under that title; and
 - (ii) not more than one other substance recommended as a medicine, being a substance described in any other such monograph, was ordinarily being sold by retail under a title which included both the same proprietary designation and any word or words which constitute or form part of the description set out at the head of that other monograph.

ARTICLE 23

PROVISIONS AS TO LEGAL PROCEEDINGS

- (1) It shall be a defence for a person charged with selling or supplying, in contravention of any of the provisions of this Part of this Law, an article consisting of or comprising a substance recommended as a medicine to prove –

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- (a) that he did not know, and had no reason to believe, that the article consisted of or comprised such a substance; or
 - (b) that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.
- (2) No prosecution for a contravention of any of the provisions of this Part of this Law shall be instituted without the consent of the Attorney General.

PART V

MISCELLANEOUS

ARTICLE 24

CONSULTATION WITH REGISTERED PHARMACISTS

The Committee may nominate not less than two, and not more than four, registered pharmacists to advise the Committee in the discharge of its functions under this Law, and any such nomination may be terminated by the Committee should it so think fit.

ARTICLE 25

POWER OF COMMITTEE TO MAKE ORDERS

- (1) The Committee may, by order, make provision with respect to any of the following matters or for any of the following purposes –
- (a) the manufacture of pharmaceutical preparations containing poisons;

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- (b) the sale, whether by wholesale or by retail, or the supply, of poisons by or to any persons or classes of persons, and, in particular, but without prejudice to the generality of the foregoing provisions –
 - (i) for regulating or restricting the sale or supply of poisons by persons whose names are entered in the list kept in pursuance of Article 19 of this Law and for prohibiting the sale of any specified poison or class of poisons by any class of such persons; and
 - (ii) for prohibiting the sale by retail of poisons (being poisons included in Part I of the Poisons List) except on a prescription duly given by a registered medical practitioner, registered dentist or registered veterinary surgeon, and for prescribing the form and regulating the use of prescriptions given for the purpose of any order made under this sub-paragraph; and
 - (iii) for dispensing with or relaxing with respect to poisons any of the provisions contained in Part III of this Law relating to the sale of poisons;
- (c) the storage, transport and labelling of poisons;
- (d) the containers in which poisons may be sold or supplied;
- (e) the addition to poisons of specified ingredients for the purpose of rendering them readily distinguishable as poisons;
- (f) the compounding and dispensing of poisons;
- (g) the period for which any books required to be kept for the purposes of Part III of this Law are to be preserved;
- (h) the period for which any certificate given under Part III of this Law is to remain in force;

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- (j) for requiring persons in control of the manufacture of pharmaceutical preparations containing poisons to be registered pharmacists or persons possessing the prescribed qualification in chemistry;
- (k) for prescribing anything which is by this Law to be prescribed;

(2) The power to make provision under this Article with respect to poisons includes the power to make provision with respect to any class of poisons or any particular poison.

ARTICLE 26

PROVISIONS AS TO ORDERS

- (1) Every order made under this Law –
 - (a) shall come into force on the date prescribed thereby;
 - (b) may be amended or revoked by a subsequent order;
 - (c) shall remain in force until revoked; and
 - (d) shall be laid before the States as soon as may be after it is made, and if the States, within the period of twenty-one days beginning with the day on which any such order is laid before them, resolve that it be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new order.

(2) The Greffier of the States shall cause every order made under this Law to be printed and shall cause to be published in two newspapers circulating in the Island, one being a publication in French and the other a publication in English,¹⁸ a notice stating that the order has

¹⁸ See Official Publication (Jersey) Law, 1960 – Article 2.

been made, the date of the coming into force thereof and the place at which printed copies thereof may be purchased.

ARTICLE 27

PENALTIES

(1) A person who acts in contravention of or fails to comply with any of the provisions of Part III of this Law (other than paragraph (5) of Article 19) or of any order shall be liable in respect of each offence to a fine not exceeding fifty pounds sterling and, in the case of a continuing offence, to a further fine not exceeding ten pounds sterling for every day subsequent to the day on which he is convicted of the offence during which the contravention or default continues.

(2) In the case of proceedings against a person under this Article for or in connexion with the sale, exposure for [sale, use or supply] of a poison effected by an employee —¹⁹

- (a) it shall not be a defence that the employee acted without the authority of the employer; and
- (b) any material fact known to the employee shall be deemed to have been known to the employer.

(3) Notwithstanding any enactment or rule of law to the contrary, any proceedings which may be taken against any person under this Law may be taken at any time within the period of twelve months next after the date of the commission of the alleged offence or within the period of three months next after the date on which evidence, sufficient in the opinion of the Committee to justify the proceedings, comes to the knowledge of the Committee or, where the person in question was outside the Island at that date, within the period of twelve months from the date on which he first lands in the Island thereafter, whichever of the said periods last expires.

¹⁹ Words substituted by Pharmacy, Poisons and Medicines (Extension of Powers) (Jersey) Law, 1974 (Volume 1973–1974, page 412).

*Jersey Law 28/1952 Pharmacy, Poisons and Medicines (Jersey)
Law, 1952*

(4) For the purposes of paragraph (3) of this Article, a certificate purporting to be signed on behalf of the Committee as to the date on which such evidence as aforesaid came to the knowledge of the Committee shall be sufficient evidence thereof.

(5) In any proceedings for an offence against this Law, a certificate stating the result of any analysis made on behalf of the Committee shall be admissible in any proceedings under this Act as evidence of the matters stated therein but the prosecution or the defendant or person charged with the offence may require the person by whom the analysis was made to be called as a witness.

ARTICLE 28

INSPECTION²⁰

(1) Any officer of the Committee, being a registered pharmacist, generally or specially authorized in writing in that behalf (in this Article referred to as an “inspector”) shall be entitled at all reasonable times, subject to the production by him if so required of evidence of his authority, to enter any premises which are on the register of premises, or the premises on which any person whose name is entered in the list kept in pursuance of Article 19 of this Law carries on business, or any premises in which he has reasonable cause to suspect that a breach of the provisions of this Law or of any order has been committed, and, in any such case, he shall have power to make such examination and enquiry and to do such other things (including the taking, on payment therefor, of samples) as may be necessary for ascertaining whether the provisions aforesaid are being complied with.

(2) If a person wilfully delays or obstructs an inspector in the exercise of any powers under this Article, or refuses to allow any sample to be taken in accordance with the provisions of this Article, or fails without reasonable excuse to give any information which he is duly required under this Article to give, he shall in respect of each offence be liable to a fine not exceeding five pounds sterling.

²⁰ See also Therapeutic Substances (Prevention of Misuse) (Jersey) Law, 1953 – Article 7.

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Law, 1952*

(3) Without prejudice to the generality of the foregoing provisions, it shall be the duty of every person who appears to be conducting in any premises any business which comprises the retail sale of drugs to state, on being required so to do by an inspector, who the owner of the business is, and, if any person fails without reasonable excuse to comply with the provisions of this paragraph, he shall be liable in respect of each offence to a fine not exceeding five pounds sterling.

(4) Nothing in this Article shall authorize any inspector to enter or inspect the premises, not being a shop, of a registered medical practitioner, registered dentist or registered veterinary surgeon.

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ARTICLE 30

REPEAL

The “Règlement (1950) sur l’exercice de la Pharmacie et la Vente des Poisons”²² is hereby repealed.

ARTICLE 31

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Pharmacy, Poisons and Medicines (Jersey) Law, 1952.

(2) This Law shall come into force on such day or days as the States may by Act appoint, and different days may be appointed for different purposes and different provisions of this Law²³

²¹ Article repealed by Dangerous Drugs (Jersey) Law, 1954.

²² R.&O – 2625.

²³ Different days were appointed for different purposes – see R. & O –3189