



Jersey

**MEDICINES (SALE AND SUPPLY)
(MISCELLANEOUS PROVISIONS) (JERSEY)
ORDER 1997**

Official Consolidated Version

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MEDICINES (SALE AND SUPPLY) (MISCELLANEOUS PROVISIONS) (JERSEY) ORDER 1997

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Jersey

MEDICINES (SALE AND SUPPLY) (MISCELLANEOUS PROVISIONS) (JERSEY) ORDER 1997¹

THE HEALTH AND SOCIAL SERVICES COMMITTEE in pursuance of Articles 52, 60, 65, 66, 84 and 110 of the [Medicines \(Jersey\) Law 1995](#), after consultation with the Medicines Advisory Council and having otherwise complied with Article 110 of the Law, orders as follows —

Commencement [[see endnotes](#)]

1 Interpretation

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

“controlled drug” has the same meaning as it has in Article 3 of the [Misuse of Drugs \(Jersey\) Law 1978](#);

“effervescent”, in relation to a tablet, means containing not less than 75%, by weight of the tablet, of ingredients included wholly or mainly for the purpose of releasing carbon dioxide when the tablet is dissolved or dispersed in water;

“health prescription” means a prescription described in Article 15(2) of the [Health Insurance \(Jersey\) Law 1967](#);

“Law” means the [Medicines \(Jersey\) Law 1995](#);

“pharmacy medicine” means a medicinal product that is not a prescription only medicine, and either —

- (a) is not a medicinal product on a general sale list; or
- (b) is a product to which Article 5 of this Order refers and is not presented for sale in the manner described in relation to that product in that Article;

“prescription only medicine” has the same meaning as it has in Article 1(1) of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#);

“register” means —

- (a) a book whose leaves are bound in; or
- (b) a computerized record;

“registered optometrist” has the same meaning as it has in Article 1(1) of the [Opticians \(Registration\) \(Jersey\) Law 1962](#);

“repeatable prescription” means a prescription containing a direction that it shall or may be dispensed more than once.²

(2) In this Order –

- (a) a reference to selling anything by way of wholesale dealing includes, except in Article 3(1), selling by way of wholesale dealing by the person who manufactured it; and
- (b) a reference to supplying anything by way of wholesale dealing means supplying it to a person who receives it for one or more of the purposes specified in Article 3(2) of the Law.

(3) Without prejudice to Article 10 of the [Interpretation \(Jersey\) Law 1954](#), every provision in the [Medicines \(Jersey\) Law 1995](#) that relates in any other way to its interpretation shall also apply in the same way to this Order, unless the context otherwise requires.

2 Safekeeping of medicinal products³

- (1) Every person conducting a retail pharmacy business shall install and maintain at every premises where the business is conducted an intruder alarm system in accordance with paragraph (2).
- (2) The alarm system mentioned in paragraph (1) shall be activated whenever the premises are unoccupied and shall be capable of detecting entry by any intruder and alerting a monitoring station operated by a person approved by the Minister.

3 Special restrictions on persons who may be supplied with prescription only or pharmacy medicines

(1) No person –

- (a) being the holder of a product licence; or
- (b) in the course of a business carried on by the person and consisting (wholly or partly) of manufacturing medicinal products or of selling medicinal products by way of wholesale dealing,

shall sell a prescription only medicine or a pharmacy medicine by way of wholesale dealing to any person who does not fall within a class specified in Schedule 1.

- (2) The restrictions in paragraph (1) shall not apply to a sale by way of wholesale dealing, to a person specified in column 1 of any Part of Schedule 2 to the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#), of a prescription only medicine that is specified in the corresponding paragraph in column 2 of that Part in relation to that person.
- (3) The restrictions in paragraph (1) shall not apply to a sale to a person by way of wholesale dealing of a prescription only medicine that the person may sell by retail, or supply in circumstances corresponding to retail sale, free from the restrictions in Article 57(2) of the Law, by reason of Article 7 of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#).

- (4) The restrictions in paragraph (1) shall not apply to a sale by way of wholesale dealing, to a registered optometrist, of –
- (a) an eye ointment that contains Oxyphenbutazone; or
 - (b) one or more medicinal products that are prescription only medicines by reason only that they contain any of the following substances –
Amethocaine hydrochloride
Framycetin sulphate
Lignocaine hydrochloride
Oxybuprocaine hydrochloride
Proxymetacaine hydrochloride and
Thymoxamine hydrochloride.⁴
- (5) The restrictions in paragraph (1) shall not apply to a sale, by way of wholesale dealing, of a pharmacy medicine to a person who requires it for the purpose of administering it lawfully to a human being in the course of a business carried on by the purchaser.
- (6) The restrictions in paragraph (1) shall not apply to a sale of a pharmacy medicine, by way of wholesale dealing, to a person who –
- (a) under an Order made under Article 54(2)(b) of the Law;
 - (b) under Article 55 of the Law; or
 - (c) under an Order made under Article 56(1) of the Law,
- may sell such a pharmacy medicine by retail, or supply it in circumstances corresponding to retail sale, otherwise than by or under the supervision of a pharmacist.

4 Pharmacy records

- (1) Every person conducting a retail pharmacy business shall –
- (a) keep a register of prescription only medicines that are sold and supplied in the course of the business; and
 - (b) enter in the register, in respect of every sale or supply of a prescription only medicine and at the time specified in paragraph (2) of this Article, the relevant information in paragraph 1, 2, 3 or 4 of Schedule 2 to this Order.
- (2) The information shall be entered in the register –
- (a) if it is reasonably practicable to do so, on the day on which the prescription only medicine is sold or supplied; or
 - (b) if not, on the following day,
- except that where the medicine is sold or supplied in accordance with Article 9(1) of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#) (by reason that the conditions in paragraph (2) of that Article are fulfilled), the information in paragraph (1)(e) and (f) of Schedule 2 to this Order may be entered on the day on which the prescription relating to the sale or supply is received.
- (3) The requirements of paragraph (1) shall not apply in any of the following cases –

- (a) a sale or supply in pursuance of a health prescription or a prescription for oral contraceptives;
 - (b) a sale or supply, where a separate record of the transaction is made under Article 16 of the Misuse of Drugs (General Provisions) (Jersey) Order 1989;
 - (c) a sale by way of wholesale dealing, where the order or invoice relating to the sale (or a copy) is retained by the person conducting the retail pharmacy business; or
 - (d) a sale or supply to a person employed or engaged, lawfully, in connection with a scheme for testing the quality of drugs supplied under the [Health Insurance \(Jersey\) Law 1967](#).
- (4) Every person conducting a retail pharmacy business shall preserve for a period of 2 years from the relevant date –
 - (a) the register that is to be kept under paragraph (1) of this Article;
 - (b) every prescription (other than a health prescription) under which any prescription only medicine has been sold or supplied;
 - (c) every order or invoice (or copy) to which paragraph (3)(c) of this Article refers; and
 - (d) every order to which column 3 of any Part of Schedule 2 to the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#) refers, except an order to which paragraph 3 of Part 1 of that Schedule refers.
- (5) In paragraph (4) the “relevant date” means –
 - (a) in relation to sub-paragraph (a) of that paragraph, the date on which the last entry was made in the register; and
 - (b) in relation to sub-paragraphs (b), (c) and (d) of that paragraph –
 - (i) where the prescription only medicine was sold or supplied under a repeatable prescription, the date of the final sale or supply pursuant to that prescription, and
 - (ii) in every other case, the date on which the prescription only medicine was sold or supplied.
- (6) Any person who contravenes any provision of this Article shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

5 Additional conditions for sale or supply elsewhere than at pharmacy⁵

- (1) Where a medicinal product is in the course of a business sold by retail, offered or exposed for sale by retail, or supplied in circumstances corresponding to retail sale, elsewhere than at a pharmacy, the conditions in the following paragraphs of this Article are prescribed conditions for the purpose of Article 52 of the Law.
- (2) Where the medicinal product is for human use and contains aloxiprin, aspirin or paracetamol, the product shall be presented for sale in a separate and individual container, or package, containing –
 - (a) in the case of effervescent tablets that do not include aspirin or in which the amount of aspirin does not exceed 325 mg per tablet, not more than 30 tablets;

- (b) in the case of effervescent tablets that include aspirin, where the amount of aspirin exceeds 325 mg per tablet but does not exceed 500 mg per tablet, not more than 20 tablets;
 - (c) in the case of tablets that are not effervescent, where they are enteric-coated and contain aspirin only and the amount of aspirin in each tablet does not exceed 75 mg, not more than 28 tablets;
 - (d) in the case of tablets that are not effervescent, where they are not tablets to which sub-paragraph (c) applies, not more than 16 tablets;
 - (e) in the case of powder or granules, not more than 10 sachets;
 - (f) in the case of capsules, not more than 16 capsules;
 - (g) in the case of liquid preparations of paracetamol that are intended for persons aged not less than 12 years, not more than 160 millilitres of the product; and
 - (h) in the case of liquid preparations of paracetamol that are intended for persons aged less than 12 years, individual unit doses (to a maximum of 20 unit doses) not exceeding 5 ml each.
- (3) Where the medicinal product is for human use and contains sodium picosulphate –
 - (a) in the case of gel-filled capsules, the product shall be presented in a separate and individual container, or package, containing not more than 24 capsules; and
 - (b) in any other case, the product shall be presented for sale in a separate and individual container, or package, containing not more than 60 ml of the product.
- (4) Where the medicinal product is for human use and contains loperamide hydrochloride, the product shall be presented for sale in a separate and individual container, or package, containing not more than 6 tablets or capsules.
- (5) Where the medicinal product is for human use and contains mepyramine maleate, the product shall be presented for sale in a separate and individual container or package containing not more than 20 g of the product.
- (6) Where the medicinal product is for human use and contains bisacodyl, the product shall be presented for sale in a separate and individual container or package containing not more than 20 tablets.
- (7) Where the medicinal product is for human use and contains heparinoid, the product shall be presented for sale in a separate and individual container or package containing not more than 20 g of the product.

6 Citation

This Order may be cited as the Medicines (Sale and Supply) (Miscellaneous Provisions) (Jersey) Order 1997.

SCHEDULE 1

(Article 3(1))

CLASSES OF PERSONS TO WHOM RESTRICTIONS ON SUPPLY OF PRESCRIPTION ONLY AND PHARMACY MEDICINES DO NOT APPLY

- 1** Practitioners.
- 2** Persons who are, within the meaning of Article 68(3) of the Law, lawfully conducting retail pharmacy businesses.
- 3** Authorities or persons carrying on the business of a hospital or health centre.
- 4** Holders of wholesale dealer's licences.
- 5** Persons to whom, by reason of any exemption conferred by or under the Law or by reason of Article 47 of the Law, the restrictions in Article 9(3) of the Law do not apply.
- 6** States departments, and officers of those departments in the course of their duties.

SCHEDULE 2

(Article 4(1)(b))

INFORMATION TO BE ENTERED IN PHARMACY REGISTERS

- 1** Where the sale or supply of a prescription only medicine is made under a prescription given by a practitioner or in accordance with Article 9(1) of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#) (by reason that the conditions in paragraph (2) of that Article are fulfilled), the information to which Article 4(1)(b) of this Order refers is –
 - (a) the date on which the prescription only medicine is sold or supplied;
 - (b) the name, quantity and (unless it is apparent from the name) the pharmaceutical form and strength of the prescription only medicine;
 - (c) the name and address of the practitioner giving the prescription;
 - (d) the name and address of the person for whom the prescription only medicine is prescribed;
 - (e) the date on the prescription; and
 - (f) in relation to the sale or supply of a prescription only medicine in accordance with Article 9(1) of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#), the date on which the prescription relating to that sale or supply is received.
- 2** Where the sale or supply is made under a repeatable prescription, and is not the first sale or supply under that prescription –
 - (a) the date on which the prescription only medicine is sold or supplied; and
 - (b) a reference to an entry made in the register, in accordance with paragraph 1 of this Schedule, in respect of the first sale or supply under that prescription,may be entered in the register instead of the information in that paragraph.
- 3** Where the sale or supply of a prescription only medicine is a sale or supply in accordance with Article 9(1) of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#) (by reason that the conditions in paragraph (3) of that Article are fulfilled), the information to which Article 4(1)(b) of this Order refers is –
 - (a) the date on which the prescription only medicine is sold or supplied;
 - (b) the name, quantity and (unless it is apparent from the name) the pharmaceutical form and strength of the prescription only medicine;
 - (c) the name and address of the person requesting the prescription only medicine; and
 - (d) the nature of the emergency.
- 4** Where –
 - (a) the sale or supply of a prescription only medicine is by way of wholesale dealing, and no order or invoice (or copy of an order or invoice) relating to the transaction has been retained under Article 4(3)(c) of this Order; or

- (b) although the sale or supply is by retail or in circumstances corresponding to retail sale, it is one to which the restrictions in Article 57(2) of the Law do not apply, because of an exemption conferred otherwise than by Article 9 of the [Medicines \(Prescription Only\) \(Jersey\) Order 1997](#),

the information to which Article 4(1)(b) of this Order refers is –

- (i) the date on which the prescription only medicine is sold or supplied,
- (ii) the name, quantity and (unless it is apparent from the name) the pharmaceutical form and strength of the prescription only medicine,
- (iii) the name and address, and the trade, business or profession of the person to whom the prescription only medicine is sold or supplied, and
- (iv) the purpose for which the prescription only medicine is sold or supplied.

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|--|---------------------------------|-----------------|
| Medicines (Sale and Supply) (Miscellaneous Provisions) (Jersey) Order 1997 | R&O.9137 | 1 January 1998 |
| Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment) (Jersey) Order 1998 | R&O.9328 | 1 January 1999 |
| Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment No. 2) (Jersey) Order 2000 | R&O.3/2000 | 1 February 2000 |
| Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment No. 3) (Jersey) Order 2001 | R&O.3/2001 | 1 February 2001 |
| Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment No. 4) (Jersey) Order 2002 | R&O.93/2002 | 1 October 2002 |
| Medicines (Sale and Supply) (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Order 2003 | R&O.98/2003 | 1 January 2004 |
| States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005 | R&O.45/2005 | 9 December 2005 |
| Opticians (Registration) (Amendment No.2) (Jersey) Law 2017 | L.13/2017 | 19 May 2017 |

Table of Renumbered Provisions

| Original | Current |
|-----------------|------------|
| 1A | 2 |
| 2 | 3 |
| 3 | 4 |
| 4 | 5 |
| 5 | 6 |
| FIRST SCHEDULE | SCHEDULE 1 |
| SECOND SCHEDULE | SCHEDULE 2 |

Table of Endnote References

- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (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.9328, L.13/2017*
- ³ *Article 2* *inserted by R&O.98/2003*
- ⁴ *Article 3(4)* *amended by L.13/2017*
- ⁵ *Article 5* *substituted by R&O.93/2002; former Article substituted by R&O.9328, amended by R&O.3/2000, R&O.3/2001*