

# **STATES OF JERSEY**



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – CHIEF PHARMACIST– REVISION OF DELEGATED FUNCTIONS**

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**Presented to the States on 3rd March 2009  
by the Minister for Health and Social Services**

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**STATES GREFFE**

## REPORT

On 27th February 2009, the Minister for Health and Social Services made a Ministerial Decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 (MDHSS-2009-0018, available at [www.gov.je](http://www.gov.je)).

The terms of the delegations, and the legislation under which those delegations were made, were recorded in a Report attached to the Ministerial Decision, as shown below –

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<b>Legislation:</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate:</b>	Chief Pharmacist or nominated deputy
<b>Function delegated:</b>	<p>Article 4(2)(b) – to issue a general licence to permit the importation or exportation of controlled drugs, as specified in the Second Schedule to the Law.</p> <p>The delegate may attach any conditions he deems appropriate.</p>
<b>Scope of delegation:</b>	<p>Licences are to be issued only to registered pharmacies and the hospital pharmacy department.</p> <p>Licences may be issued as renewals or to registered pharmacies which have not previously been licensed for this purpose.</p> <p>The delegate may <u>not</u> refuse or revoke a licence, which should be considered by the Minister.</p> <p>The duration of any licence shall not exceed a period of 3 years.</p> <p>The delegate may not issue a licence to himself.</p>

<b>Legislation:</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate:</b>	Chief Pharmacist or nominated deputy
<b>Function delegated:</b>	<p>Article 4(2)(b)– to issue a licence to permit the importation or exportation of controlled drugs, as specified in the Second Schedule to the Law, to an individual in circumstances when the importation or exportation is not covered by the provisions of the ‘Open General Licence’ for the time being approved by the Minister.</p>
<b>Scope of delegation:</b>	<p>Licences are to be issued only on the request of a prescribing doctor (or of a patient with the legality of importation or exportation verified by the doctor).</p> <p>Licences are to be issued to cover one importation and/or</p>

	<p>exportation only (i.e. one return journey).</p> <p>Licences may also be issued to Police Officers and Customs and Immigration Officers at the request of a Senior Officer in the Service concerned.</p>
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<b>Legislation:</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate:</b>	Chief Pharmacist or nominated deputy
<b>Function delegated:</b>	Article 15(1) and 15(2)– to require a practitioner, pharmacist or person conducting a pharmacy business to furnish information in regard to specified drugs and to serve a notice to that effect.
<b>Scope of delegation:</b>	The information required should extend to particulars specified under the provisions of Article 15(1) and (2) of the Law, including details of the prescription or supply of drugs, and details of the practitioners prescribing drugs.

<b>Legislation:</b>	Misuse of Drugs (Jersey) Law 1978
<b>Delegate:</b>	Chief Pharmacist or nominated deputy
<b>Function delegated:</b>	Article 19(1)– to enter premises of a person carrying on a business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

<b>Legislation:</b>	Misuse of Drugs (General Provisions) (Jersey) Order 1989
<b>Delegate:</b>	Chief Pharmacist
<b>Function delegated:</b>	Article 26– to act as an authorised person for activities in relation to the destruction of controlled drugs in accordance with the relevant provisions of Article 26(1), (2) and (3).

<b>Legislation:</b>	Medicines (Jersey) Law 1995
<b>Delegate:</b>	Chief Pharmacist or nominated deputy
<b>Function delegated:</b>	Articles 96 and 97 – to enter any premises, to inspect, to take samples, to take copies of documents and to seize and detain substances or articles in accordance with the relevant provisions of Articles 96(1), (2) and (3) and 97(1)

	to (8).
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<b>Legislation:</b>	Pharmacy and Poisons (Jersey) Law 1952
<b>Delegate:</b>	Chief Pharmacist or nominated deputy
<b>Function delegated:</b>	Article 17(1)– to enter any registered premises, or the premises on which any person whose name is entered in the list kept in pursuance of Article 11 carries on business, or any premises in which he or she 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 or she shall have power to make such examination and enquiry and to do such other things (including the taking, on payment therefore, of samples) as may be necessary for ascertaining whether the provisions are being complied with.

<b>Legislation:</b>	Medicines (Health Professionals – Exemption) (Jersey) Order 2001
<b>Delegate:</b>	Chair of Health and Social Services Governance Board
<b>Function delegated:</b>	Article 1(2)– to give a direction that a relevant health professional authorised by the department to do so may sell, supply or administer a medicinal product other than in accordance with Articles 51, 52 and 57(2) of the Medicines (Jersey) Law 1995.
<b>Scope of delegation:</b>	<p>A direction may only be given in respect of a relevant health professional employed by the Health and Social Services Department.</p> <p>The details of any direction must be approved by the Health and Social Services Medicines Governance Committee.</p>