

# STATES OF JERSEY



## **DRAFT PHARMACISTS AND PHARMACY TECHNICIANS (REGISTRATION) (AMENDMENT) (JERSEY) LAW 201-**

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**Lodged au Greffe on 11th August 2011  
by the Minister for Health and Social Services**

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**STATES GREFFE**





Jersey

## **DRAFT PHARMACISTS AND PHARMACY TECHNICIANS (REGISTRATION) (AMENDMENT) (JERSEY) LAW 201-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Health and Social Services has made the following statement –

In the view of the Minister for Health and Social Services the provisions of the Draft Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) **Deputy A.E. Pryke of Trinity**

## REPORT

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### **Background**

Registration of pharmacists is currently subject to the provisions of the Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010 (“the principal Law”). This Law introduced Pharmacy Technician Registration for the first time in Jersey.

Pharmacy Technician Registration became compulsory in the U.K. on 1st July 2011. This amending Law introduces the compulsory requirement for Pharmacy Technician registration in Jersey and makes it an offence for a person to hold himself or herself out as or use the title of a registered pharmacy technician.

It also amends the principal Law to provide a description of what is meant by practising as a pharmacist or pharmacy technician, and makes it an offence for anybody other than a registered pharmacist or pharmacy technician to practice as a pharmacist or pharmacy technician.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this Draft Law.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 8th August 2011 the Minister for Health and Social Services made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Health and Social Services the provisions of the Draft Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

## Explanatory Note

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This Law would amend the Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010 (the “principal Law”), which provides for the registration of persons to practise in Jersey as pharmacists or pharmacy technicians.

The qualification of “pharmacy technician” is relatively new, and being phased in. At the time the Law was adopted by the States (3rd February 2010), registration as a pharmacy technician in the United Kingdom was not compulsory. Subsequently, a date of 1st July 2011 was set in the United Kingdom for registration to become compulsory, and it is proposed that registration as a pharmacy technician in Jersey should now also become compulsory.

This Law, then, adds to the offences already associated with practice as a pharmacist or pharmacy technician, making it an offence to practise as either unless registered.

*Article 1* defines the principal Law.

*Article 2* adds an interpretation rule which is relevant to the offences created by *Articles 3 and 4*. It describes what is meant by practising as a pharmacist or pharmacy technician.

*Article 3* amends Article 4 of the principal Law. That Article makes it an offence for a person to hold himself or herself out as, or use the title of, a registered pharmacist when he or she is not; to represent himself or herself as having any qualification or authority to practise by virtue of which he or she could be registered, when he or she does not have the qualification or authority; or to represent himself or herself as having any specialist title which he or she does not have. The practice of pharmacy is primarily regulated by the Medicines (Jersey) Law 1995. That Law contains various provisions to the effect that only a registered pharmacist may prepare, dispense, sell or supply medicinal products, non-compliance with which is an offence.

The amendment made by this Law merely supplements the specific restrictions imposed by the Medicines (Jersey) Law 1995, by making it a general offence for a person, other than a registered pharmacist, to practise as a pharmacist. The penalty for the offence is a fine of level 4 on the standard scale (£5,000).

*Article 4* amends Article 15 of the principal Law. Article 15 makes it an offence for a person to hold himself or herself out as or use the title of a registered pharmacy technician when he or she is not; to represent himself or herself as having any qualification or authority to practise by virtue of which he or she could be registered as a pharmacy technician, when he or she does not have the qualification or authority; or to represent himself or herself as having any specialist title as a pharmacy technician which he or she does not have.

The amendment made by this Law would, from the date on which registration as a pharmacy technician becomes compulsory, make it an offence for a person, other than a registered pharmacy technician, to practise as a pharmacy technician. The penalty for the offence is a fine of level 4 on the standard scale (£5,000).

*Article 5* expands the existing power for the Minister for Health and Social Services, by Order, to make transitional arrangements and savings for the purposes of the commencement of the principal Law. As expanded, the Minister also has the power to

make such arrangements and savings for the purposes of the commencement of any enactment amending the Law (which would include this draft Law).

*Article 6* provides for the citation and its commencement 7 days after it is registered in the Royal Court, save that the offence of practising as a pharmacy technician without being registered would come into force one month after registration of this Law.



Jersey

**DRAFT PHARMACISTS AND PHARMACY  
TECHNICIANS (REGISTRATION) (AMENDMENT)  
(JERSEY) LAW 201-**

**Arrangement**

**Article**

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Jersey

## **DRAFT PHARMACISTS AND PHARMACY TECHNICIANS (REGISTRATION) (AMENDMENT) (JERSEY) LAW 201-**

**A LAW** to amend the Pharmacists and Pharmacy Technicians (Registration)  
(Jersey) Law 2010

*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**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 Pharmacists and Pharmacy Technicians  
(Registration) (Jersey) Law 2010<sup>1</sup>.

### **2 Article 1 amended**

(1) The text of Article 1 of the principal Law shall be renumbered as  
paragraph (1) of that Article.

(2) After Article 1(1) there shall be added the following paragraph –

“(2) For the purposes of this Law, a person practises as a pharmacist or  
pharmacy technician if, whilst acting in the capacity of or  
purporting to be a pharmacist or pharmacy technician, that person  
undertakes any work or gives any advice in relation to the  
preparation, assembly, dispensing, sale, supply or use of  
medicines, the science of medicines, the practice of pharmacy or  
the provision of healthcare.”.

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**3 Article 4 amended**

In Article 4(1) of the principal Law –

- (a) the word “or” at the end of sub-paragraph (c) shall be deleted;
- (b) the word “or” and the following sub-paragraph shall be added after sub-paragraph (d) –
  - “(e) practise as a pharmacist whilst not registered.”.

**4 Article 15 amended**

In Article 15(1) of the principal Law –

- (a) the word “or” at the end of sub-paragraph (c) shall be deleted;
- (b) the word “or” and the following sub-paragraph shall be added after sub-paragraph (d) –
  - “(e) practise as a pharmacy technician whilst not registered.”.

**5 Article 29 amended**

In Article 29(c) after the words “the commencement of this Law” there shall be inserted the words “or of any other enactment amending this Law”.

**6 Citation and commencement**

- (1) This Law may be cited as the Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 201-.
- (2) This Law, apart from Article 4, shall come into force 7 days after it is registered.
- (3) Article 4 shall come into force one month after this Law is registered.

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<sup>1</sup> *chapter 20.770*