STATES OF JERSEY

DRAFT MEDICINES (AMENDMENT No. 2)(JERSEY) LAW 200-

Lodged au Greffe on 7th December 2004
by the Health and Social Services Committee

STATES GREFFE

Jersey

DRAFT MEDICINES (AMENDMENT No. 2)(JERSEY) LAW 200-

European Convention on Human Rights

The President of the Health and Social Services Committee has made the following statement –

In the view of the Health and Social Services Committee the provisions of the Draft Medicines (Amendment No. 2) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator S. Syvret**

REPORT

The legal classification of a medicine determines how it may lawfully be supplied. Medicines can legally be supplied in the following ways –

(1) Only on prescription (POM)

(2) Only from a pharmacy (P)

(3 On general sale (GSL).

Historically, medicines in Jersey had to be placed in one of these 3 categories by Order of the Health and Social Services Committee after taking the advice of the Medicines Advisory Council into consideration. This procedure enabled Jersey to place medicines into a different legal class to the U.K. if it was considered appropriate and desirable to do so.

However, a new procedure has been adopted in the U.K. whereby, rather than place the medicines into a legal class by Order, the legal classification of a medicine is now determined by its Marketing Authorisation (formerly Product Licence). The Medicines (Jersey) Law 1995 automatically recognises a U.K. Marketing Authorisation and therefore the corresponding legal classification of a medicine. This change in U.K. procedure has resulted in the loss of ability to classify medicines differently to the U.K. in terms of how they can lawfully be supplied.

The Draft Medicines (Amendment No. 2) (Jersey) Law 200- seeks to restore the ability to differ to the U.K. regarding the legal classification of a medicine where it is considered desirable to do so.

This Draft Law has no implications for the financial or manpower resources of the States.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee 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). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 30th November 2004 the Health and Social Services Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Health and Social Services Committee the provisions of the Draft Medicines (Amendment No. 2) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

The purpose of this draft Law is –

(a) to make the provisions of Article 8 of the Medicines (Jersey) Law 1995 subject to Part IV of the Law and any Order made under Part IV; and

(b) to treat any condition of supply to which a medicinal product is subject by virtue of the terms of its UK marketing authorization as if it had effect by virtue of Part IV of the Law.

Jersey

DRAFT MEDICINES (AMENDMENT No. 2)(JERSEY) LAW 200-

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

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 Article 8 amended

In Article 8 of the Medicines (Jersey) Law 1995[1] –

(a) in paragraph (1)(c) for the full stop at the end of the sub-paragraph there shall be substituted the word "and";

(b) after paragraph (1)(c) there shall be added the following sub-paragraph –

"(d) the provisions of Part IV and any Order made under that Part."; and

(c) after paragraph (2) there shall be inserted the following paragraph –

"(2A) Where a medicinal product is subject to a marketing authorization and it is a condition of the marketing authorization that the product is to be available on one or more of the following bases –

(a) only on prescription;

(b) only from a pharmacy; or

(c) on general sale,

that condition shall have effect, unless an Order made under Part IV prescribes otherwise, as if any such basis was prescribed by an Order made under Article 57, had effect as a consequence of Article 51 or was prescribed by an Order made under Article 50 as the case may be.

2 Citation and commencement

This Law may be cited as the Medicines (Amendment No. 2) (Jersey) Law 200- and shall come into force on such day as the States may by Act appoint.

[1] *Volume 1994-1995, page 450.*