



Jersey

**PHARMACISTS AND PHARMACY  
TECHNICIANS (REGISTRATION)  
(JERSEY) LAW 2010**

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Jersey

## PHARMACISTS AND PHARMACY TECHNICIANS (REGISTRATION) (JERSEY) LAW 2010

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Jersey

## PHARMACISTS AND PHARMACY TECHNICIANS (REGISTRATION) (JERSEY) LAW 2010

A **LAW** to regulate the practice of pharmacy, to provide for the regulation of pharmacy technicians, and for connected purposes.

Commencement [[see endnotes](#)]

### PART 1

#### INTRODUCTORY PROVISIONS

##### 1 Interpretation

- (1) In this Law, unless the context otherwise requires –
  - “Minister” means the Minister for Health and Social Services;
  - “register” means the register kept under Article 2(1);
  - “registered” means registered as a pharmacist, or a pharmacy technician, under this Law;
  - “registration fee” means –
    - (a) in relation to the registration of a person as a pharmacist, the registration fee determined under Article 5(3); and
    - (b) in relation to the registration of a person as a pharmacy technician, the registration fee determined under Article 16(3).<sup>1</sup>
- (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.<sup>2</sup>

**2 Register**

- (1) The Minister shall keep and maintain a register of persons registered as pharmacists or pharmacy technicians.
- (2) Upon registering a person as a pharmacist or pharmacy technician, the Minister shall enter in the register the prescribed information in respect of the person.
- (3) The Minister shall remove from the register the name of a person who has died, who has requested the cancellation of his or her registration under Article 9 or 20 or whose registration has been cancelled under Article 10 or 21.

**3 List of registered pharmacists and pharmacy technicians to be kept**

The Minister shall ensure that a list of the names of registered pharmacists and registered pharmacy technicians, showing such information regarding their qualification for registration as may be prescribed, shall be available for viewing at all reasonable times by members of the public, without charge, at a place determined by the Minister.

**PART 2****REGISTRATION OF PHARMACISTS****4 Person not to falsely hold self out as being registered pharmacist etc.**

- (1) A person shall not –
  - (a) represent himself or herself as being registered under this Law as a pharmacist unless he or she is so registered and his or her registration under this Law as a pharmacist is not suspended;
  - (b) represent himself or herself as having any qualification, or authority to practise as a pharmacist that is a qualification or authority prescribed under Article 6(1)(a) as a requirement for registration under this Law, unless he or she has such qualification or authority and, in the case of authority to practise, the authority is not suspended;
  - (c) use the title “registered pharmacist” unless he or she is registered as a pharmacist under this Law and his or her registration under this Law as a pharmacist is not suspended;
  - (d) represent himself or herself as having a specialist title or specialisation unless he or she is permitted, by a qualification or authority to practise as a pharmacist conferred in another country or territory, that is a qualification or authority prescribed under Article 6(1)(a) as a requirement for registration under this Law, to hold himself or herself out, in that country or territory, as having that specialist title or specialisation, and the permission is not suspended in that country or territory; or
  - (e) practise as a pharmacist whilst not registered.<sup>3</sup>

- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to a fine of level 3 on the standard scale.<sup>4</sup>

## **5 Application for registration as a pharmacist**

- (1) A person may apply to the Minister for registration under this Law as a pharmacist.
- (2) An application for registration as a pharmacist shall –
- (a) contain the prescribed particulars; and
  - (b) be accompanied by –
    - (i) the prescribed proof that the applicant fulfils the requirements prescribed under Article 6(1)(a), and
    - (ii) the registration fee.
- (3) The Minister may determine a registration fee for the purposes of paragraph (2)(b)(ii).

## **6 Registration**

- (1) The Minister shall, after receiving an application for registration that complies with the requirements of Article 5(2), register the applicant as a pharmacist if the Minister is satisfied that –
- (a) the applicant fulfils the prescribed requirements for registration; and
  - (b) the application is not made within a period specified in a direction under Article 10(3) that is in force in relation to the applicant.
- (2) The Minister shall, before refusing to register an applicant as a pharmacist by reason of the application not complying with the requirements of Article 5(2), give the applicant an opportunity to make his or her application compliant with the requirements of that provision.
- (3) The Minister shall not register an applicant as a pharmacist if the Minister is not satisfied as to the matters described in sub-paragraph (a) and (b) of paragraph (1).
- (4) The Minister shall, upon refusing an application for registration –
- (a) serve notice on the applicant of his or her decision and the reasons for it; and
  - (b) refund the registration fee paid by the applicant.

## **7 Conditions of registration**

- (1) The Minister may, if he or she thinks it necessary to do so –
- (a) to protect members of the public;
  - (b) because it is otherwise in the public interest; or
  - (c) in the interests of the person,

impose a condition on the registration of a person as a pharmacist.

- (2) A condition may be imposed under paragraph (1) at the time of, or after, registration.
- (3) A condition imposed under paragraph (1) shall remain in force for the period specified in the registration of the person as the period for which the condition shall remain in force.
- (4) A period specified under paragraph (3) shall not exceed 18 months.
- (5) The Minister shall impose any mandatory condition of registration that is prescribed.

## **8 Certificate of registration**

- (1) The Minister shall issue a certificate of registration to a person who is registered as a pharmacist.
- (2) The Minister may issue a further certificate of registration to a person who is registered as a pharmacist if the Minister is satisfied the certificate of registration formerly issued to the person has been lost, stolen or damaged.

## **9 Request for cancellation of registration**

- (1) A person registered as a pharmacist may, at any time, request the Minister to cancel the person's registration.
- (2) A request under paragraph (1) shall be made in writing.
- (3) The Minister shall, upon receiving a request under paragraph (1), cancel the person's registration.

## **10 Cancellation of registration otherwise than on request**

- (1) The Minister shall cancel a person's registration as a pharmacist if –
  - (a) the person ceases to fulfil the requirements for registration prescribed under Article 6(1)(a);
  - (b) the registration under this Law was obtained by fraudulent means; or
  - (c) the person has not, within 60 days of having been requested to do so by the Minister by notice in writing, provided to the Minister the return required to be provided by Article 14.<sup>5</sup>
- (2) The Minister may cancel a person's registration as a pharmacist if the person –
  - (a) is convicted (whether or not in Jersey) of an offence of a kind that, in the opinion of the Minister, makes the person unfit to be a pharmacist;
  - (b) has failed to comply with a condition imposed under Article 7(1) or (5) on his or her registration;



- (c) is found by the Minister to have engaged in behaviour that constituted a contravention of, or a failure to comply with, any term or condition of any authority to practise as a pharmacist by virtue of which authority the person fulfils the requirements for registration prescribed under Article 6(1)(a); or
  - (d) is found by the Minister to have engaged in conduct (including a failure to adequately supervise an employee) of a kind that, in the opinion of the Minister, makes the person unfit to be a pharmacist.
- (3) The Minister may, if he or she has cancelled a person's registration under paragraph (1)(b) or (2), direct that the person shall not be registered under Article 6 within a period, of less than 5 years, specified by the Minister in the direction.
- (4) The Minister shall, before cancelling a person's registration under paragraph (1) or (2), give the person an opportunity to present evidence or other material to the Minister.
- (5) The Minister shall serve on a person whose registration is cancelled under this Article notice of –
  - (a) the Minister's decision to cancel the person's registration;
  - (b) the Minister's reasons for the decision; and
  - (c) the period, if any, during which, in accordance with a direction under paragraph (3), the person shall not be registered under Article 6.
- (6) The cancellation of a person's registration under this Article takes effect on the service on the person under paragraph (5) of the notice of the cancellation.
- (7) If an appeal is lodged under Article 13 against the cancellation of a person's registration, the Minister shall restore the person's registration –
  - (a) until the determination of the appeal under Article 13(4)(a) or (c); or
  - (b) where the appeal is determined by referring the matter back to the Minister under Article 13(4)(b), until the Minister has dealt with the referred matter.
- (8) Paragraph (7) does not apply if –
  - (a) in the opinion of the Minister, the grounds on which the registration was cancelled are so serious that the cancellation should continue in effect –
    - (i) until the appeal in relation to it is determined under Article 13(4)(a) or (c), or
    - (ii) where the appeal is determined by referring the matter back to the Minister under Article 13(4)(b), until the Minister has dealt with the referred matter; and
  - (b) the notice of cancellation under paragraph (5) specifies that sub-paragraph (a) of this paragraph applies in relation to the cancellation.

**11 Suspension**

- (1) The Minister shall –
  - (a) suspend a person's registration as a pharmacist upon becoming aware that the authority to practice by virtue of which the person fulfils the requirements for registration prescribed under Article 6(1)(a) has been suspended; and
  - (b) end a person's suspension upon becoming aware that the person's authority to practice, described in sub-paragraph (a), is no longer suspended.
- (2) If the Minister is satisfied that there may be grounds for cancellation of a person's registration as a pharmacist and that the circumstances are such that, while enquiries are conducted into those grounds, the person should not practise as a pharmacist, the Minister may suspend the person's registration for a period not exceeding 3 months.
- (3) The Minister may extend a suspension under paragraph (2), on one or more occasions, for a period not exceeding 3 months.
- (4) The Minister shall serve on a person whose registration is suspended, or whose suspension is extended, notice of –
  - (a) the Minister's decision to suspend, or extend the suspension of, the person's registration;
  - (b) the Minister's reasons for the decision; and
  - (c) the period for which the suspension has effect.
- (5) A period of suspension shall commence on the service on the person, under paragraph (4), of the notice of suspension.

**12 Application for amendment of direction**

- (1) A person whose registration is cancelled under Article 10 may apply to the Minister to amend a direction given under Article 10(3) in relation to the person.
- (2) The Minister may, after receiving an application under paragraph (1) from a person, amend a direction given under Article 10(3) in relation to the person.
- (3) The Minister shall serve on a person notice of the Minister's decision in relation to an application by the person under paragraph (1) and the Minister's reasons for the decision.

**13 Appeal**

- (1) A person may appeal to the Royal Court against a decision of the Minister to –
  - (a) refuse under Article 6 to register the person;
  - (b) impose under Article 7(1) a condition on the registration of the person;

- (c) cancel under Article 10 the person's registration;
  - (d) give a direction under Article 10(3);
  - (e) refuse to amend a direction given under Article 10(3);
  - (f) suspend, or continue the suspension of, the person's registration under Article 11; or
  - (g) refuse to amend a direction under Article 12.
- (2) An appeal under this Article against a decision may only be made by a person within 28 days after notice of the decision is served on the person, unless the Royal Court determines that the period should be extended.
- (3) If the Minister has not, within the 60 day period beginning the day after an application is made to the Minister under Article 6 or 12 by a person, served a notice under Article 6(4) or 12(3) in relation to the application, the Minister shall be taken for the purposes of this Article –
- (a) to have decided to refuse the application; and
  - (b) to have served notice of the decision on the person on the day after the end of that period.
- (4) The Royal Court may determine an appeal under this Article by –
- (a) confirming the decision to which the appeal relates;
  - (b) quashing the decision to which the appeal relates and referring the matter back to the Minister for the Minister's decision in accordance with the law; or
  - (c) making any decision that the Minister could have made under Article 6, 7(1), 10, 11 or 12, as the case may be.
- (5) The Royal Court may make the additional orders it thinks appropriate, including ancillary orders and orders as to costs.

#### **14 Annual return**

A pharmacist shall provide to the Minister, by 31st January in each year, a return in such form and containing such information as may be prescribed.

### **PART 3**

#### **REGISTRATION OF PHARMACY TECHNICIANS**

#### **15 Person not to falsely hold self out as being registered pharmacy technician etc.**

- (1) A person shall not –
- (a) represent himself or herself as being registered under this Law as a pharmacy technician unless he or she is so registered and his or her registration under this Law as a pharmacy technician is not suspended;

- (b) represent himself or herself as having any qualification, or authority to practise as a pharmacy technician that is a qualification or authority prescribed under Article 17(1)(a) as a requirement for registration under this Law, unless he or she has such qualification or authority and, in the case of authority to practise, the authority is not suspended;
  - (c) use the title “registered pharmacy technician” unless he or she is registered as a pharmacy technician under this Law and his or her registration under this Law as a pharmacy technician is not suspended;
  - (d) represent himself or herself as having a specialist title or specialisation unless he or she is permitted, by a qualification or authority to practise as a pharmacy technician in another country or territory, that is a qualification or authority prescribed under Article 17(1)(a) as a requirement for registration under this Law, to hold himself or herself out, in that country or territory, as having that specialist title or specialisation, and the permission is not suspended in that country or territory; or
  - (e) practise as a pharmacy technician whilst not registered.<sup>6</sup>
- (2) A person who contravenes paragraph (1) commits an offence and shall be liable to a fine of level 3 on the standard scale.<sup>7</sup>

## **16 Application for registration as a pharmacy technician**

- (1) A person may apply to the Minister for registration under this Law as a pharmacy technician.
- (2) An application under paragraph (1) shall –
  - (a) contain the prescribed particulars; and
  - (b) be accompanied by –
    - (i) the prescribed proof that the applicant fulfils the requirements for registration prescribed under Article 17(1)(a), and
    - (ii) the registration fee.
- (3) The Minister may determine a registration fee for the purposes of paragraph (2)(b)(ii).

## **17 Registration**

- (1) The Minister shall, after receiving an application that complies with the requirements of Article 16(2), register the applicant as a pharmacy technician if the Minister is satisfied that –
  - (a) the applicant fulfils the prescribed requirements for registration; and
  - (b) the application is not made within a period specified in a direction under Article 21(3) that is in force in relation to the applicant.

- (2) The Minister shall, before refusing to register an applicant as a pharmacy technician by reason of the application not complying with the requirements of Article 16(2), give the applicant an opportunity to make his or her application compliant with the requirements of that provision.
- (3) The Minister shall not register an applicant as a pharmacy technician if the Minister is not satisfied as to the matters described in subparagraph (a) and (b) of paragraph (1).
- (4) The Minister shall, upon refusing an application for registration –
  - (a) serve notice on the applicant of his or her decision and the reasons for it; and
  - (b) refund the registration fee paid by the applicant.

## **18 Conditions of registration**

- (1) The Minister may, if he or she thinks it necessary to do so –
  - (a) to protect members of the public;
  - (b) because it is otherwise in the public interest; or
  - (c) in the interests of the person,impose a condition on the registration of a person as a pharmacy technician.
- (2) A condition may be imposed under paragraph (1) at the time of, or after, registration.
- (3) A condition imposed under paragraph (1) shall remain in force for the period specified in the registration of the person as the period for which the condition shall remain in force.
- (4) A period specified under paragraph (3) shall not exceed 18 months.
- (5) The Minister shall impose any mandatory condition of registration that is prescribed.

## **19 Certificate of registration**

- (1) The Minister shall issue a certificate of registration to a person who is registered as a pharmacy technician.
- (2) The Minister may issue a further certificate of registration to a person who is registered as a pharmacy technician if the Minister is satisfied the certificate of registration formerly issued to the person has been lost, stolen or damaged.

## **20 Request for cancellation of registration**

- (1) A person registered as a pharmacy technician may, at any time, request the Minister to cancel the person's registration.
- (2) A request under paragraph (1) shall be made in writing.

- (3) The Minister shall, upon receiving a request under paragraph (1), cancel the person's registration.

## **21 Cancellation of registration otherwise than on request**

- (1) The Minister shall cancel a person's registration as a pharmacy technician if –
  - (a) the person ceases to fulfil the requirements for registration prescribed under Article 17(1)(a);
  - (b) the registration under this Law was obtained by fraudulent means; or
  - (c) the person has not, within 60 days of having being requested to do so by the Minister by notice in writing, provided to the Minister the return required to be provided by Article 25.
- (2) The Minister may cancel a person's registration as a pharmacy technician if the person –
  - (a) is convicted (whether or not in Jersey) of an offence of a kind that, in the opinion of the Minister, makes the person unfit to be a pharmacy technician;
  - (b) has failed to comply with a condition imposed under Article 18(1) or (5) on his or her registration;
  - (c) is found by the Minister to have engaged in behaviour that constituted a contravention of, or a failure to comply with, any term or condition of any authority to practise as a pharmacy technician in another country or territory by virtue of which authority the person fulfils the requirements for registration prescribed under Article 17(1)(a); or
  - (d) is found by the Minister to have engaged in conduct (including a failure to adequately supervise an employee) of a kind that, in the opinion of the Minister, makes the person unfit to be a pharmacy technician.
- (3) The Minister may, if he or she has cancelled a person's registration under paragraph (1)(b) or (2), direct that the person shall not be registered under Article 17 within a period, of less than 5 years, specified by the Minister in the order.
- (4) The Minister shall, before cancelling a person's registration under paragraph (1) or (2), give the person an opportunity to present evidence or other material to the Minister.
- (5) The Minister shall serve on a person whose registration is cancelled under this Article notice of –
  - (a) the Minister's decision to cancel the person's registration;
  - (b) the Minister's reasons for the decision; and
  - (c) the period, if any, in which, in accordance with a direction under paragraph (3), the person shall not be registered under Article 17.

- (6) The cancellation of a person's registration under this Article takes effect on the service on the person under paragraph (5) of the notice of the cancellation.
- (7) If an appeal is lodged under Article 24 against the cancellation of a person's registration, the Minister shall restore the person's registration –
  - (a) until the determination of the appeal under Article 24(4)(a) or (c); or
  - (b) where the appeal is determined by referring the matter back to the Minister under Article 24(4)(b), until the Minister has dealt with the referred matter.
- (8) Paragraph (7) does not apply if –
  - (a) in the opinion of the Minister, the grounds on which the registration was cancelled are so serious that the cancellation should continue in effect –
    - (i) until the appeal in relation to it is determined under Article 24(4)(a) or (c), or
    - (ii) where the appeal is determined by referring the matter back to the Minister under Article 24(4)(b), until the Minister has dealt with the referred matter; and
  - (b) the notice of cancellation under paragraph (5) specifies that sub-paragraph (a) of this paragraph applies in relation to the cancellation.

## **22 Suspension**

- (1) The Minister shall –
  - (a) suspend a person's registration as a pharmacy technician upon becoming aware that the authority to practice by virtue of which the person fulfils the requirements for registration prescribed under Article 17(1)(a) is suspended; and
  - (b) end a person's suspension upon becoming aware that the person's authority to practice, described in sub-paragraph (a), is no longer suspended.
- (2) If the Minister is satisfied that there may be grounds for cancellation of a person's registration as a pharmacy technician and that the circumstances are such that, while enquiries are conducted into those grounds, the person should not practise as a pharmacy technician, the Minister may suspend the person's registration for a period not exceeding 3 months.
- (3) The Minister may extend a suspension under paragraph (2), on one or more occasions, for a period not exceeding 3 months.
- (4) The Minister shall serve on a person whose registration is suspended, or whose suspension is extended, notice of –
  - (a) the Minister's decision to suspend, or extend the suspension of, the person's registration;
  - (b) the Minister's reasons for the decision; and

- (c) the period for which the suspension has effect.
- (5) A period of suspension shall commence on the service on the person, under paragraph (4), of the notice of suspension.

## **23 Application for amendment of direction**

- (1) A person whose registration is cancelled under Article 21 may apply to the Minister to amend a direction given under Article 21(3) in relation to the person.
- (2) The Minister may, after receiving an application under paragraph (1) from a person, amend a direction given under Article 21(3) in relation to the person.
- (3) The Minister shall serve on a person notice of the Minister's decision in relation to an application by the person under paragraph (1) and the Minister's reasons for the decision.

## **24 Appeal**

- (1) A person may appeal to the Royal Court against a decision of the Minister to –
  - (a) refuse under Article 17 to register the person;
  - (b) impose under Article 18(1) a condition on the registration of the person;
  - (c) cancel under Article 21 the person's registration;
  - (d) give a direction under Article 21(3);
  - (e) refuse to amend a direction given under Article 21(3);
  - (f) suspend, or continue the suspension of, the person's registration under Article 22; or
  - (g) refuse to amend a direction under Article 23.
- (2) An appeal under this Article against a decision may only be made by a person within 28 days after notice of the decision is served on the person, unless the Royal Court determines that the period should be extended.
- (3) If the Minister has not, within the 60 day period beginning the day after an application is made to the Minister under Article 16 or 23 by a person, served a notice under Article 17(4) or 23(3) in relation to the application, the Minister shall be taken for the purposes of this Article –
  - (a) to have decided to refuse the application; and
  - (b) to have served notice of the decision on the person on the day after the end of that period.
- (4) The Royal Court may determine an appeal under this Article by –
  - (a) confirming the decision to which the appeal relates;



- (b) quashing the decision to which the appeal relates and referring the matter back to the Minister for the Minister's decision in accordance with the law; or
  - (c) making any decision that the Minister could have made under Article 17, 18(1), 21, 22 or 23, as the case may be.
- (5) The Royal Court may make the additional orders it thinks appropriate, including ancillary orders and orders as to costs.

## **25 Annual return**

A pharmacy technician shall provide to the Minister, by 31st January in each year, a return in such form and containing such information as may be prescribed.

## **PART 4**

### **CONCLUDING PROVISIONS**

## **26 Fraudulent statements and abuse of certificates**

- (1) A person shall not knowingly or recklessly –
- (a) make a statement; or
  - (b) provide information,
- that is false or misleading in a material particular –
- (i) in relation to an application under this Law; or
  - (ii) in relation to the registration, or the cancellation of the registration, of a person under this Law.
- (2) A person shall not –
- (a) forge with intent to deceive, or use with intent to deceive, a certificate issued under this Law or any proof prescribed under Article 5(2)(b)(i) or 16(2)(b)(i);
  - (b) lend to, or allow to be used by, another person, a certificate or proof referred to in sub-paragraph (a);
  - (c) make or have in the person's possession a document so closely resembling a certificate or proof referred to in sub-paragraph (a) that it ought reasonably be taken to be calculated to deceive; or
  - (d) obtain, or attempt to obtain, the registration of himself or herself under this Law by assuming the name or qualifications of another person.
- (3) A person who contravenes paragraph (1) or (2) commits an offence and shall be liable to imprisonment for a term of 2 years and to a fine.

**27 Service of notices**

Any notice to be served under this Law may be served by post.

**28 Orders**

The Minister may, by Order –

- (a) prescribe any matter that shall or may be prescribed under this Law;
- (b) make provision as to the documents that may be admitted in proceedings under this Law as proof that a person –
  - (i) fulfils the prescribed requirements for registration under Article 6 or 17, or
  - (ii) is permitted to hold himself or herself out as having a specialist title or specialisation; and
- (c) make transitional provisions and savings for the purposes of the commencement of this Law or of any other enactment amending this Law and the repeal or amendment of any enactment by this Law.<sup>8</sup>

**29 Citation**

This Law may be cited as the Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	<a href="#">L.6/2010</a>	16 May 2010
Pharmacists and Pharmacy Technicians (Registration) (Amendment) (Jersey) Law 2012	<a href="#">L.22/2012</a>	3 August 2012 – except Article 4 in force 27 August 2012
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )

### Table of Renumbered Provisions

Original	Current
28	Spent, omitted
29	28
30	29

### Table of Endnote References

<sup>1</sup> Article 1(1)	<i>amended by L.22/2012</i>
<sup>2</sup> Article 1(2)	<i>added by L.22/2012</i>
<sup>3</sup> Article 4(1)	<i>amended by L.22/2012</i>
<sup>4</sup> Article 4(2)	<i>amended by L.1/2016</i>
<sup>5</sup> Article 10(1)	<i>unofficial text change to sub-paragraph (c), “being” deleted, “been” inserted instead</i>
<sup>6</sup> Article 15(1)	<i>amended by L.22/2012</i>
<sup>7</sup> Article 15(2)	<i>amended by L.1/2016</i>
<sup>8</sup> Article 28	<i>amended by L.22/2012</i>