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# PROJET DE LOI

ENTITLED

## **The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974**

*[CONSOLIDATED TEXT]*

### **NOTE**

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## **The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974**

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## **The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974**

**THE STATES**, in pursuance of their Resolution of the twenty-sixth day of September, nineteen hundred and seventy-three, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### PART I

#### RESTRICTIONS RELATING TO CONTROLLED DRUGS, ETC.

#### Controlled drugs and their classification for purposes of this Law.

1. (1) In this Law –
  - (a) the expression "**controlled drug**" means any substance or product for the time being specified in Part I, Part II or Part III of the First Schedule to this Law, and
  - (b) the expressions "**Class A drug**", "**Class B drug**" and "**Class C drug**" mean any of the substances and products for the time being specified respectively in Part I, Part II and Part III of that Schedule,

and the provisions of Part IV of that Schedule shall have effect with respect to the meanings of expressions used in that Schedule.

(2) [The Board may by Order] make such amendments in the First Schedule to this Law as may be requisite for the purpose of adding any substance or product to, or removing any substance or product from, any of Parts I to III of that Schedule, including amendments for securing that no substance or product is for the time being specified in a particular one of those Parts or for inserting any substance or product into any of those Parts in which no substance or product is for the time being specified [and may, for any of the foregoing purposes, repeal and replace with amendments the said Schedule or any Part thereof].

(3) An [Order] under this section may amend Part IV of the First Schedule to this Law, and may do so whether or not it amends any other Part of that Schedule.

**Restriction of importation and exportation of controlled drugs.**

2. (1) Subject to subsection (2) of this section –

- (a) the importation into the Bailiwick of a controlled drug,  
and
- (b) the exportation from the Bailiwick of a controlled  
drug,

are hereby prohibited.

(2) Subsection (1) of this section does not apply –

- (a) to the importation or exportation of a controlled drug  
which is for the time being excepted from paragraph  
(a) or, as the case may be, paragraph (b) of that

subsection by an [Order] under section six of this Law,

- (b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Board and in compliance with any conditions attached thereto.

**Restriction of production and supply of controlled drugs.**

3. (1) Subject to any [Order] under section six of this Law for the time being in force, it shall not be lawful for a person –

- (a) to produce a controlled drug, or
- (b) to supply or offer to supply a controlled drug to another.

(2) Subject to section twenty-seven of this Law, it is an offence for a person –

- (a) to produce a controlled drug in contravention of subsection (1) of this section, or
- (b) to be concerned in the production of such a drug in contravention of that subsection by another.

(3) Subject to section twenty-seven of this Law, it is an offence for a person –

- (a) to supply or offer to supply a controlled drug to another in contravention of subsection (1) of this section, or
- (b) to be concerned in the supplying of such a drug to another in contravention of that subsection, or
- (c) to be concerned in the making to another in contravention of that subsection of an offer to supply such a drug.

**Restriction of possession of controlled drugs.**

4. (1) Subject to any [Order] under section six of this Law for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

(2) Subject to section twenty-seven of this Law and to subsection (4) of this section, it is an offence for a person to have a controlled drug in his possession in contravention of subsection (1) of this section.

(3) Subject to section twenty-seven of this Law, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of subsection (1) of the last foregoing section.

(4) In any proceedings for an offence under subsection (2) of this section in which it is proved that the accused had a controlled drug in his possession it shall be a defence for him to prove –

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- (a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug, and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it, or
- (b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it, and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.

(5) Subsection (4) of this section shall apply in the case of proceedings for an offence under section eighteen of this Law consisting of an attempt to commit an offence under subsection (2) of this section as it applies in the case of proceedings for an offence under that subsection, subject to the following modifications, that is to say –

- (a) for the references to the accused having in his possession, and to his taking possession of, a controlled drug there shall be substituted respectively references to his attempting to get, and to his attempting to take, possession of such a drug, and



- (b) in paragraphs (a) and (b) the words from "and that as soon as possible" onwards shall be omitted.

(6) Nothing in subsection (4) or (5) of this section shall prejudice any defence which it is open to a person charged with an offence under this section to raise apart from that subsection.

**Restriction of cultivation of cannabis plant.**

5. (1) Subject to any [Order] under section six of this Law for the time being in force, it shall not be lawful for a person to cultivate any plant of the genus *Cannabis*.

(2) Subject to section twenty-seven of this Law, it is an offence to cultivate any such plant in contravention of subsection (1) of this section.

**Authorisation of activities otherwise unlawful under foregoing provisions.**

6. (1) The [Board] may by [Order] –

- (a) except from paragraph (a) or (b) of subsection (1) of section two, paragraph (a) or paragraph (b) of subsection (1) of section three or subsection (1) of section four of this Law such controlled drugs as may be specified in the [Order], and
- (b) make any other provision [as the Board thinks fit] for the purpose of making it lawful for persons to do things which under any of the following provisions of this Law, that is to say, subsection (1) of section three, subsection (1) of section four and subsection (1) of

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section five, it would otherwise be unlawful for those persons to do.

(2) Without prejudice to the generality of paragraph (b) of subsection (1) of this section, any [Order] under that subsection authorising the doing of any such thing as is mentioned in that paragraph may in particular provide for the doing of that thing to be lawful –

- (a) if it is done under and in accordance with the terms of a licence or other authority issued by the Board and in compliance with any conditions attached thereto, or
- (b) if it is done in compliance with such conditions as may be prescribed.

(3) Subject to subsection (4) of this section, [the Board shall so exercise its power] to make [Orders] under subsection (1) of this section as to secure –

- (a) that it is not unlawful under subsection (1) of section three of this Law for a medical practitioner, dentist or veterinary surgeon, acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a pharmacist or a person lawfully conducting a retail pharmacy business, acting in either case in his capacity as such, to manufacture, compound or supply a controlled drug, and

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- (b) that it is not unlawful under subsection (1) of section four of this Law for a medical practitioner, dentist, veterinary surgeon, pharmacist or person lawfully conducting a retail pharmacy business to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(4) If in the case of any controlled drug it appears to the Board that it is in the public interest –

- (a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes, or
- (b) for it to be unlawful for practitioners, pharmacists and persons lawfully conducting retail pharmacy businesses to do in relation to that drug any of the things mentioned in subsection (3) of this section except under a licence or other authority issued by the Board,

the Board may by order designate that drug as a drug to which this subsection applies; and while there is in force any order under this subsection designating a controlled drug as one to which this subsection applies, subsection (3) of this section shall not apply as regards that drug.

(5) ...

(6) References in this section to a person's "**doing**" things includes references to his having things in his possession.

**Occupiers etc. of premises to be punishable for permitting certain activities to take place there.**

7. A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say –

- (a) producing or attempting to produce a controlled drug in contravention of subsection (1) of section three of this Law,
- (b) supplying or attempting to supply a controlled drug to another in contravention of that subsection, or offering to supply a controlled drug to another in contravention of that subsection,
- (c) preparing opium for smoking,
- (d) smoking cannabis, cannabis resin or prepared opium.

**Prohibition of certain activities etc. relating to opium.**

8. Subject to section twenty-seven of this Law, it is an offence for a person –

- (a) to smoke or otherwise use prepared opium, or
- (b) to frequent a place used for the purpose of opium smoking, or
- (c) to have in his possession –

- (i) any pipes or other utensils made or adapted for use in connection with the smoking of opium, being pipes or utensils which have been used by him or with his knowledge and permission in that connection or which he intends to use or permit others to use in that connection, or
- (ii) any utensils which have been used by him or with his knowledge and permission in connection with the preparation of opium for smoking.

**[Prohibition of supply etc. of articles for administering or preparing controlled drugs.]**

**8A.** (1) A person who supplies or offers to supply any article which may be used or adapted to be used (whether by itself or in combination with another article or other articles) in the administration by any person of a controlled drug to himself or another, believing that the article (or the article as adapted) is to be so used in circumstances where the administration is unlawful, is guilty of an offence.

(2) It is not an offence under subsection (1) above to supply or offer to supply a hypodermic syringe, or any part of one.

(3) A person who supplies or offers to supply any article which may be used to prepare a controlled drug for administration by any person to himself or another believing that the article is to be so used in circumstances where the administration is unlawful is guilty of an offence.

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(4) For the purposes of this section, any administration of a controlled drug is unlawful except –

- (a) the administration by any person of a controlled drug to another in circumstances where the administration of the drug is not unlawful under section 3(1) of this Law, or
- (b) the administration by any person of a controlled drug to himself in circumstances where having the controlled drug in his possession is not unlawful under section 4(1) of this Law.

(5) In this section, references to administration by any person of a controlled drug to himself include a reference to his administering it to himself with the assistance of another.]

PART II

PREVENTION OF MISUSE OF CONTROLLED DRUGS

**Power of the [Board] to make [Orders] for preventing misuse of controlled drugs.**

9. (1) Subject to the provisions of this Law, the [Board] may by [Order] make such provision as appears to them necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1) of this section, an [Order] under this section may in particular make provision –

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- (a) for requiring precautions to be taken for the safe custody of controlled drugs,
- (b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority,
- (c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed,
- (d) for the inspection of any precautions taken or records kept in pursuance of an [Order] under this section,
- (e) as to the packaging and labelling of controlled drugs,
- (f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required,
- (g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed,

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- (h) for requiring any medical practitioner who attends a person whom he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the [Order]) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed,
- (i) for prohibiting any medical practitioner from administering, supplying and authorising the administration and supply to persons so addicted, and from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Board in pursuance of the [Order].

**Power to direct special precautions for safe custody of controlled drugs to be taken at certain premises.**

**10.** (1) Without prejudice to any requirement imposed by an [Order] made in pursuance of paragraph (a) of subsection (2) of section nine of this Law, the Board, or any person authorised by the Board in that behalf, may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept, give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are kept on these premises.

(2) It is an offence to contravene any directions given under subsection (1) of this section.

**Directions prohibiting prescribing, supply etc. of controlled drugs by practitioners etc. convicted of certain offences.**



**11.** (1) Where a person who is a practitioner or pharmacist has, after the coming into operation of this subsection, been convicted –

- (a) of an offence under this Law or under the Dangerous Drugs (Guernsey) Law, 1966<sup>a</sup>, or
- (b) of an offence under section twenty-three, section thirty or section seventy-seven of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972<sup>b</sup>, in connection with a prohibition of or restriction on importation or exportation of a controlled drug having effect by virtue of section two of this Law,
- [(c) of an offence under section 40 or 41 of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000,]

the Board may give a direction under subsection (2) of this section in respect of that person.

(2) A direction under this subsection in respect of a person shall –

- (a) if that person is a practitioner, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing, compounding and supplying and from authorising the

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<sup>a</sup> Ordres en Conseil Vol. XX, p. 176.

<sup>b</sup> No. XXIX of 1972.

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administration and supply of such controlled drugs as may be specified in the direction,

- (b) if that person is a pharmacist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Board may at any time give a direction cancelling or suspending any direction given under subsection (2) of this section or cancelling any direction under this subsection by which a direction so given is suspended.

(4) The Board shall cause a copy of any direction given under this section to be served on the person to whom it applies and shall cause notice of any such direction to be published in "La Gazette Officielle".

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under subsection (2) of this section.

**Directions prohibiting prescribing, supply etc. of controlled drugs by practitioners etc. in other cases.**

**12.** (1) In the event of a contravention by a medical practitioner of the provisions of any [Order] made in pursuance of paragraph (h) or paragraph (i) of subsection (2) of section nine of this Law, or of the terms of a licence issued under the provisions of an [Order] made in pursuance of the said paragraph (i), the

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Board may, subject to and in accordance with section thirteen of this Law, give a direction in respect of the medical practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(2) If the Board is of the opinion that a practitioner is or has after the coming into operation of this subsection been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Board may, subject to and in accordance with section thirteen of this Law, give a direction in respect of the practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(3) Where the Board is satisfied that a direction, order or other instrument having the same or substantially the same effect as a direction under subsection (2) of section eleven of this Law or under subsection (1) or subsection (2) of this section is for the time being in force under the corresponding provisions of any enactment in force in any part of the British Islands outside the Bailiwick or under the corresponding law of any country outside the British Islands in respect of a person who is a practitioner or pharmacist, the Board may give a direction –

- (a) if that person is a practitioner, prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction,
- (b) if that person is a practitioner, in addition to prohibiting him as aforesaid, prohibiting him from having in his possession, manufacturing or

compounding such controlled drugs as may be specified in the direction,

- (c) if that person is a pharmacist, prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(4) A contravention such as is mentioned in subsection (1) of this section does not as such constitute an offence, but it is an offence to contravene a direction given under subsection (1), subsection (2) or subsection (3) of this section.

**Investigation where grounds for a direction under section twelve are considered to exist.**

**13.** (1) Where it appears to the Board that there are grounds for giving a direction under subsection (1) of section twelve of this Law on account of such a contravention by a medical practitioner as is there mentioned, or for giving a direction under subsection (2) of that section on account of such conduct by a practitioner as is mentioned in the said subsection (2), the Board may refer the case to the committee constituted for the purpose in accordance with Part I of the Second Schedule to this Law, that is to say, the Drugs Advisory Committee (hereafter in this Law referred to as "**the Committee**"); and it shall be the duty of the Committee to consider the case and report on it to the Board as soon as may be.

(2) In this Law the expression "**the respondent**", in relation to a reference under this section, means the medical or other practitioner in respect of whom the reference is made.

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(3) Where any reference is made to it under this section, the Committee –

- (a) shall cause a notice to be served on the respondent stating the particulars of the case referred to it and indicating any matters on which the Committee may require explanation,
- (b) shall afford the respondent reasonable opportunity of appearing before and being heard by the Committee, or, if the respondent elects to do so, of submitting to the Committee representations in writing relating to the case, and
- (c) shall afford any person authorised in that behalf by the Board reasonable opportunity of appearing before and being heard by the Committee as the representative of the Board.

(4) The Committee shall, as soon as may be after considering any case referred to it under subsection (1) of this section, furnish the Board with a report setting out the finding of the Committee together with the reasons therefor; and the Board shall cause a copy of the Committee's report to be served on the respondent.

(5) Where the Committee finds –

- (a) in the case of a reference relating to the giving of a direction under subsection (1) of section twelve of this

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Law, that there has been such a contravention as aforesaid by the respondent, or

- (b) in the case of a reference relating to the giving of a direction under subsection (2) of that section, that there has been such conduct as aforesaid by the respondent,

and considers that a direction under the subsection in question should be given in respect of him, the Committee shall include in its report a recommendation to that effect indicating the controlled drugs which it considers should be specified in the direction or indicating that the direction should specify all controlled drugs.

(6) Where the Committee makes such a recommendation as aforesaid, the Board shall cause a notice to be served on the respondent stating whether or not the Board proposes to give a direction pursuant thereto, and where the Board does so propose the notice shall –

- (a) set out the terms of the said direction, and
- (b) inform the respondent that consideration will be given to any representations relating to the case which are made by him in writing to the Board within the period of twenty-eight days beginning with the date of service of the notice.

(7) If any such representations are received by the Board within the period aforesaid, the Board shall refer the case to the three referees appointed for the purpose by the States [Policy Council] in accordance with Part II of the Second Schedule to this Law; and it shall be the duty of the referees to consider the

case and to advise the Board as to the exercise of its powers under subsection (8) of this section.

(8) After the expiration of the said period of twenty-eight days and, in the case of a reference under subsection (7) of this section to the referees, after considering the advice of the referees, the Board may –

- (a) give in respect of the respondent a direction under subsection (1) or, as the case may be, subsection (2) of section twelve of this Law specifying all or any of the controlled drugs indicated in the recommendation of the Committee, or
- (b) order that the case be referred back to the Committee, or
- (c) order that no further proceedings under this section shall be taken in the case.

(9) Where a case is referred back to the Committee in pursuance of subsection (8) of this section, the foregoing provisions of this section (other than subsection (1) thereof) shall apply as if the case had been referred to the Committee in pursuance of the said subsection (1), and any finding, recommendation or advice previously made or given in respect of the case in pursuance of those provisions shall be disregarded.

**Temporary directions under subsection (2) of section twelve.**

**14.** (1) Where the Committee makes a recommendation in its report to the Board in pursuance of subsection (5) of section thirteen of this Law for a direction to be given under subsection (2) of section twelve of this Law and further

advises the Board in its report that the circumstances of the case require such a direction to be given with the minimum of delay, the Board may give such a direction in respect of the respondent specifying all or any of the controlled drugs indicated in the recommendation of the Committee.

(2) A direction under subsection (2) of section twelve of this Law given by virtue of this section in any case shall have effect pending the exercise by the Board of any of its powers under subsection (8) of section thirteen of this Law in relation to the same case unless the direction is cancelled by the Board in pursuance of subsection (3) of section fifteen of this Law.

**Provisions supplementary to section twelve, section thirteen and section fourteen.**

**15.** (1) The provisions of the Second Schedule to this Law shall have effect with respect to the constitution and procedure of the Committee and of the referees appointed for the purposes of section thirteen of this Law.

(2) The Board shall cause a copy of any order or direction made or given by the Board in pursuance of subsection (8) of section thirteen of this Law or any direction given by the Board under or by virtue of subsection (3) of section twelve or section fourteen of this Law to be served on the person to whom it applies and shall cause notice of any such direction to be published in "La Gazette Officielle".

(3) The Board may at any time give a direction –

(a) cancelling or suspending any direction given by the Board under subsection (3) of section twelve of this Law or in pursuance of subsection (8) of section thirteen of this Law, or cancelling any direction of the



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Board under this subsection by which a direction so given is suspended, or

- (b) cancelling any direction given by the Board by virtue of section fourteen of this Law,

and shall cause a copy of any direction under this subsection to be served on the person to whom it applies and notice of it to be published as aforesaid.

(4) A direction given under section twelve, section fourteen or subsection (3) of this section shall take effect when a copy of it is served on the person to whom it applies.

**Power to obtain information from medical practitioners, pharmacists etc. in certain circumstances.**

16. (1) If it appears to the Board that there exists in any part of the Bailiwick a social problem caused by the misuse of dangerous or otherwise harmful drugs in that part of the Bailiwick, the Board may by notice in writing served on any medical practitioner or pharmacist practising in or in the vicinity of that part of the Bailiwick, or on any person carrying on a retail pharmacy business at any premises situate in or in the vicinity of that part of the Bailiwick, require him to furnish to the Board, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which, and the number and frequency of the occasions on which, those drugs –

- (a) in the case of a medical practitioner, were prescribed, administered or supplied by him,
- (b) in the case of a pharmacist, were supplied by him, or

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- (c) in the case of a person carrying on a retail pharmacy business, were supplied in the course of that business at any premises so situated which may be specified in the notice.

(2) A notice under this section may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a pharmacist or person carrying on a retail pharmacy business may require him to furnish the names and addresses of medical practitioners on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) A person commits an offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirement to which he is subject by virtue of subsection (1) of this section.

(4) A person commits an offence if, in purported compliance with a requirement imposed under this section, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

PART III

MISCELLANEOUS OFFENCES, ETC.

**Miscellaneous offences.**

17. (1) It is an offence for a person to contravene any of the provisions of an [Order] made under this Law, other than an [Order] made in

pursuance of paragraph (h) or paragraph (i) of subsection (2) of section nine of this Law.

(2) It is an offence for a person to contravene a condition or other term of a licence issued under section two of this Law or of a licence or other authority issued under any [Order] made under this Law, not being a licence issued under an [Order] made in pursuance of the said paragraph (i).

(3) A person commits an offence if, in purported compliance with any obligation to give information to which he is subject under or by virtue of an [Order] made under this Law, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(4) A person commits an offence if, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Law or under any [Order] made under this Law, he –

- (a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false, or
- (b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular.

**Attempts etc. to commit offences.**

**18.** It is an offence for a person to attempt to commit an offence under any other provision of this Law or to incite or attempt to incite another to commit such an offence.

**Assisting in or inducing commission outside the Bailiwick of an offence punishable under a corresponding law.**

19. A person commits an offence if in the Bailiwick he assists in or induces the commission in any place outside the Bailiwick of an offence punishable under the provisions of a corresponding law in force in that place.

**Offences by corporations.**

20. Where any offence under this Law [or Part II of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000] committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

**Further powers to make [Orders].**

21. The [Board] may by [Order] make provision –

- (a) for excluding in such cases as may be prescribed –
  - (i) the application of any provision of this Law which creates an offence, or
  - (ii) the application of any of the following provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, that is to say, subsection (1) of section twenty-three, subsection (2) of section thirty and section seventy-seven, in so far as they

apply in relation to a prohibition of or restriction on importation or exportation having effect by virtue of section two of this Law,

- (b) for applying any of the provisions of section thirteen, section fourteen or section fifteen of this Law and of the Second Schedule thereto, with such modifications (if any) as may be prescribed –
  - (i) in relation to any proposal by the Board to give a direction under subsection (2) of section eleven of this Law, or
  - (ii) for such purposes of any [Order] under this Law as may be prescribed,
- (c) for the application of any of the provisions of this Law or any [Order] thereunder to servants or agents of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, subject to such exceptions, adaptations and modifications as may be prescribed.

**Powers to search and obtain evidence.**

22. (1) An officer of police or other person authorised in that behalf by a general or special order of the Board shall, for the purposes of the execution of this Law, have power to enter the premises of a person carrying on 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.

*Consolidated text*

(2) If an officer of police has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Law or of any [Order] made thereunder, the officer of police may –

- (a) search that person, and detain him for the purpose of searching him,
- (b) search any vehicle or vessel in which the officer of police suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it,
- (c) seize and detain, for the purposes of proceedings under this Law, anything found in the course of the search which appears to the officer of police to be evidence of an offence under this Law.

(3) For the purposes of subsection (2) of this section, the expression "vessel" includes a hovercraft within the meaning of the Hovercraft Act 1968; and nothing in that subsection shall prejudice any power of search or any power to seize or detain property which is exercisable by an officer of police apart from that subsection.

(4) If the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting –

- (a) that any controlled drugs are, in contravention of this Law or of any [Order] made thereunder, in the possession of a person on any premises, or

*Consolidated text*

- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Law, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the Bailiwick, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises,

he may grant a warrant authorising any officer of police, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence under this Law has been committed in relation to any controlled drugs found on the premises or in the possession of any such persons, or that a document so found is such a document as is mentioned in paragraph (b) of this subsection, to seize and detain those drugs or that document, as the case may be.

[(4A) The powers conferred by subsection (1) shall be exercisable also for the purposes of the execution of Part II of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000 and subsection (4) (excluding paragraph (a)) shall apply also to offences under section 38 or 39 of that Law, taking references in those provisions to controlled drugs as references to scheduled substances within the meaning of that Part.]

- (5) A person commits an offence if he –
  - (a) intentionally obstructs a person in the exercise of his powers under this section, or

- (b) conceals from a person acting in the exercise of his powers under subsection (1) of this section any such books, documents, stocks or drugs as mentioned in that subsection, or
- (c) without reasonable excuse (proof of which shall lie on him) fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his powers under that subsection.

**Power of arrest.**

23. (1) An officer of police may arrest without warrant a person who has committed, or whom the officer of police, with reasonable cause, suspects to have committed, an offence under this Law, if –

- (a) he, with reasonable cause, believes that that person will abscond unless arrested, or
- (b) the name and address of that person are unknown to, and cannot be ascertained by, him, or
- (c) he is not satisfied that a name and address furnished by that person as his name and address are true.

(2) This section shall not prejudice any power of arrest conferred by law apart from this section.

**Prosecution and punishment of offences.**



*Consolidated text*

**24.** (1) The Third Schedule to this Law shall have effect, in accordance with subsection (2) of this section, with respect to the way in which offences under this Law are punishable on conviction.

(2) In relation to an offence under a provision of this Law specified in the first column of the Third Schedule (the general nature of the offence being described in the second column) –

- (a) the third column shows whether the offence is punishable on summary conviction or on indictment or in either way,
- (b) the fourth, fifth and sixth columns show respectively the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment) according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug, and
- (c) the seventh column shows the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say summarily or on indictment), whether or not the offence was committed in relation to a controlled drug and, if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug,

and in the fourth, fifth, sixth and seventh columns a reference to a period gives the maximum term of imprisonment and a reference to a sum of money the maximum fine.

(3) An offence under section eighteen of this Law shall be punishable on summary conviction, on indictment or in either way according to whether, under the Third Schedule to this Law, the substantive offence is punishable on summary conviction, on indictment or in either way; and the punishments which may be imposed on a person convicted of an offence under that section are the same as those which, under that Schedule, may be imposed on a person convicted of the substantive offence.

(4) For the purposes of subsection (3) of this section, the expression "**the substantive offence**" means the offence under this Law to which the attempt or, as the case may be, the incitement or attempted incitement mentioned in section eighteen of this Law was directed.

**Increase of penalties for certain offences under Customs and Excise Law of 1972.**

25. ...

**Forfeiture.**

26. (1) Subject to subsection (2) of this section, the court by or before which a person is convicted of an offence under this Law [or a drug trafficking offence within the meaning of section 1(3) of the Drug Trafficking (Bailiwick of Guernsey) Law, 2000<sup>ba</sup>] may order anything shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

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<sup>ba</sup> Order in Council No. VII of 2000.

(2) The court shall not order anything to be forfeited under this section, where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

#### PART IV

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### **Proof of lack of knowledge etc. to be a defence in proceedings for certain offences.**

27. (1) This section applies to offences under any of the following provisions of this Law, that is to say, subsection (2) and subsection (3) of section three, subsection (2) and subsection (3) of section four, subsection (2) of section five and section eight.

(2) Subject to subsection (3) of this section, in any proceedings for an offence to which this section applies it shall be a defence for the accused to prove that he neither knew of, nor suspected, nor had reason to suspect, the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged.

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the accused –

*Consolidated text*

- (a) shall not be acquitted of the offence charged by reason only of proving that he neither knew, nor suspected, nor had reason to suspect, that the substance or product in question was the particular controlled drug alleged, but
- (b) shall be acquitted thereof –
  - (i) if he proves that he neither believed, nor suspected, nor had reason to suspect, that the substance or product in question was a controlled drug, or
  - (ii) if he proves that he believed the substance or product in question to be a controlled drug, or a controlled drug of a description, such that, if it had in fact been that controlled drug or a controlled drug of that description, he would not at the material time have been committing any offence to which this section applies.

(4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section.

**Service of documents.**

**28.** (1) Any notice or other document required or authorised by any provision of this Law to be served on any person may be served on him either by delivering it to him, or by leaving it at his proper address or by sending it by post.

*Consolidated text*

(2) Any notice or other document so required or authorised to be served on a body corporate shall be duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of this section, and of section eleven of the Interpretation (Guernsey) Law, 1948<sup>c</sup>, in its application to this section, the proper address of any person shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of that body, and in any other case shall be the last address of the person to be served which is known to the Board.

(4) Where any of the following documents, that is to say –

- (a) a notice under subsection (1) of section ten or section thirteen of this Law, or
- (b) a copy of a direction given under subsection (2) of section eleven, section twelve or subsection (3) of section fifteen of this Law,

is served by sending it by registered post or by the recorded delivery service, service thereof shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and so much of section eleven of the Interpretation (Guernsey) Law, 1948, as relates to the time when service by post is deemed to have been effected shall not apply to such a document if it is served by so sending it.

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

**Licences and authorities.**

29. (1) A licence or other authority issued by the Board for the purposes of this Law or of any [Order] made under this Law may be, to any degree, general or specific, may be issued on such terms and subject to such conditions (including, in the case of a licence, the payment of such fee) as the Board thinks proper, and may be modified or revoked by the Board at any time.

(2) Any power conferred on the Board by this Law to issue a licence or other authority may be exercised on behalf of the Board by any person authorised by the Board in that behalf.

**General provisions as to [Orders].**

30. (1) An [Order] under any provision of this Law –

- (a) may make different provisions in relation to different controlled drugs, different classes of persons, different provisions of this Law or other different cases or circumstances, and
- (b) may make the opinion, consent or approval of a prescribed authority or of any person authorised in a prescribed manner material for purposes of any provision of the [Order], and
- (c) may contain such supplementary, incidental and transitional provisions as appear expedient to the [Board].

(2) Any power conferred by this Law to make any [Order] shall be construed as including a power exercisable in the like manner to vary or repeal the [Order].

[(3) Any Order made under this Law must be laid as soon as possible before a meeting of the States; and if at that or their next meeting the States resolve that the Order be annulled it shall cease to have effect, but without prejudice to anything done under it or to the making of a new Order.]

**Meaning of "corresponding law", and evidence of certain matters by certificate.**

31. (1) In this Law the expression "**corresponding law**" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the Bailiwick to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on the thirtieth day of March, nineteen hundred and sixty-one, or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and Her Majesty's Government of the United Kingdom are for the time being parties.

(2) A statement in any such certificate as aforesaid to the effect that any facts constitute an offence against the law mentioned in the certificate shall be evidence of the matters stated.

**Interpretation.**

32. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"Bailiff"** means –

- (a) in relation to the Islands of Guernsey, Herm and Jethou, the Bailiff, the Deputy Bailiff, a Lieutenant Bailiff or the Juge Délégué,
- (b) in relation to the Island of Alderney, the Chairman of the Court of Alderney, and
- (c) in relation to the Island of Sark, the Seneschal,

**"the Bailiwick"** means the Bailiwick of Guernsey,

**"the Board"** means the States [Health and Social Services Department],

**"Cannabis"**, (except in the expression "**cannabis resin**") means any plant of the genus *Cannabis* or any part of such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely –

- (a) mature stalk of any such plant,
- (b) fibre produced from mature stalk of any such plant,  
and
- (c) seed of any such plant,]



*Consolidated text*

**"cannabis resin"** means the separated resin, whether crude or purified, obtained from any plant of the genus *Cannabis*,

**"the Committee"** means the Drugs Advisory Committee constituted in accordance with the provisions of Part I of the Second Schedule to this Law,

**"contravention"** includes failure to comply, and **"contravene"** has a corresponding meaning,

**"controlled drug"** has the meaning assigned to it by section one of this Law,

**"corresponding law"** has the meaning assigned to it by subsection (1) of section thirty-one of this Law,

**"medical practitioner"**, **"dentist"**, **"veterinary surgeon"** and **"pharmacist"** mean respectively –

- (a) in relation to the Islands of Guernsey, Helm, Jethou and Alderney, a recognised medical practitioner, recognised dentist, recognised veterinary surgeon and recognised pharmacist, within the meaning of the law for the time being in force in each of those Islands,
- (b) in relation to the Island of Sark, a person practising there as a medical practitioner, dentist, veterinary surgeon or pharmacist, and approved by the Board for the purposes of this Law,]

**"officer of police"** means –

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to the Island of Alderney, a member of the said salaried police force, a member of any police force which may be established by the States of Alderney and, within the limit of his jurisdiction, a special constable appointed by the Court of Alderney under section sixty-five of the Government of Alderney Law, 1948<sup>d</sup>,
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey,

**"person lawfully conducting a retail pharmacy business"** means a person who is for the time being authorised by the Board, for the purposes of this Law, to carry on a retail pharmacy business,

**"practitioner"** means a medical practitioner, dentist, or veterinary surgeon,

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<sup>d</sup> Ordres en Conseil Vol. XIII, p. 416.

*Consolidated text*

**"prepared opium"** means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked,

**"prescribed"** means prescribed by [Order] made under this Law,

**"produce"**, where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method, and **"production"** has a corresponding meaning,

**"retail pharmacy business"** means a business (not being a professional practice carried on by a practitioner) which consists of or includes the retail sale of controlled drugs,

**"the States"** means the States of Guernsey,

**"supplying"** includes distributing,

**"vehicle"** includes aircraft.

(2) References in this Law to misusing a drug are references to misusing it by taking it; and the reference in the foregoing provision to the taking of a drug is a reference to the taking of it by a human being by way of any form of self-administration, whether or not involving assistance by another.

(3) For the purposes of this Law the things which a person has in his possession shall be taken to include anything subject to his control which is in the custody of another.

(4) Except in so far as the context otherwise requires, any reference in this Law to an enactment shall be construed as including a reference to

that enactment as amended, extended, repealed or replaced by or under any other enactment.

(5) Subject to the provisions of subsection (4) of section twenty-eight of this Law, the Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law throughout the Bailiwick.

**Amendments, repeals, savings and transitional provisions.**

33. (1) ...

(2) ...

(3) The Dangerous Drugs (Guernsey) Law, 1966, and the Drugs (Prevention of Misuse) (Guernsey) Law, 1967<sup>f</sup>, are hereby repealed.

(4) Without prejudice to the generality of paragraph (c) of subsection (1) of section thirty of this Law, an Ordinance made under any provision of this Law may include such provision as the States think fit for effecting the transition from any provision made by or by virtue of any Laws repealed by this Law to any provision made by or by virtue of this Law, and in particular may provide for the continuation in force, with or without modifications, of any licence or other authority issued, or having effect as if issued, under or by virtue of any of those Laws.

(5) For the purpose of the enforcement of the Laws repealed by this Law as regards anything done or omitted before their repeal, any powers of search, entry, inspection, seizure or detention conferred by those Laws shall continue to be exercisable as if those Laws were still in force.

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<sup>f</sup> Ordres en Conseil Vol. XXI, p. 185.

(6) Nothing in this section contained shall be construed so as to prejudice the general application of subsection (2) of section nineteen of the Interpretation (Guernsey) Law, 1948, as applied by this Law.

**Citation and commencement.**

**34.** (1) This Law may be cited as the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States, and different dates may be so appointed under this subsection for different purposes.

**[Amendment of Law by Ordinance.**

**35.** (1) The States may by Ordinance amend this Law.

(2) Subsection (1) is without prejudice to any other provision of this Law conferring power to enact Ordinances, orders or regulations (and vice versa).

(3) An Ordinance under this Law –

(a) may, for the avoidance of doubt –

(i) create new offences, and

(ii) repeal, replace, amend, extend, adapt, modify or disapply any rule of customary or common law,

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- (b) may be amended or repealed by a subsequent Ordinance hereunder, and
  - (c) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient.
- (4) Any power conferred by this Law to make an Ordinance may be exercised –
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
  - (b) so as to make, as respects the cases in relation to which it is exercised –
    - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
    - (iii) any such provision either unconditionally or subject to any prescribed conditions.]

[FIRST SCHEDULE

Section 1

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1. The following substances and products, namely –

- (a) Acetorphine.
- Alfentanil.
- Allylprodine.
- Alphacetylmethadol.
- Alphameprodine.
- Alphamethadol.
- Alphaprodine.
- Anileridine.
- Benzethidine.
- Benzylmorphine (3-benzylmorphine).
- Betacetylmethadol.
- Betameprodine.
- Betamethadol.
- Betaprodine.
- Bezitramide.
- Bufotenine.
- Cannabinol, except where contained in cannabis or cannabis resin.
- Cannabinol derivatives.
- Carfentanil.
- Clonitazene.

*Consolidated text*

Coca leaf.  
Cocaine.  
Desomorphone.  
Dextromoramide.  
Diamorphine.  
Diampromide.  
D-methamphetamine.  
Diethylthiambutene.  
Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4- carboxylic acid).  
Dihydrocodeinone *O*-carboxymethyloxime.  
Dihydroetorphine.  
Dihydromorphine.  
Dimenoxadole.  
Dimepheptanol.  
Dimethylthiambutene.  
Dioxaphetyl butyrate.  
Diphenoxylate.  
Dipipanone.  
Drotebanol (3,4-dimethoxy-17-methylmorphinan-6 beta, 14-diol).  
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.  
Ethylmethylthiambutene.  
Eticyclidine.  
Etonitazene.  
Etorphine.  
Etoxidine.  
Etryptamine.  
Fentanyl.



*Consolidated text*

Furethidine.  
Hydrocodone.  
Hydromorphenol.  
Hydromorphone.  
Hydroxypethidine.  
Isomethadone.  
Ketobemidone.  
Levomethorphan.  
Levomoramide.  
Levophenacylmorphan.  
Levorphanol.  
Lofentanil.  
Lysergamide.  
Lysergide and other *N*-alkyl derivatives of lysergamide.  
Metazocine.  
Methadone.  
Methadyl acetate.  
Methylamphetamine.  
Methyldesorphine.  
Methyldihydromorphone (6-methyldihydromorphone).  
Metopon.  
Morpheridine.  
Morphine.  
Morphine methobromide, morphine *N*-oxide and other pentavalent nitrogen morphine derivatives.  
Myrophine.  
Nicomorphine (3,6- dinicotinoyl-morphine).  
Noracymethadol.  
Norlevorphanol.  
Normethadone.

*Consolidated text*

Normorphine.

Norpipanone.

Opium, whether raw, prepared or medicinal.

Oxycodone.

Oxymorphone.

Pethidine.

Phenadoxone.

Phenampromide.

Phenazocine.

Phencyclidine.

Phenomorphane.

Phenoperidine.

Piminodine.

Piritramide.

Poppy-straw and concentrate of poppy-straw.

Proheptazine.

Properidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).

Psilocin.

Racemethorphan.

Racemoramide.

Racemorphan.

Remifentanyl.

Rolicyclidine.

Sufentanyl.

Tenocyclidine.

Thebaine.

Thebaine.

Tilidate.

Trimeperidine.

*Consolidated text*

4-Bromo-2, 5-dimethoxy- $\alpha$ -methylphenethylamine.  
4-Cyano-2-dimethylamino-4, 4-diphenylbutane.  
4-Cyano-1-methyl-4-phenylpiperidine.  
*N,N*-Diethyltryptamine.  
*N,N*-Dimethyltryptamine.  
2,5-Dimethoxy- $\alpha$ ,4-dimethylphenethylamine.  
*N*-Hydroxy-tenamphetamine.  
1 -Methyl-4-phenylpiperidine-4-carboxylic acid.  
2-Methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid.  
4-Menthyl-aminorex.  
4-Phenylpiperidine-4-carboxylic acid ethyl ester,

- (b) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent,
- (c) the following phenethylamine derivatives, namely –

Allyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine.  
2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol.  
2-Amino-1-(3,4-dimethoxyphenyl)ethanol.  
Benzyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine.  
4-Bromo- $\beta$ ,2,5-trimethoxyphenethylamine.  
*N*-(4-*sec*-Butylthio-2,5-dimethoxyphenethyl)hydroxylamine.  
Cyclopropylmethyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine.  
2-(4,7-Dimethoxy-2,3-dihydro-*1H*-indan-5-yl)ethylamine.

*Consolidated text*

2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)-I-methylethylamine.

2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine.

2-(1,4-Dimethoxy-2-naphthyl)ethylamine.

2-(1,4-Dimethoxy-2-naphthyl)-I-methylethylamine.

*N*-(2,5-Dimethoxy-4-propylthiophenethyl)hydroxylamine.

2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)ethylamine.

2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)-I-methylethylamine.

$\alpha,\alpha$ -Dimethyl-3,4-methylenedioxyphenethylamine.

$\alpha,\alpha$ -Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine.

Dimethyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine.

*N*-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine.

4-Iodo-2,5-dimethoxy- $\alpha$ -methylphenethyl(dimethyl)amine

2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)ethylamine.

2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)-I-methylethylamine.

2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo(*b*)furan-6-yl)-I-methylethylamine.

2-Methoxyethyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine.

2-(5-Methoxy-2-methyl-2,3-dihydrobenzo(*b*)furan-6-yl)-1-methylethylamine.

$\beta$ -Methoxy-3,4-methylenedioxyphenethylamine.

1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine.

1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine.

2-( $\alpha$ -Methyl-3,4-methylenedioxyphenethylamino)ethanol.

$\alpha$ -Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine.

*Consolidated text*

*N*-Methyl-*N*-( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)hydroxylamine.

*O*-Methyl-*N*-( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)hydroxylamine.

$\alpha$ ,3,4,5-Tetramethoxyphenethylamine.

$\alpha$ ,2,5-Trimethoxy-4-methylphenethylamine.

$\beta$ -Methyl-4-(methylthio)phenethylamine (also known as 4-Methylthioamphetamine).

$\beta$ -Methylphenethylhydroxylamine (also known as *N*-Hydroxyamphetamine),

- (d) any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a) above) structurally derived from phenethylamine, an *N*-alkylphenethylamine,  $\alpha$ -methylphenethylamine, an *N*-alkyl- $\alpha$ -methylphenethylamine,  $\alpha$ -ethylphenethylamine, or an *N*-alkyl- $\alpha$ -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylene-dioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents,
- (e) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from fentanyl by modification in any of the following ways –
- (i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle,

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- (ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups,
  - (iii) by substitution in the piperidine ring with alkyl or alkenyl groups,
  - (iv) by substitution in the aniline ring with alkyl, alkoxy, alkylendioxy, halogeno or haloalkyl groups,
  - (v) by substitution at the 4-position of the piperidine ring with any alkoxy carbonyl or alkoxyalkyl or acyloxy group,
  - (vi) by replacement of the *N*-propionyl group by another acyl group,
- (f) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from pethidine by modification in any of the following ways –
- (i) by replacement of the I-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted,
  - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted,

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- (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups,
- (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxy carbonyl or any alkoxyalkyl or acyloxy group,
- (v) by formation of an *N*-oxide or of a quaternary base.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above not being a substance for the time being specified in Part II of this Schedule.

4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3 above.

5. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4 above.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II of this Schedule.

PART II  
CLASS B DRUGS

1. The following substances and products, namely –

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- (a) Acetyldihydrocodeine.  
Amphetamine.  
Cannabis and cannabis resin.  
Codeine.  
Dihydrocodeine.  
Ethylmorphine (3 - ethylmorphine).  
Glutethimide.  
Lefetamine.  
Mecloqualone.  
Methaqualone.  
Methcathinone.  
 $\alpha$ - Methylphenethylhydroxylamine.  
Methylphenethylhydroxylamine, (also known as N-Hydroxyamphetamine).  
Methylphenidate.  
Methylphenobarbitone.  
Nicocodine.  
Nicodine.  
Nicodicodine (6- nicotinoyldihydrocodeine).  
Norcodeine.  
Pentazocine.  
Phenmetrazine.  
Pholcodine.  
Propiram.  
Zipeprol,
- (b) any 5, 5 distributed barbituric acid.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule.



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3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.

4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule, not being a preparation falling within paragraph 6 of Part 1 of this Schedule.

PART III  
CLASS C DRUGS

1. The following substances namely –

(a)	alprazolam	ketamine
	benzphetamine	ketazolam
	bromazepam	loprazolam
	buprenorphine	lorazepam
	camazepam	lormetazepam
	cathine	mazindol
	cathinone	medazepam
	chlordiazepoxide	mefenorex
	chlorphentermine	mephentermine
	clobazam	meprobamate
	clonazepam	methyprylone
	clorazepic acid	midazolam
	clotiazepam	nimetazepam
	cloxazolam	nitrazepam
	dextropropoxyphene	nordazepam
	diazepam	oxazepam

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diethylpropion	oxazolam
estazolam	pemoline
ethchlorvynol	phendimetrazine
ethinamate	phentermine
ethyl loflazepate	pinazepam
fencamfamin	pipradrol
fenethylline	prazepam
fenproporex	pyrovalerone
fludiazepam	temazepam
flunitrazepam	tetrazepam
flurazepam	triazolam
halazepam	Zolpidem
haloxazolam	<i>N</i> -ethylamphetamine

4-Androstene-3,17dione

4- Hydroxy-n-Butyric Acid (also known as  
Gammahydroxy-butyrate (GHB))

5-Androstene-3,17-diol

19-Nor-4-Androstene-3,17dione

19-Nor-5-Androstene-3. 17diol;

	Calusterone
(b) Atamestane	4-Choromethandienone
Bolandiol	Clostebol
Bolasterone	Drostanolone
Bolazine	Enestebol
Bolenol	Eptiostanol
Bolmantalate	Ethylloestrenol
Fluoxymesterone	Norethandrolone
Furazabol	Ovandrotone

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Mebolazine	Oxadrolone
Mestanolol	Oxymesterone
Mesterolol	Oxymetholone
Methandienone	Prasterone
Methandriol	Propetandrol
Methenolone	Quinbolone
Methyltestosterone	Roxibolone
Metribolone	Silandrone
Mibolerone	Stanolone
Nandrolone	Stanozolol
Norboletone	Stenbolone
Norclostebol	Testosterone
	Thiomesterone
	Trenbolone.

2. Any compound (not being Trilostane or a compound for the time being specified in paragraph 1 of this Part of this Schedule) structurally derived from 17-hydroxyandrostane-3-one or from 17-hydroxyestrane-3-one by modification in any of the following ways –

- (a) by further substitution at position 17 by a methyl or ethyl group,
- (b) by substitution to any extent at one or more positions 1,2,4,6,7,9,11, or 16, but at no other position,
- (c) by unsaturation in the carbocyclic ring system to any extent, provided that there are no more than ethylenic bonds in any one carbocyclic ring,

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(d) by fusion of ring A with a heterocyclic system.

3. Any substance which is an ester or ether (or, where more than one hydroxyl function is available, both an ester and an ether) of a substance specified in paragraph 1 or described in paragraph 2 of this Part of this Schedule.

4. The following substances –

Chrorionic gonadotrophin (HCG)

Clenbuterol

Non-human chorionic gonadotrophin (HCG)

Somatotropin

Somatrem

Somatropin.

5. Any stereoisomeric form of a substance for the time being specified in paragraphs 1 to 4 of this Part of this Schedule, not being phenylpropanolamine.

6. Any salt of a substance for the time being specified in paragraphs 1 to 5 of this Part of this Schedule.

7. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 6 of this Part of this Schedule.

**PART IV**

**MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE**

For the purpose of this Schedule the following expressions have the meanings hereby assigned to them respectively –

**"cannabinol derivatives"** means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives,

**"coca leaf"** means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation,

**"concentrate of poppy-straw"** means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids,

**"medicinal opium"** means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances,

**"opium poppy"** means the plant of the species *Papaver somniferum* L,

**"poppy straw"** means all parts, except the seeds, of the opium poppy after mowing,

**"raw opium"** includes powdered or granulated opium but does not include medicinal opium.]

SECOND SCHEDULE

Section thirteen

THE DRUGS ADVISORY COMMITTEE AND THE REFEREES

PART I

THE DRUGS ADVISORY COMMITTEE

1. There is hereby constituted a committee which shall be called "The Drugs Advisory Committee" with authority to exercise the powers and perform the duties imposed on it by section thirteen of this Law and this Schedule.

2. The States [Policy Council] shall appoint –

- (a) a panel (hereafter in this Schedule referred to as "**the Medical Panel**") of not less than five medical practitioners selected by the said Committee after consultation with such organisation as it may recognise as representative of medical practitioners,
- (b) a panel (hereafter in this Schedule referred to as "**the Dental Panel**") of not less than five dentists selected by the said Committee after consultation with such organisation as it may recognise as representative of dentists,
- (c) a panel (hereafter in this Schedule referred to as "**the Veterinary Panel**") of not less than five veterinary surgeons (which expression, for the purposes of this Part of this Schedule, includes persons who are registered in the register of veterinary surgeons kept under section two of the Veterinary Surgeons Act

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1966, notwithstanding that they are not authorised to practice as veterinary surgeons in the Island of Guernsey) selected by the said Committee after consultation with such organisation as it may recognise as representative of veterinary surgeons,

- (d) a panel (hereafter in this Schedule referred to as "**the Pharmaceutical Panel**") of not less than five pharmacists selected by the said Committee after consultation with such organisation as it may recognise to be representative of pharmacists.

3. The composition of each panel appointed as aforesaid shall be reviewed from time to time by the States [Policy Council], which may make additional appointments thereto and remove any person therefrom after consultation with the appropriate aforesaid organisation.

4. The Drugs Advisory Committee shall, for the purpose of considering any case referred to it under subsection (1) or subsection (8) of section thirteen of this Law, consist of three persons selected by the States [Policy Council] –

- (a) where the respondent is a medical practitioner, from the Medical Panel,
- (b) where the respondent is a dentist, from the Dental Panel,
- (c) where the respondent is a veterinary surgeon, from the Veterinary Panel,

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- (d) where the respondent is a pharmacist, from the Pharmaceutical Panel,

and the States [Policy Council] shall designate one of them to act as Chairman.

5. A decision of a majority of the members of the Drugs Advisory Committee shall be a decision of the Committee.

6. Subject to the provisions of this Law, the Drugs Advisory Committee shall regulate its own procedure.

PART II  
THE REFEREES

7. The States [Policy Council] shall appoint as referees, for the purposes of section thirteen of this Law, three persons (not being members of the States, the States of Alderney or the Chief Pleas of Sark, practitioners, pharmacists or persons holding paid office under the States, the States of Alderney or the Chief Pleas of Sark) of whom one shall be –

- (a) in the case where the respondent is a medical practitioner, a person who is a fully registered person within the meaning of the Medical Act 1956,
- (b) in the case where the respondent is a dentist, a person registered in the dentists register under the Dentists Act 1957,
- (c) in the case where the respondent is a veterinary surgeon, a person registered in the register of



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veterinary surgeons kept under section two of the Veterinary Surgeons Act 1966,

- (d) in the case where the respondent is a pharmacist, a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of subsection (1) of section two of the Pharmacy Act 1954,

and the States [Policy Council] shall designate one of them to act as Chairman.

**8.** A decision of a majority of the referees appointed as aforesaid shall be a decision of all of them and they shall regulate their own procedure.

PROSECUTION AND PUNISHMENT OF OFFENCES

Section creating offence	General nature of offence	Mode of prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 3(2)	Production, or being concerned in the production, of a controlled drug.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	[life] or a fine, or both	[life] or a fine, or both	10 years or a fine, or both	
Section 3(3)	Supplying, or offering to supply a controlled drug or being concerned in the doing of either activity by another.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	[life] or a fine, or both	[life] or a fine, or both	10 years or a fine, or both	
Section 4(2)	Having possession of a controlled drug.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	14 years or a fine, or both	10 years or a fine, or both	4 years or a fine, or both	

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Section 4(3)	Having possession of a controlled drug with intent to supply it to another.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	[life] or a fine, or both	[life] or a fine, or both	10 years or a fine, or both	
Section 5(2)	Cultivation of cannabis plant.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	[life] or a fine, or both
Section 7	Being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	[life] or a fine, or both	[life] or a fine, or both	10 years or a fine, or both	
Section 8	Offences relating to opium.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	[life] or a fine, or both

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[Section 8A]	[Prohibition of supply etc. of articles for administering or preparing controlled drugs.]	[Summary]				[12 months or three times level 5 on the uniform scale or both]
Section 10(2)	Contravention of directions relating to safe custody of controlled drugs.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	4 years or a fine, or both
Section 11(6)	Contravention of directions prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	[life] or a fine, or both	[life] or a fine, or both	10 years or a fine, or both	
Section 12(4)	Contravention of directions prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	12 months or [three times level 5 on the uniform scale] or both	12 months or [three times level 5 on the uniform scale] or both	6 months or [level 5 on the uniform scale], or both	
		(b) On Indictment	[life] or a fine, or both	[life] or a fine, or both	10 years or a fine, or both	
Section 16(3)	Failure to comply with notice requiring	(a) Summary	—	—	—	[level 5 on the uniform scale]

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	information relating to prescribing, supplying etc. of drugs.					
Section 16(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supplying etc. of drugs.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	4 years or a fine, or both
Section 17(1)	Contravention of [Order] (other than [Order] relating to addicts).	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	4 years or a fine, or both
Section 17(2)	Contravention of terms of licence or other authority (other than licence issued under [Order] relating to addicts).	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	4 years or a fine, or both
Section 17(3)	Giving false information in purported compliance with	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform

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	obligation to give information imposed under or by virtue of [Order].	(b) On Indictment	—	—	—	scale] or both  4 years or a fine, or both
Section 17(4)	Giving false information, or producing document etc. both containing false statement etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	4 years or a fine, or both
Section 19	Assisting in or inducing commission outside the Bailiwick of an offence punishable under a corresponding law.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	[life] or a fine, or both
Section 22(5)	Obstructing exercise of powers of search etc. or concealing books, drugs etc.	(a) Summary	—	—	—	12 months or [three times level 5 on the uniform scale] or both
		(b) On Indictment	—	—	—	4 years or a fine, or both