**STATES OF ALDERNEY STATUTORY INSTRUMENT**

**No. 5 - 2009**

**Import and Export (Control) (Alderney) Law, 1946**

# Import and Export of Goods (Control) (Alderney) (Amendment) Order, 2009

***Made ……*** ***26th October 2009***

***Coming into operation ……*** ***16th November 2009***

**The States of Alderney Policy and Finance Committee,** in pursuance of the powers conferred upon it by Article 1 of the Import and Export (Control (Alderney) Law, 1946[a] **HEREBY ORDERS:-**

1. The principal Order is amended as set out in the Schedule.

2. In this Order, "**the principal Order**" means the Import and Export (Control) (Alderney) Order, 2001[b].

3. The Interpretation (Guernsey) Law, 1948[c] applies to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.

4. Any reference in this Order to an enactment or any subordinate legislation is a reference to the enactment or subordinate legislation as from time to time amended, re-enacted (with or without modification), extended or applied.

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**a** Ordres en Conseil No. XII, p. 367.

**b** A.S.I. No. 37 of 2001, as amended by A.S.I No. 4 of 2002 and A.S.I No. 4 of 2003.

**c** Ordres en Conseil Vol. XIII, p. 355.

5. This Order may be cited as the Import and Export of Goods (Control) (Alderney) (Amendment) Order, 2009 and comes into force on the 16th November 2009.

Dated this 26th day of October 2009

**R G Willmott**
**Chairman, Alderney Policy & Finance Committee**
**for and on behalf of the Committee**

**SCHEDULE**
**Amendments to the Import and Export (Control) (Alderney) Order, 2001**

Article 1

1. In Schedule 1 of the principal Order, after paragraph 16 of Part I, insert the following paragraph –

" 17. (1) A medicinal product, as defined by article 1 of Council Directive 2001/83/EEC[d] ("the 2001 Directive") as from time to time amended or re-enacted (with or without modification), except –

(a) a medicinal product in respect of which a United Kingdom marketing authorisation is in force,

(b) where the import of the medicinal product has been approved in writing by the Director of Public Health of the island of Guernsey, or

(c) where the import of the medicinal product is for such amount as is for the personal use only of the importer.

(2) In subparagraph (1), "**a United Kingdom marketing authorisation**" means an authorisation to market a medicinal product, as defined in subparagraph (1),

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**d** Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use (O.J. L311 28th November 2001 p. 67).

granted or recognised by the Medicines and Healthcare products Regulatory Agency in the United Kingdom under and in accordance with -

(a) the Medicines Act 1968[e] or any subordinate legislation made under that Act,

(b) the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994[f],

(c) the Medicines (Homeopathic Medicinal Products for Human Use) Regulations 1994[g]

(d) the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005[h],

(e) the Medicines for Human Use (National Rules for Homeopathic Products) Regulations 2006[i],

(g) any other enactment or subordinate legislation, or

(f) the 2001 Directive, -

in each case as from time to time amended, re-enacted (with

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[e] An Act of Parliament, Chapter 67 of 1968.

[f] United Kingdom S.I. 1994 No. 3144.

[g] United Kingdom S.I. 1994 No. 105.

[h] United Kingdom S.I. 2005 No. 2750.

[i] United Kingdom S.I. 2006 No. 1952.

or without modification), extended or applied.

(3) Without prejudice to the generality of subparagraph (2), a United Kingdom marketing authorisation includes –

(a) a marketing authorisation (including a marketing authorisation in respect of a national homeopathic product),

(b) a product licence,

(c) a certificate of registration,

(d) a traditional herbal registration,

(e) a licence of right, and

(f) an authorisation under Article 126a of the 2001 Directive –

within the meaning of the relevant enactment, subordinate legislation, or 2001 Directive referred to in subparagraph (2).”

2. In Schedule 2 of the principal Order, after paragraph 7, insert the following paragraph –

“ 8. (1) A medicinal product, as defined by article 1 of Council Directive 2001/83/EEC[j] ("the 2001 Directive") as

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[j] Directive 2001/83/EC of the European Parliament and of the Council

from time to time amended or re-enacted (with or without modification), except -

(a) a medicinal product in respect of which a United Kingdom marketing authorisation is in force, or

(b) where the export of the medicinal product is for such amount as is for the personal use only of the exporter.

(2) In subparagraph (1), "**a United Kingdom marketing authorisation**" means an authorisation to market a medicinal product, as defined in subparagraph (1), granted or recognised by the Medicines and Healthcare products Regulatory Agency in the United Kingdom under and in accordance with -

(a) the Medicines Act 1968[k] or any subordinate legislation made under that Act,

(b) the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994[l],

(c) the Medicines (Homeopathic Medicinal Products for Human Use) Regulations 1994[m]

(d) the Medicines (Traditional Herbal Medicinal

**k** An Act of Parliament, Chapter 67 of 1968.

**l** United Kingdom S.I. 1994 No. 3144.

**m** United Kingdom S.I. 1994 No. 105.

Products for Human Use) Regulations 2005[n],

(e) the Medicines for Human Use (National Rules for Homeopathic Products) Regulations 2006[o],

(g) any other enactment or subordinate legislation, or

(f) the 2001 Directive, -

in each case as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) Without prejudice to the generality of subparagraph (2), a United Kingdom marketing authorisation includes –

(a) a marketing authorisation (including a marketing authorisation in respect of a national homeopathic product),

(b) a product licence,

(c) a certificate of registration,

(d) a traditional herbal registration,

(e) a licence of right, and

(f) an authorisation under Article 126a of the 2001

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[n] United Kingdom S.I. 2005 No. 2750.

[o] United Kingdom S.I. 2006 No. 1952.

Directive –

within the meaning of the relevant enactment, subordinate legislation, or 2001 Directive referred to in subparagraph (2).”

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The effect of this Order is to prohibit, except under licence, the exportation to the United Kingdom, the island of Jersey, the other Islands of the Bailiwick of Guernsey and the Isle of Man, of medicinal products, other than when the products have a United Kingdom marketing authorisation or the products are for the personal use of the exporter.

In the case of imports, the importation of medicinal products from the United Kingdom, the island of Jersey, the other Islands of the Bailiwick of Guernsey or the Isle of Man is prohibited other than where the products have a United Kingdom marketing authorisation, or the importation is approved in writing by the Director of Public Health of Guernsey, or the products are for the personal use of the importer.

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