

GREFFE
ROYAL COURT

20 JAN 2004

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2003 NO. 5

The Misuse of Drugs (Modification) Order, 2003

Made

14th July, 2003

Coming into operation

14th July, 2003

Laid before the States

THE STATES BOARD OF HEALTH, in exercise of the powers conferred on it by sections 1(2) and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^a, hereby makes the following order:-

Amendment of the 1974 Law.

1. For the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^b ("the 1974 Law"), there is substituted the Schedule set out in Schedule 1 to this Order.

Amendment of the 1997 Ordinance.

2. In section 3(2)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c ("the 1997 Ordinance") for the words "in Schedule 4" there is substituted "in Part II of Schedule 4".

3. Immediately after section 3(3) of the 1997 Ordinance there is inserted-

^a Ordres en Conseil Vol. XXIV, p. 273; amended by No. XVI of 1995 and No. III of 2000.

^b Paragraph 1 of Part III of the First Schedule was substituted by G.S.I. 1997 No. 19.

“The application of section 2(1) of the Law, in so far as it creates an offence, and the application of sections 23(1), 30(2), or 77 of the Customs and Excise (General Provisions)(Bailiwick of Guernsey) Law, 1972^d, in so far as they apply in relation to a prohibition or restriction on importation or exportation having effect by virtue of section 2 of the Law, are hereby excluded in the case of importation or exportation by any person for administration to himself of any drug specified in Part II of Schedule 4 which is contained in a medicinal product.”

4. In subsections (2), (3) and (5) of section 9 of the 1997 Ordinance for the words “in Schedule 2 or 3” there is substituted “in Schedule 2, 3 or Part I of Schedule 4”.

5. In Schedule 2 to the 1997 Ordinance in paragraph 1 -

(a) after “Dihydrocodeinone *O*-carboxymethyloxime”, there is inserted “Dihydroetorphine”;

(b) after “Racemorphan”, there is inserted “Remifentanil”.

6. For Schedule 4 to the 1997 Ordinance, there is substituted the Schedule set out in Schedule 2 to this Order.

Interpretation

^c Recueil d’Ordonnances, No. XVI of 1997.

^d Ordres en Conseil Vol. XXIII, p573; as amended by Ordres en Conseil Vol. XXIV, p87; Order in Council No. XIII of 1991.

7. (1) The provisions of the Interpretation (Guernsey) Law, 1948^e apply to the interpretation of this Order -

(a) throughout the Bailiwick; and

(b) as they apply to a Guernsey enactment.

(2) Unless the context otherwise requires, references in this Order to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

Citation.

8. This Order may be cited as the Misuse of Drugs (Modification) Order, 2003.

Commencement.

9. This Order shall come into force on the 14th day of July, 2003.

Dated this 14th day of July, 2003.



P. J. ROFFEY

President of the States Board of Health

For and on behalf of the Board.

^e Ordres en Conseil Vol. XIII, p355.

SCHEDULE 1

Article 1

“FIRST SCHEDULE

Section 1

CONTROLLED DRUGS

PART 1

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.
Coca leaf.
Cocaine.
Desomorphone.
Dextromoramide.
Diamorphine.
Diampromide.

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.
Furethidine.
Hydrocodone.
Hydromorphanol.
Hydromorphone.
Hydroxypethidine.
Isomethadone.
Ketobemidone.
Levomethorphan.
Levomoramide.
Levophenacymorphan.
Levorphanol.
Lofentanil.
Lysergamide.
Lysergide and other *N*-alkyl derivatives of lysergamide.
Mescaline.
Metazocine.
Methadone.
Methadyl acetate.
Methyldesorphine.
Methyldihydromorphine (6-methyldihydromorphine).
Metopon.
Morpheridine.
Morphine.

Morphine methobromide, morphine *N*-oxide and other pentavalent nitrogen morphine derivatives.

Myrophine.

Nicomorphine (3,6- dinicotinoyl-morphine).

Noracymethadol.

Norlevorphanol.

Normethadone.

Normorphine.

Norpipanone.

Opium, whether raw, prepared or medicinal.

Oxycodone.

Oxymorphone.

Pethidine.

Phenadoxone.

Phenampramide.

Phenazocine.

Phencyclidine.

Phenomorphane.

Phenoperidine.

Piminodine.

Piritramide.

Poppy-straw and concentrate of poppy-straw.

Proheptazine.

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

Psilocin.

Racemethorphan.

Racemoramide.

Racemorphan.

Remifentanyl.

Rolicyclidine.

Sufentanyl.

Tenocyclidine.

Thebaine.

Thebaine.

Tilidate.

Trimeperidine.

4-Bromo-2,5-dimethoxy- α -methylphenethylamine.

4-Cyano-2-dimethylamino-4,4-diphenylbutane.

4-Cyano-1-methyl-4-phenylpiperidine.

N,N-Diethyltryptamine.

N,N-Dimethyltryptamine.

2,5-Dimethoxy- α ,4-dimethylphenethylamine.

N-Hydroxy-tenamphetamine.

1-Methyl-4-phenylpiperidine-4-carboxylic acid.

2-Methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid.
 4-Methyl-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(α -methyl-3,4-methylenedioxyphenethyl)amine.
 2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol.
 2-Amino-1-(3,4-dimethoxyphenyl)ethanol.
 Benzyl(α -methyl-3,4-methylenedioxyphenethyl)amine.
 4-Bromo- β , 2,5-trimethoxyphenethylamine.
 N-(4-sec-Butylthio-2,5-dimethoxyphenethyl)hydroxylamine.
 Cyclopropylmethyl(α -methyl-3,4-methylenedioxyphenethyl)amine.
 2-(4,7-Dimethoxy-2,3-dihydro-1*H*-indan-5-yl)ethylamine.
 2-(4,7-Dimethoxy-2,3-dihydro-1*H*-indan-5-yl)-1-methylethylamine.
 2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine.
 2-(1,4-Dimethoxy-2-naphthyl)ethylamine.
 2-(1,4-Dimethoxy-2-naphthyl)-1-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)-1-methylethylamine.
 α,α -Dimethyl-3,4-methylenedioxyphenethylamine.
 α,α -Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine.
 Dimethyl(α -methyl-3,4-methylenedioxyphenethyl)amine.
 N-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine.
 4-Iodo-2,5-dimethoxy- α -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)-1-methylethylamine.
 2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-methylethylamine.
 2-Methoxyethyl(α -methyl-3,4-methylenedioxyphenethyl)amine.
 2-(5-Methoxy-2-methyl-dimethyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-methylethylamine.
 β -Methoxy-3,4-methylenedioxyphenethylamine.
 1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine.
 1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine.
 2-(α -Methyl-3,4-methylenedioxyphenethylamino)ethanol.
 α -Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine.

N-Methyl-*N*-(α -Methyl-3,4-methylenedioxyphenethyl)hydroxylamine.
O-Methyl-*N*-(α -Methyl-3,4-methylenedioxyphenethyl)hydroxylamine.
 α ,3,4,5-Tetramethoxyphenethylamine.
 α ,2,5-Trimethoxy-4-methylphenethylamine.
 β -Methyl-4-(methylthio)phenethylamine (also known as 4-Methylthioamphetamine).
 β -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, α -methylphenethylamine, an *N*-alkyl- α -methylphenethylamine, α -ethylphenethylamine, or an *N*-alkyl- α -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylenedioxy 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;
 - (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, alkylenedioxy, halogeno or haloalkyl groups;
 - (v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl 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 1-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;
- (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 -
 - (a) Acetyldihydrocodeine.
Amphetamine.

Cannabis and cannabis resin.
Codeine.
Dihydrocodeine.
Ethylmorphine (3-ethylmorphine).
Glutethimide.
Lefetamine.
Mecloqualone.
Methaqualone.
Methcathinone.
Methylamphetamine.
 α -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.

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 | ketazolam |
| | benzphetamine | loprazolam |
| | bromazepam | lorazepam |
| | buprenorphine | lormetazepam |
| | camazepam | mazindol |
| | cathine | medazepam |
| | cathinone | mefenorex |
| | chlordiazepoxide | mephentermine |
| | chlorphentermine | meprobamate |
| | clobazam | methyprylone |
| | clonazepam | midazolam |
| | clorazepic acid | nimetazepam |
| | clotiazepam | nitrazepam |
| | cloxazolam | nordazepam |
| | dextropropoxyphene | oxazepam |
| | diazepam | oxazolam |
| | diethylpropion | pemoline |
| | estazolam | phendimetrazine |
| | ethchlorvynol | phentermine |
| | ethinamate | pinazepam |
| | ethyl loflazepate | pipradrol |
| | fencamfamin | prazepam |
| | fenethylline | pyrovalerone |
| | fenproporex | temazepam |
| | fludiazepam | tetrazepam |
| | flunitrazepam | triazolam |
| | flurazepam | Zolpidem |
| | halazepam | <i>N</i> -ethylamphetamine |
| | haloxazolam | |
| | 4-Androstene-3, 17 dione | |
| | 4-Hydroxy-n-Butyric Acid (also known as Gammahydroxy-butyrate (GHB)) | |
| | 5-Androstene-3, 17-diol | |
| | 19-Nor-4-Androstene-3, 17 dione | |
| | 19-Nor-5-Androstene-3, 17 diol; | |
| (b) | Atamestane | Calusterone |
| | Bolandiol | 4-Choromethandienone |
| | Bolasterone | Clostebol |
| | Bolazine | Drostanolone |
| | Bolenol | Enestebol |
| | Bolmantalate | Eptiostanol |
| | | Ethyloestrenol |

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

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-hydroxyandrostan-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;
- (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 purposes 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.”

SCHEDULE 2

Article 6

“SCHEDULE 4

Sections 3,8,13(1), 14, and 20(3)

PART I*Controlled drugs subject to the requirements of sections 20, 21, 23 and 24.*

1. The following substances and products, namely:-

Alprazolam	Loprazolam
Bromazepam	Lorazepam
Camazepam	Lormetazepam
Chlordiazepoxide	Medazepam
Clobazam	Mefenorex
Clonazepam	Midazolam
Clorazepic acid	Nimetazepam
Clotiazepam	Nitrazepam
Cloxazolam	Nordazepam
Delorazepam	Oxazepam
Diazepam	Oxazolam
Estazolam	Pemoline
Ethyl loflazepate	Pinazepam
Fencamfamin	Prazepam
Fenproporex	Pyrovalerone
Fludiazepam	Tetrazepam
Flunitrazepam	Triazolam
Flurazepam	Zolpidem
Halazepam	N-Ethylamphetamine
Haloxazolam	
Ketazolam	4-Hydroxy-n-Butyric Acid- also known as Gammahydroxy-butyrate(GHB).

2. Any stereoisomeric form of a substance specified in paragraph 1.
3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance of product specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 5.

PART II

Controlled drugs excepted from the prohibition on possession when in the form of a medicinal product; excluded from the application of offences arising from importation and exportation when imported or exported in the form of a medicinal product for personal administration; and subject to the requirements of sections 20, 21, 23, and 24.

1. The following substances and products, namely-

Atamestane	Metribolone
Bolandiol	Mibolerone
Bolasterone	Nandrolone
Bolazine	Norboletone
Bolenol	Norclostebol
Bolmantalate	Norethandrolone
Calusterone	Ovandrotone
4-Choromethandienone	Oxadrolone
Clostebol	Oxymesterone
Drostanolone	Oxymetholone
Enestebol	Prasterone
Eptiostanol	Propetandrol
Ethyloestrenol	Quinbolone
Fluoxymesterone	Roxibolone
Furazabol	Silandrone
Mebolazine	Stanolone
Mestanolol	Stanozolol
Mesterolol	Stenbolone
Methandienone	Testosterone
Methandriol	Thiomesterone
Methenolone	Trenbolone
Methyltestosterone	4-Androstene-3, 17 dione
	5-Androstene-3, 17-diol
	19-Nor-4-Androstene-3, 17 dione
	19-Nor-5-Androstene-3, 17 diol.

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;
- (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 the Schedule.

4. The following substances:-

Chorionic gonadotrophin (HCG)
Clenbuterol
Non-human chorionic gonadotrophin (HCG)
Somatotropin
Somatrem
Somatropin

5. Any Stereosomeric form of a substance specified or described in any of paragraphs 1 to 4 of this Part of this Schedule.

6. Any salt of a substance specified or described in any of paragraphs 1 to 5 of this part of this schedule.

7. Any preparation of other product containing a substance or product specified or described in any of paragraphs 1 to 6 of this Part of the Schedule, not being a preparation specified in Schedule 5."

EXPLANATORY NOTE

(This note is not part of the regulations)

This Order replaces the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 with a new Schedule, and makes a number of modifications to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997. A number of substances and products are brought under the controls of the 1974 Law and the 1997 Ordinance for the first time. The list of Class A controlled drugs in the 1974 Law now includes thirty nine additional substances, and three substances have been added to the list of Class B drugs. Six additional prohibited substances have been included in the list of Class C drugs, including the drug 4-Hydroxy-n-Butyric Acid, also known as Gammahydroxy-butyrate (GHB).

The 1997 Ordinance has been amended to reflect the inclusion of these additional substances. In addition, Schedule 4 of the Ordinance has been replaced with a new Schedule divided into two parts. The first part relates to benzodiazepine drugs formerly in Schedule 4, which will be subject to a number of controls including prohibitions upon possession and upon import and export. The second part relates to the newly added 54 anabolic substances which will be subject to similar controls, with a limited exception for possession, import or export by an individual in a medicinal form for his own personal administration.