

GUERNSEY STATUTORY INSTRUMENT

2006 NO. 42

GREFFE
ROYAL COURT

27 NOV 2006

GUERNSEY

The Misuse of Drugs (Modification) Order, 2006

Made 14th November, 2006
Coming into operation 14th November, 2006
Laid before the States , 2006

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, 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 and all other powers enabling it in that behalf, hereby makes the following order:-

Amendment of the 1974 Law.

1. For the First Schedule of 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. For the Fourth Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c ("the 1997 Ordinance") there is substituted the Schedule set out in Schedule 2 to this Order.

Interpretation

3. The provisions of the Interpretation (Guernsey) Law, 1948^d apply to the interpretation of this order as they apply to a Guernsey enactment.

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 2003 No. 5

c Recueil d'Ordonnances, No. XVI of 1997

d Ordres en Conseil Vol. XIII, p355.

Citation.

4. This Order may be cited as the Misuse of Drugs (Modification) Order, 2006

Commencement.

5. This Order shall come into force on the 14th November, 2006.

Dated this 14th day of November 2006.



Deputy P. J. ROFFEY

Minister of the Health and Social Department

For and on behalf of the Department.

EXPLANATORY NOTE

(This note is not part of the Order)

This order replaces the First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, with a new Schedule and Schedule 4 of the Misuse of Drugs (Ordinance), 1997, with a new Schedule.

Two substances have been moved from the list of Class B controlled drugs to the list of Class A controlled drugs, and one new substance has been added to the list of Class C controlled drugs.

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.
Dmethamphetamine
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.
Levophenacylmorphan.
Levorphanol.
Lofentanil.
Lysergamide.
Lysergide and other *N*-alkyl derivatives of lysergamide
Metazocine.
Methadone
Methadyl acetate.
Methylamphetamine.
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.
Phenampromide.
Phenazocine.
Phencyclidine.
Phenomorphan.
Phenoperidine.
Piminodine.
Piritramide.
Poppy-straw and concentrate of poppy-straw.
Proheptazine.
Propерidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).
Psilocin.
Racemethorphan.
Racemoramide.
Racemorphan.
Remifentanil.
Rolicyclidine.
Sufentanil.
Tenocylidine.
Thebacon.
Thebaine.
Tilidate.
Trimeperidine.
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 subparagraph (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(*a*-methyl-3, 4-methylenedioxyphenethyl)amine.
 2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol.
 2-Amino-1(3,4-dimethoxyphenyl)ethanol.
 Benzyl(*a*-methyl-3,4-methylenedioxyphenethyl)amine.
 4-Bromo-B, 2,5-trimethoxyphenethylamine.
 N-(4-*sec*-Butylthio-2, 5dimethoxyphenethyl)hydroxylamine.
 Cyclopropylmethyl(*a*-methyl-3,4-methylenedioxyphenethyl)amine.
 2-(4,7-Dimethoxy-2,3-dihydro-*1H*-indan-5-yl)ethylamine.
 2-(4,7-Dimethoxy-2,3-dihydro-*1H*-indan-5-yl)-*l*-methylethylamine.
 2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine.
 2-(1,4-Dimethoxy-2-naphthyl)ethylamine.
 2-(1,4-Dimethoxy-2-naphthyl)-*l*-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)-*l*-methylethylamine.
a,a -Dimethyl-3,4-methylenedioxyphenethylamine.
a,a -Dimethyl-3,4-methylenedioxyphenethyl (methyl)amine.
 Dimethyl(*a*-methyl-3,4-methylenedioxyphenethyl)amine.
 N-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine.
 4-Iodo-2,5-dimethoxy-*a*-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)-*l*-methylethylamine.
 2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo(*b*)furan-6-yl)-*l*-methylethylamine.
 2-Methoxyethyl(*a*-methyl-3,4-methylenedioxyphenethyl)amine.
 2-(5-Methoxy-2-methyl-dimethyl-2,3-dihydrobenzo(*b*)furan-6-yl)-*l*-methylethylamine.
 B-Methoxy-3,4-methylenedioxyphenethylamine.
 1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine.
 1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine.
 2-(*a* -Methyl-3,4-methylenedioxyphenethylamino)ethanol.
a -Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine.
 N -Methyl-N-(*a*-Methyl-3,4-methylenedioxyphenethyl)hydroxylamine.
 O -Methyl-N-(*a*-Methyl-3,4-methylenedioxyphenethyl)hydroxylamine.
a,3,4,5-Tetramethoxyphenethylamine.
a,2,5-Trimethoxy-4-methylphenethylamine.
 B-Methyl-4-(methylthio)phenethylamine (also known as 4-Methylthioamphetamine).

B-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, 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;
 - (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 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.
a- 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 | 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 |
| | 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, 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 |
| | Fluoxymesterone | Ethyloestrenol |
| | Furazabol | Norethandrolone |
| | Mebolazine | Ovandrotone |
| | Mestanolol | Oxadrolone |
| | Mesterolol | Oxymesterone |
| | Methandienone | Oxymetholone |
| | Methandriol | Prasterone |
| | Methenolone | Propetandrol |
| | | 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-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 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 Scehdule, 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.

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 | Oxazolom |
| Estazolam | Pemoline |
| Ethyl loflazepate | Pinazepam |
| Fencamfamin | Prazepam |
| Fenproporex | Pyrovalerone |
| Fludiazepam | Tetrazepam |
| Flunitrazepam | Triazolam |
| Flurazepam | Zolpidem |
| Halazepam | <i>N</i> -Ethylamphetamine |
| Haloxazolam | |

Ketamine
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 this Schedule.
4. The following substances:-
 - Chorionic gonadotrophin (HCG)
 - Clenbuterol
 - Non-human chorionic gonadotrophin (HCG)
 - Somatotropin
 - Somatrem
 - Somatropin
5. Any Stereoisomeric 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."

