

GUERNSEY STATUTORY INSTRUMENT 2009 No. 15

THE IMPORT AND EXPORT OF GOODS (CONTROL) (GUERNSEY)
(AMENDMENT) ORDER, 2009

THE HOME DEPARTMENT, in pursuance of its powers under Article 1 of the Import and Export (Control)(Guernsey) Law 1946, hereby orders: -

1. The Import and Export of Goods (Control) (Guernsey) Order, 1990^a is amended as follows.

2. In Schedule 1, after paragraph 18 insert -

"19. (1) A medicinal product, as defined by article 1 of Council Directive 2001/83/EEC^b ("**the 2001 Directive**") as from time to time amended or re-enacted (with or without modification), except -

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

(b) 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), 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^c or any subordinate legislation made under that Act,

(b) the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994^d,

(c) the Medicines (Homeopathic

a S.I. 1990 No 24 as amended by S.I. 1999 No 19, S.I. 2000 No 12, S.I. 2000 No 26, S.I. 2001 No 5, S.I. 2001 No 7, S.I. 2001 No 9, S.I. 2007 No 26

b 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).

c An Act of Parliament (1968 c.67).

d U.K. S. I. 1994/3144.

Medicinal Products for Human Use) Regulations 1994^e,

- (d) the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005^f,
- (e) the Medicines for Human Use (National Rules for Homeopathic Products) Regulations 2006^g,
- (f) the 2001 Directive, or
- (g) any other enactment,

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 Directive,

within the meaning of the enactments (including the 2001 Directive) and the subordinate legislation referred to in subparagraph (2).".

3. In Schedule 2, after paragraph 8 insert -

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

^e U.K. S.I. 1994/105.
^f U.K. S.I. 2005/2750.
^g U.K. S.I. 2006/ 1952.

- (a) for 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 or any subordinate legislation made under that Act,
- (b) the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994,
- (c) the Medicines (Homeopathic Medicinal Products for Human Use) Regulations 1994,
- (d) the Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005,
- (e) the Medicines for Human Use (National Rules for Homeopathic Products) Regulations 2006,
- (f) the 2001 Directive, or
- (g) any other enactment,

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 Directive,

within the meaning of the enactments (including the 2001 Directive) and subordinate legislation referred to in subparagraph (2).".

4. The Interpretation (Guernsey) Law, 1948^h applies to the interpretation of this Order.
5. Any reference in this Order to an enactment or any subordinate legislation is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.
6. This Order may be cited as the Import and Export of Goods (Control) (Guernsey) (Amendment) Order, 2009 and shall come into force on 7th April 2009.

Dated this 6th day of April 2009.



G H Mahy

Minister of the States Home Department
For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

The effect of this Order is to prohibit, except under licence, the importation from and the exportation to the United Kingdom, the island of Jersey, the other Islands of the Bailiwick of Guernsey and the Isle of Man, of certain medicinal products, other than when for the personal use of the importer or exporter.