

GREFFE
ROYAL COURT
13 MAR 2008
GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2008 NO. 20

The Misuse of Drugs (Modification) Order, 2008

Made 11th March, 2008
Coming into operation 11th March, 2008
Laid before the States , 2008

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 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. (1) In Section 13(1) of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c ("the 1997 Ordinance"), after the word "temazepam", insert the words "or midazolam".

(2) For Schedule 3 to the 1997 Ordinance there is substituted the Schedule set out in Schedule 2 to this Order.

(3) For Schedule 4 to the 1997 Ordinance there is substituted the Schedule set out in Schedule 3 to this Order.

^a Ordres en Conseil Vol. XXIV, p. 273; amended by Order in Council No. XVI of 1995, No. III of 2000 and No. IV of 2006.

^b Most recently amended by G.S.I. 2006 No. 42.

^c Ordinance No. XVI of 1997; amended by G.S.I. 2004 No. 5 and 2006 No. 42.

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.

Citation.

4. This Order may be cited as the Misuse of Drugs (Modification) Order, 2008.

Commencement.

5. This Order shall come into force on the 11th March, 2008.

Dated this 11th day of March 2008.



Deputy P. J. ROFFEY
Minister of the Health and Social Department
For and on behalf of the Department.

^d Ordres en Conseil Vol. XIII, p355.

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 Schedules 3 and 4 (Part I) of the Misuse of Drugs (Ordinance), 1997, with new Schedules.

One substance (midazolam) has been removed from Part II of Schedule 4 to the 1997 Ordinance and inserted into Schedule 3 thereof.

The spelling of "Dmethamphetamine" in the list of Class A drugs in the First Schedule to the 1974 Law has been clarified as "D-methamphetamine".

Otherwise the Schedules are no different to their most recently substituted form prior hereto (as set out in the Misuse of Drugs (Modification) Order 2006).

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.
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
Furethidine
Hydrocodone
Hydromorphinol.
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.
Phenomorphane.
Phenoperidine.
Piminodine.
Piritramide.
Poppy-straw and concentrate of poppy-straw.
Proheptazine.
Propriperidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).
Psilocin.
Racemethorphan.
Racemoramide.
Racemorphan.
Remifentanyl.
Rolicyclidine.
Sufentanyl.
Tenocyclidine.
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-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.
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)-1-
 methylethylamine.
 2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo(*b*)furan-6-yl)-1-
 methylethylamine.
 2-Methoxyethyl(*a*-methyl-3,4-methylenedioxyphenethyl)amine.
 2-(5-Methoxy-2-methyl-dimethyl-2,3-dihydrobenzo(*b*)furan-6-yl)-1-
 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, *a*-methylphenethylamine, an *N*-alkyl-*a*-methylphenethylamine, *a*-ethylphenethylamine, or an *N*-alkyl-*a*-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 *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;
- (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.
 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 | 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 |
| | fenethylamine | 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)	<p>Atamestane Bolandiol Bolasterone Bolazine Bolenol Bolmantalate Fluoxymesterone Furazabol Mebolazine Mestanolol Mesterolol Methandienone Methandriol Methenolone Methyltestosterone Metribolone Mibolerone Nandrolone Norboletone Norclostebol</p>	<p>Calusterone 4-Choromethandienone Clostebol Drostanolone Enestebol Eptiostanol Ethyloestrenol Norethandrolone Ovandrotone Oxadrolone Oxymesterone Oxymetholone Prasterone Propetandrol Quinbolone Roxibolone Silandrone Stanolone Stanozolol Stenbolone Testosterone Thiomesterone Trenbolone.</p>
-----	---	--

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 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 2(2)

"SCHEDULE 3

Sections 8, 9, 12(7)(b), 18(2)(b),
20 and 22

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF
SECTIONS 12, 13 (EXCEPT TEMAZEPAM AND MIDAZOLAM), 14, 16, 20,
21, 22, 23 AND 24.

1. The following substances, namely:

- | | | |
|-----|------------------|----------------------|
| (a) | Benzphetamine | Meprobamate |
| | Buprenorphine | Methylphenobarbitone |
| | Cathine | Methyprylone |
| | Chlorphentermine | Midazolam |
| | Diethylpropion | Pentazocine |
| | Ethchlorvynol | Phendimetrazine |
| | Ethinamate | Phentermine |
| | Mazindol | Pipradrol |
| | Mephenermin | Temazepam |

(b) any 5,5 disubstituted barbituric acid not being quinalbarbitone

2. Any stereoisomeric form of a substance specified in paragraph 1 not being phenylpropanolamine.
3. Any salt of a substance specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 5."

SCHEDULE 3

Article 2(3)

"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	Nimetazepam
Clorazepic acid	Nitrazepam
Clotiazepam	Nordazepam
Cloxazolam	Oxazepam
Delorazepam	Oxazolom
Diazepam	Pemoline
Estazolam	Pinazepam
Ethyl loflazepate	Prazepam
Fencamfamin	Pyrovalerone
Fenproporex	Tetrazepam
Fludiazepam	Triazolam
Flunitrazepam	Zolpidem
Flurazepam	<i>N</i> -Ethylamphetamine
Halazepam	4-Hydroxy- <i>n</i> -Butyric
Haloxazolam	Acid – also known as
Ketamine	Gammahydroxy-
Ketazolam	butyrate(GHB)

1. 2. Any stereoisomeric form of a substance specified in paragraph
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:-
 - Chrorionic 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."