

GUERNSEY STATUTORY INSTRUMENT

2010 NO. 98.

GREFFE
ROYAL COURT

23 NOV 2010

GUERNSEY

The Misuse of Drugs (Modification No. 4) Order, 2010

<i>Made</i>	9 th November, 2010
<i>Coming into operation</i>	1 st January, 2011
<i>Laid before the States</i>	, 2011

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 6, 9, 21 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^a, section 1(2) of the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000^b and all other powers enabling it in that behalf, hereby makes the following order: -

Amendment of the 1997 Ordinance.

1. The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c is amended as set out in the Schedule.

^a Ordres en Conseil Vol. XXIV, p. 273; as amended by Vol. XXVIII, p. 307; Vol. XXXI, pp. 47 and 278; Vol. XXXIII, p. 217; Vol. XXXIV, p. 172; Vol. XXXVI, p. 396; Vol. XL, pp. 34 and 131; Order in Council No. IV of 2006; No. XIII of 2006; Recueil d'Ordonnances Tome XX, p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV, pp. 38 and 325; Tome XXIX, p. 406; G.S.I. No. 19 of 1997; G.S.I. No. 5 of 2004; G.S.I. No. 42 of 2006; G.S.I. No. 20 of 2008; G.S.I. No. 22 of 2010; G.S.I. No. 33 of 2010; G.S.I. No. 82 of 2010; see also Recueil d'Ordonnances Tome XXVII, p. 247.

^b Ordres en Conseil Vol. XL, p. 34.

^c Recueil d'Ordonnances Tome XXVII, p. 247; as amended by Tome XXIX, p. 406; Ordinance No. XXV of 2009; G.S.I. No. 5 of 2004; G.S.I. No. 42 of 2006; G.S.I. No. 20 of 2008; G.S.I. No. 22 of 2010; G.S.I. No. 33 of 2010; G.S.I. No. 82 of 2010.

Interpretation.

2. (1) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of this Order throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

(2) A reference to an enactment is to that enactment as from time to time amended, repealed and replaced, extended or applied by or under any other enactment.

Citation.

3. This Order may be cited as the Misuse of Drugs (Modification No. 4) Order, 2010.

Commencement.

4. This Order comes into force on the 1st January, 2011.

Dated this 9th day of November, 2010.



Deputy A. H. ADAM

Minister of the Health and Social Services Department

For and on behalf of the Department.

^d Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE

AMENDMENTS TO THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) ORDINANCE, 1997

Article 1

Provision	Amendment
Section 3(2)(a)	Delete the expression "Part II of".
Section 3	Repeal the sentence immediately following section 3(3).
Section 8(7)(a)	For the words "of the anabolic steroids specified in Part II of", substitute the words "drug specified in".
Section 9(1)	Repeal paragraph (d).
Section 9(2), (3), (5)(a) and (b)	For the expression "Schedule 2, 3 or Part I of Schedule 4" in each instance, substitute the expression "Schedule 2 or 3".
Section 19(2)	For the words preceding paragraph (a), substitute the following words— "A midwife, a nurse independent prescriber, a pharmacist independent prescriber, a supplementary independent prescriber or an authorised paramedic authorised by or under any provision of this Ordinance to have in his possession, or to administer, any drug specified in Schedule 2 shall"
Section 19(2)(a)	For the words "she" and "her", substitute the words "he" and "him" respectively.

EXPLANATORY NOTE
(This note is not part of the Order)

This Order amends the Misuses of Drugs (Bailiwick of Guernsey) Ordinance, 1997.

It extends the record-keeping obligations of midwives to additional categories of prescribers, namely nurse independent prescribers, pharmacist independent prescribers, supplementary independent prescribers and authorised paramedics. These persons are authorised to have controlled drugs in their possession or to administer them, and thus, should be required to keep appropriate records in the same way that midwives are.

This Order also extends the exemption from the ban on possession to *all* Schedule 4 drugs that are contained in medicinal products, and not just the drugs specified in Part II of that schedule. As a result, limited exemptions relating to the possession of Schedule 4 drugs become superfluous and have been deleted. In addition, this Order repeals the exemption relating to importation and exportation of drugs in Part II of Schedule 4, as this will be effected by way of an open licence issued by the Health and Social Services Department.

Consequently, the drugs in Part I and Part II of Schedule 4 will now be equally treated under the Ordinance, but for ease of future reference Schedule 4 will continue being divided into two Parts (Part II being anabolic steroids and growth hormones).