

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Methylated Spirits (Amendment) Ordinance, 1960 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XII, p. 391; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

# ORDINANCE OF THE STATES OF DELIBERATION

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## **The Methylated Spirits (Amendment) Ordinance, 1960**

### ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Supply of industrial methylated spirits as received by retailers.
3. Supply of antiseptic lotions and other preparations containing industrial methylated spirits by authorised pharmacists.
4. Prohibition of recovery of spirit contained in methylated spirits, etc.
5. Variation, suspension and revocation of licences.
6. Offences by body corporate.
7. Extent.
8. Citation.

(Made on 16th November, 1960.)

## The Methylated Spirits (Amendment) Ordinance, 1960

**THE STATES**, in pursuance of their Resolution of the third day of August, nineteen hundred and sixty, hereby order: –

### **Interpretation.**

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"[**the Committee**]" means the States [Committee for Home Affairs],

"**industrial methylated spirits**" has the meaning assigned to it by Article 1 of the principal Ordinance,

"**medical purposes**" means any medical, surgical or dental purpose,

"**prescription**" means a prescription conforming to the requirements of Article 6 of the principal Ordinance,

"**the principal Ordinance**" means the Ordinance entitled "Ordonnance relative à l'Importation et à la Vente d'Essences Méthylées (Methylated Spirits)" made permanent on the fifth day of October, nineteen hundred and thirty-one.

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### **NOTES**

*In section 1, the words in the first and second pairs of square brackets in the definition of the expression "the Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.<sup>1</sup>*

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer*

*of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

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**Supply of industrial methylated spirits as received by retailers.**

2. (1) Subject to the provisions of Article 6 of the principal Ordinance and notwithstanding anything contained in Article 5 of that Ordinance, a retailer of methylated spirits may, if authorised so to do by a licence granted by [the Committee] under Article 5 of that Ordinance, receive and have in his possession for sale industrial methylated spirits as received but shall not supply such spirits to any person –

- (a) except on the production and delivery of a permit granted by [the Committee] to that person under the next succeeding subsection,
- (b) in excess of the quantity specified in such permit.

(2) [The Committee] may, upon written application being made to it in that behalf, grant a permit in writing to any person authorising him to obtain from a retailer of methylated spirits industrial methylated spirits as received in such quantity and for such purposes, other than medical purposes or veterinary purposes, as shall be specified by [the Committee] in the permit and [the Committee] may attach such conditions as it deems fit to the grant of the permit.

(3) Any person who obtains industrial methylated spirits by virtue of a permit granted to him by [the Committee] under the last preceding subsection –

- (a) shall not use such spirits, or cause or permit the same to be used, otherwise than for any of the purposes specified in his permit,
- (b) shall comply with any conditions attached to the grant of his permit under that subsection.

(4) A retailer of methylated spirits who supplies industrial

methylated spirits as received upon the production and delivery of a permit granted by [the Committee] under subsection (2) of this section shall retain such permit and return it to [the Committee] forthwith.

(5) Any person who contravenes the provisions of subsection (1), subsection (3) or subsection (4) of this section shall be guilty of an offence under this Ordinance and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

(6) The reference to mineralised methylated spirits in Article 8 of the principal Ordinance and in the Schedule to that Ordinance, wherever it occurs, shall be deemed to include a reference to industrial methylated spirits as received.

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**NOTES**

*In section 2,*

*the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016;*

*the words and figure in square brackets in subsection (5) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Supply of antiseptic lotions and other preparations containing industrial methylated spirits by authorised pharmacists.**

3. Notwithstanding anything contained in Article 5 and Article 6 of the principal Ordinance, a pharmaceutical chemist or chemist and druggist authorised to practise as such in this Island or in the Island of Herm according to the law for the time being in force may, if authorised so to do by a licence granted by [the Committee] under Article 2 of that Ordinance, receive and have in his possession industrial methylated spirits for sale as a constituent of an antiseptic or lotion or other preparation for external use which is not capable of being used as a beverage whether or not such spirits are for sale for medical purposes or veterinary purposes, and may supply such antiseptic, lotion or other preparation without a prescription, for any purpose and in any quantity.

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**NOTE**

*In section 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

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**Prohibition of recovery of spirit contained in methylated spirits, etc.**

4. Any person who recovers or attempts to recover the spirit contained in methylated spirits or in any mixture containing methylated spirits by distillation or condensation or in any other manner shall be guilty of an offence under this Ordinance and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

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**NOTE**

*In section 4, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Variation, suspension and revocation of licences.**

5. [The Committee] may –
- (a) vary the terms and conditions of a licence granted by it under Article 2 of the principal Ordinance,
  - (b) suspend or revoke any such licence.

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**NOTE**

*In section 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.*

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**Offences by body corporate.**

6. Where a person convicted of an offence under the principal Ordinance or under this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body

corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

**Extent.**

7. This Ordinance shall have effect in the Islands of Guernsey and Herm.

**Citation.**

8. This Ordinance may be cited as the Methylated Spirits (Amendment) Ordinance, 1960 and this Ordinance and the principal Ordinance may be cited together as the Methylated Spirits Ordinances, 1931 and 1960.

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**NOTE**

*The Ordinance was made and came into operation on 16th November, 1960.*

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<sup>1</sup> The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.