

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Drugs (Prevention of Misuse) (Guernsey) Law, 1967.**

(Registered on the Records of the Island of Guernsey  
on the 7th day of November, 1967.)



1967.

**XI**  
**1967**

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 7th day of November, 1967, before Dr. Francis Coningsby, Lieutenant-Bailiff; present:—Bertram Guy Blampied, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., and Jean Le Pelley, Esquire, Jurats.*

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 10th day of October, 1967, ratifying a *Projet de Loi* entitled "The Drugs (Prevention of Misuse) (Guernsey) Law, 1967", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

## At the Court at Balmoral

The 10th day of October 1967

PRESENT,

### The Queen's Most Excellent Majesty

LORD PRESIDENT  
LORD SHACKLETON  
SIR ELWYN JONES  
MR STOTT

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 31st day of August, 1967, in the words following, viz.:

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:

' 1. That, in pursuance of their Resolution of the 22nd day of March, 1967, the States of Deliberation at a meeting held on the 26th day of April, 1967, approved a Bill or "Projet de Loi" entitled "The Drugs (Prevention of Misuse) (Guernsey) Law, 1967" which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the Chief Pleas of the Island of Sark at a meeting held on the 12th day of June, 1967, considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the applica-

tion of the same to Sark. 3. That the States of the Island of Alderney at a meeting held on the 6th day of July, 1967, considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Alderney. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Drugs (Prevention of Misuse) (Guernsey) Law, 1967" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh.*

Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Drugs (Prevention of Misuse) (Guernsey) Law, 1967**

THE STATES, in pursuance of their Resolution of the twenty-second day of March, nineteen hundred and sixty-seven, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpreta-  
tion.

“authorised medical practitioner”, “authorised dentist”, “authorised veterinary surgeon” and “authorised pharmacist” mean respectively—

- (a) as respects the Islands of Guernsey, Herm and Jethou, a person authorised to practise in those Islands as a medical practitioner, dentist, veterinary surgeon or pharmacist according to the law for the time being in force;
- (b) as respects the Islands of Alderney and Sark, a person practising in any of those Islands as a medical practitioner, dentist, veterinary surgeon or pharmacist and approved by the Board;

“ the Bailiff ” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, the Bailiff, a Lieutenant-Bailiff or the Juge Délégué;
- (b) in relation to the Island of Alderney, the Chairman of the Court of Alderney; and
- (c) in relation to the Island of Sark, the Seneschal;

“ the Board ” means the States Board of Administration;

“ master ” has the same meaning as in the Merchant Shipping Act, 1894;

“ medical store-carrying ship ” means a ship on board of which a supply of medicine and medical stores is required to be kept under section two hundred of the Merchant Shipping Act, 1894;

“ officer of police ” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;
- (c) in relation to the Island of Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;

“ public analyst ” means a person employed by the States of Guernsey or the States of Alderney and approved by the Board as an analyst of drugs;

“ the States ” means the States of Guernsey.

(2) The Interpretation (Guernsey) Law, 1948(a), shall apply to the interpretation of this Law throughout the Bailiwick of Guernsey.

2. (1) Subject to any exemptions for which provision may be made by the States by Ordinance and to the following provisions of this section, it shall not be lawful for a person to have in his possession a substance for the time being specified in the Schedule to this Law unless—

Penalization of unauthorised possession of scheduled substances.

- (a) it is in his possession by virtue of the issue of a prescription by an authorised medical practitioner or an authorised dentist for its administration by way of treatment to him or to a person under his care; or
- (b) it is in his possession by virtue of the issue of a prescription by an authorised veterinary surgeon for its administration by way of treatment to an animal under his care; or
- (c) he is registered in a register kept for the purposes of this paragraph by the Board as a manufacturer of, or a dealer in bulk in, substances for the time being specified in that Schedule,

and a person who has a substance in his possession in contravention of the foregoing provision shall be liable—

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(a) Ordres en Conseil Vol. XIII, p. 355.

- (i) on summary conviction, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) Subsection (1) of this section shall not be taken to prohibit the possession by any of the following persons, that is to say—

- (a) an authorised medical practitioner;
- (b) an authorised dentist;
- (c) an authorised veterinary surgeon;
- (d) an authorised pharmacist;
- (e) a person acting in accordance with the directions of an authorised medical practitioner, an authorised dentist or an authorised veterinary surgeon;
- (f) a person appointed by the person in control of a hospital, clinic, nursing home or other institution providing medical, surgical, dental or veterinary treatment to be in charge of drugs kept there for the purpose of the administration thereof to patients by way of treatment;
- (g) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research;
- (h) a public analyst;

of a substance for the time being specified in the Schedule to this Law provided that it is in his possession for the purpose of his acting in the capacity of a person of that kind.

(3) Subsection (1) of this section shall not be taken to prohibit the possession, by the owner of a medical store-carrying ship, of a substance for the time being specified in the Schedule to this Law for the purpose of the administration thereof, by way of treatment, to persons on board the ship or to prohibit the possession, by the master of such a ship which does not carry on board as part of her complement a duly qualified medical practitioner, of such a substance for that purpose.

(4) Subsection (1) of this section shall not be taken to prohibit the possession of a substance for the time being specified in the Schedule to this Law by any servant of Her Majesty, the States of Guernsey, the States of Alderney, the Chief Pleas of Sark or any officer of police acting in the course of his duty as such.

(5) The Board shall have power, in its discretion, to refuse to register a person in a register kept for the purposes of paragraph (c) of subsection (1) of this section if, in the opinion of the Board, he is not a proper person to be registered, and to cancel the registration of a person who, in the opinion of the Board, has ceased to be a person proper to be registered.

3. An officer of police may arrest without warrant a person who is found committing, or is reasonably suspected by the officer of police of having committed, an offence under the last preceding section if—

Power of  
arrest.

(a) the officer of police has reasonable ground for believing that that person will abscond unless arrested; or

- (b) the name and address of that person are unknown to, and cannot be ascertained by, the officer of police; or
- (c) the officer of police is not satisfied that a name and address furnished by that person as his name and address are true.

Power to search for scheduled substances.

4. If the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting that a substance for the time being specified in the Schedule to this Law is, in contravention of section two of this Law, in the possession of a person in any premises, he may grant a search warrant authorising any officer of police named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence under the said section two has been committed in relation to any such substance as aforesaid which may be found in the premises or in the possession of any such persons, to seize it.

Disposal of substances in respect of possession of which offences have been committed.

5. (1) The court by or before which a person is convicted of an offence under section two of this Law with respect to a substance may order any quantity of it which has been found in his possession to be forfeited.

(2) An order made under this section by the Royal Court sitting as an Ordinary Court, the Magistrate's Court, the Court of Alderney, or the Court of the Seneschal of Sark, shall not take effect—

- (a) until the expiration of the seven days next following the day on which the order was made; or

(b) where notice of appeal in the matter of the proceedings in which the order was made has been given, until the day on which the appeal is finally disposed of or abandoned.

6. (1) The importation, save under the authority, and in accordance with the terms, of a licence granted by the Board of a substance for the time being specified in the Schedule to this Law is hereby prohibited. Restriction of importation of scheduled substances.

(2) A licence under this section may be, to any degree, general or specific, and may be modified or revoked by the Board at any time.

(3) Without prejudice to liability to a penalty which he may have incurred under any other enactment, a person who contravenes, or fails to comply with, a term of a licence granted under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(4) A person authorised in writing in that behalf by the Board may require any person possessing or having control of a substance for the time being specified in the Schedule to this Law which is being or has been imported to furnish proof that the importation of the substance is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of that person the substance may be sequestered by that person and confiscated by the Board and if the substance is so confiscated it shall be destroyed or otherwise disposed of by the Board.

(5) A substance imported by a person under the authority, and in accordance with the terms, of a licence granted under this section shall be deemed

not to be in his possession in contravention of section two of this Law.

Power to  
amend  
Schedule.

7. If it appears to the States that a substance should be added to, or removed from, the Schedule to this Law, the States may by Ordinance make the requisite modifications in that Schedule.

Offences by  
bodies  
corporate.

8. Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Citation  
and  
commence-  
ment.

9. (1) This Law may be cited as the Drugs (Prevention of Misuse) (Guernsey) Law, 1967.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States:

Provided that any powers conferred by this Law on the States to make any Ordinance may be exercised at any time after the registration of this Law and before the day appointed or to be appointed as aforesaid, subject to the restriction that any such Ordinance shall not come into force until this Law comes into force.

SCHEDULE Sections two, four,  
six and seven.

*Substances referred to in this Law*

1. B-aminopropylbenzene.
2. B-aminoisopropylbenzene.

3. Any synthetic compound structurally derived from either of the substances aforesaid by substitution in the side chain or by ring closure therein (or by both such substitution and such closure), except ephedrine, N-ethylephedrine, N-methylephedrine, N-diethylaminoethylephedrine, oxethazaine, phenylpropanolamine, prenylamine and tropic acid N-ethyl-N-( $\gamma$ -picolyl)amide.
4. Chlorphentermine.
5. Pemoline.
6. Lysergamide.
7. Any N-alkyl derivative of the substance specified in paragraph 6 above.
8. Any Hydroxy-N, N-dimethyltryptamine.
9. Any ester or ether of any compound falling within paragraph 8 above.
10. Mescaline.
11. Any salt of either of the substances specified in paragraphs 1 and 2 above, of a compound falling within paragraph 3 above, of either of the substances specified in paragraphs 4 and 5 above or of any compound falling within paragraphs 7, 8 and 9 above.
12. Any salt of the substances specified in paragraph 6 above.
13. Any salt of the substance specified in paragraph 10 above.
14. Any substance containing any proportion of either of the substances specified in paragraphs 1 and 2 above, of a compound falling within paragraph 3 above, of either of the substances specified

in paragraphs 4 and 5 above, of any compound falling within paragraphs 7, 8 and 9 above or of such a salt as is mentioned in paragraph 11 above.

15. Any substance, not being a living plant or a seed of a plant, containing any proportion of the substance specified in paragraph 6 above or of such a salt as is mentioned in paragraph 12 above, and any substance, not being a living plant, containing any proportion of the substance mentioned in paragraph 10 above or of such a salt as is mentioned in paragraph 13 above.

R. H. VIDELO,

Her Majesty's Greffier.