

# ORDER IN COUNCIL

**III**  
**2000**

ratifying a Projet de Loi

ENTITLED

## **The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000**

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(Registered on the Records of the Island of Guernsey  
on the 11th April, 2000.)

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**2000**

## ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 11th day of April, 2000 before de Vic Graham Carey, Esquire, Bailiff; present:- John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, and The Reverend Peter Gerald Lane, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 15th day of March, 2000, approving and ratifying a *Projet de Loi* entitled "The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. 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 S n schal of Sark for registration on the records of those Islands of which Order in Council the tenor followeth:-

## At the Court at Buckingham Palace

The 15th day of March 2000

PRESENT,

### The Queen's Most Excellent Majesty in Council

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 3rd day of March 2000 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 28th day of October 1998, the States of Deliberation at a meeting held on the 24th day of February 1999 approved a Bill or “Projet de Loi” entitled “The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law 2000”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 5th day of May 1999 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 6th day of October 1999 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or “Projet de Loi” is as 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 Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000, 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, and 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.

*A. K. Galloway*

# PROJET DE LOI

ENTITLED

## **The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000**

**THE STATES**, in pursuance of their Resolution of 28th October, 1998<sup>a</sup>, 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.

### **Power to make provision by Order**

1. (1) In the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 as amended<sup>b</sup> ("the 1974 Law") -

- (a) except in sections 33(4) and 34(2), for "Ordinance", wherever appearing, substitute "Order", and for "Ordinances", wherever appearing, substitute "Orders";
- (b) in sections 6(1), 9(1), 21 where first appearing, and 30(1)(c), for "States" substitute "Board";
- (c) in section 6(1)(b), for "as they think- fit" substitute "as

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<sup>a</sup> Article 14 of Billet d'État No. XXII of 1998.

<sup>b</sup> Ordres en Conseil Vol. XXIV, p.273; Vol. XXVIII, p.307; Vol. XXXI, p.47; No. XIII of 1991; No. V of 1992; No. XVI of 1995.

the Board thinks fit";

- (d) in section 6(3), for "the States shall so exercise their power" substitute "the Board shall so exercise its power" ;
- (e) section 6(5) is repealed;
- (f) immediately after section 30(2) insert:

"(3) Any Order made under this Law must be laid as soon as possible before a meeting of the States; and if at that or their next meeting the States resolve that the Order be annulled it shall cease to have effect, but without prejudice to anything done under it or to the making of a new Order. "

(2) The provisions of any Ordinance made by the States before this Law comes into force

- (a) shall continue to have effect thereafter notwithstanding the amendments made to the 1974 Law by subsection (1) of this section; but
- (b) may be repealed by an Order made by the Board under the 1974 Law as so amended, and expressed to replace those provisions of that Ordinance.

(3) In respect of such an Ordinance, and in respect of such an Order –

- (a) section 19 of the Interpretation (Guernsey) Law. 1948<sup>c</sup> applies as if the Order were an enactment, and
- (b) any licence granted, and any other thing done, pursuant to a repealed provision of the Ordinance, and which is capable of being granted or done pursuant to a provision of the Order, shall have effect as if granted or done (on the date when it was in fact granted or done) pursuant to that provision of the Order.

**Updated definitions of "medical practitioner" etc.**

2. In section 32(1) of the 1974 Law, for the definitions of "medical practitioner", "dentist", "veterinary surgeon" and "pharmacist" substitute:

" "medical practitioner", "dentist", "veterinary surgeon" and "pharmacist" mean respectively:

- (a) in relation to the Islands of Guernsey, Herm, Jethou and Alderney, a recognised medical practitioner, recognised dentist, recognised veterinary surgeon and recognised pharmacist, within the meaning of the law for the time being in force in each of those Islands;
- (b) in relation to the Island of Sark, a person practising there as a medical practitioner, dentist, veterinary surgeon or pharmacist, and approved by the Board for the purposes of this Law; "

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<sup>c</sup> Ordres en Conseil Vol.XIII, p.355

**Citation and construction**

3. (1) This Law may be cited as the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000

(2) This Law and the 1974 Law are to be construed as one.

**Commencement**

4. This Law shall come into force on the first day of the month following that in which it is registered on the records of the Island of Guernsey.