

# PROJET DE LOI

ENTITLED

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

*[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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\* No. III of 2000 (Ordres en Conseil Vol. XL, p. 34). See also the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (No. XXII of 2015).

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

### ARRANGEMENT OF SECTIONS

1. Power to make provision by Order.
2. Updated definitions of "medical practitioner" etc.
3. Citation and construction.
4. Commencement.

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## **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 the Board thinks fit",

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<sup>a</sup> On 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.

*Consolidated text*

- (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.

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**NOTES**

*The following Orders have been made under section 1:*

*Misuse of Drugs (Modification) Order, 2010;*  
*Misuse of Drugs (Modification No. 2) Order, 2010;*  
*Misuse of Drugs (Modification No. 3) Order, 2010;*  
*Misuse of Drugs (Modification No. 4) Order, 2010;*  
*Misuse of Drugs (Modification) Order, 2012;*  
*Misuse of Drugs (Modification) Order, 2014;*  
*Misuse of Drugs (Modification) Order, 2015;*  
*Misuse of Drugs (Modification) Order, 2018;*  
*Misuse of Drugs (Modification No. 2) Order, 2018*  
*Misuse of Drugs (Modification No. 3) Order, 2018;*  
*Misuse of Drugs (Modification) Order, 2019;*  
*Misuse of Drugs (Modification) Order, 2020;*  
*Misuse of Drugs (Modification No. 2) Order, 2020;*  
*Misuse of Drugs (Modification) Order, 2024.*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**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 –

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

" **"medical practitioner"**, **"dentist"**, **"veterinary surgeon"** and **"pharmacist"** mean respectively –

- (a) in relation to the Islands of Guernsey, Helm, 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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**NOTE**

*In accordance with the provisions of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(2), with effect from 3rd December, 2015, the reference in this section to a "recognised medical practitioner" is to be construed as a reference to a registered practitioner within the meaning of section 26(1) of the 2015 Ordinance.*

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**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.

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**NOTE**

*The Law was registered on the Records of the Island of Guernsey on 11th April, 2000.*

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