ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 *

[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.

***** No. XVI of 1997 (Recueil d'Ordonnances Tome XXVII, p. 247); as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009 (No. XXV of 2009, Recueil d'Ordonnances Tome XXXIII, p. 555); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Misuse of Drugs (Modification) Order, 2003 (G.S.I. No. 5 of 2004); the Misuse of Drugs (Modification) Order, 2006 (G.S.I. No. 42 of 2006); the Misuse of Drugs (Modification) Order, 2008 (G.S.I. No. 20 of 2008); the Misuse of Drugs (Modification) Order, 2010 (G.S.I. No. 22 of 2010); the Misuse of Drugs (Modification No. 2) Order, 2010 (G.S.I. No. 33 of 2010); the Misuse of Drugs (Modification No. 3) Order, 2010 (G.S.I. No. 82 of 2010); the Misuse of Drugs (Modification No. 4) Order, 2010 (G.S.I. No. 98 of 2010); the Misuse of Drugs (Modification) Order, 2012 (G.S.I. No. 44 of 2012); the Misuse of Drugs (Modification) Order, 2014 (G.S.I. No. 79 of 2014); the Misuse of Drugs (Modification) Order, 2015 (G.S.I. No. 93 of 2015); the Misuse of Drugs (Modification) Order, 2018 (G.S.I. No. 1 of 2018); the Misuse of Drugs (Modification No. 2) Order, 2018 (G.S.I. No. 10 of 2018); the Misuse of Drugs (Modification No. 3) Order, 2018 (G.S.I. No. 36 of 2018); the Misuse of Drugs (Modification) Order, 2019 (G.S.I. No. 67 of 2019); the Misuse of Drugs (Modification No. 2) Order, 2019 (G.S.I. No. 78 of 2019). This Ordinance is modified, in part, by the Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020 (G.S.I. No. 44 of 2020).

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997

ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Specification of controlled drugs for purposes of Ordinance.
3. Exceptions for drugs in Schedules 4 and 5 and poppy-straw.
3A. Exceptions for fungi which contain psilocin or an ester of psilocin.
3B. Exceptions for gamma–butyrolactone and 1,4–butanediol.
4. Licences to produce etc. controlled drugs.
5. General authority to supply and possess.
6A. Authority for Nurse Independent Prescribers and Pharmacist Independent Prescribers to prescribe.
6. Administration of drugs in Schedules 2, 3, 4 and 5.
7. Production and supply of drugs in Schedules 2 and 5.
8. Production and supply of drugs in Schedules 3 and 4.
9. Possession of drugs in Schedules 2, 3 and 4.
10. Exemption for midwives.
11. Cultivation under licence of Cannabis plant.
12. Documents to be obtained by supplier of controlled drugs.
13. Form of prescriptions.
14. Provisions as to supply on prescription.
14A. Orders, supply and use of cannabis-based products for administration.
15. Exemption for certain prescriptions.
16. Marking of bottles and other containers.
17. Record-keeping requirements in respect of drugs in Schedules 1 and 2.
18. Requirements as to registers.
19. Record-keeping requirements in respect of drugs in Schedule 2 in particular cases.
20. Record-keeping requirements in respect of drugs in Schedules 3 and 4.
21. Preservation of registers, books and other documents.
22. Preservation of records relating to drugs in Schedules 3 and 5.
23. Furnishing of information with respect to controlled drugs.

24. Destruction of controlled drugs.
25. Repeals, amendment, and transitional provisions.
26. Extent.
27. Citation.
28. Commencement.

SCHEDULE 1 Controlled drugs subject to the requirements of sections 12, 13, 14, 16, 17, 18, 21, 23 and 24.
SCHEDULE 2 Controlled drugs subject to the requirements of sections 12, 13, 14, 16, 17, 18, 19, 21, 23 and 24.
SCHEDULE 2A Meaning of "special medicinal product".
SCHEDULE 3 Controlled drugs subject to the requirements of sections 12, 13 (except temazepam and midazolam), 14, 16, 20, 21, 22, 23 and 24.
SCHEDULE 4 Controlled drugs subject to the requirements of sections 20,21,23 and 24.
Part I
Part II
SCHEDULE 5 Controlled drugs excepted from the prohibition on importation, exportation and possession and subject to the requirements of sections 22 and 23.
SCHEDULE 6Form of register.
Part I Entries to be made in case of obtaining.
Part II Entries to be made in case of supply.
SCHEDULE 6A Classes of persons by whom controlled drugs may be supplied or administered under a patient group direction.
SCHEDULE 7Repeals.

(*Made on the 28th May, 1997*.)

The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997

THE STATES, in pursuance of their Resolution of 29th March, 1989[a], and in exercise of the powers conferred upon them by sections 6, 9, 21 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended[b], hereby order: –

Interpretation.

1. (1) In this Ordinance, unless the context otherwise requires –

[**"anaesthetic assistant"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

"authorised analyst" means a person employed by the States of Guernsey or by the States of Alderney and approved by or on behalf of [the Committee] as an analyst of drugs,

"authorised as a member of a group" means authorised by virtue of being a member of a class as respects which [the Committee] has granted an authority which is for the time being in force under and for the purposes of [section 7(3), 8(3) or 9(3)]; and **"his group authority"**, in relation to a person who is a member of such a class, means the authority so granted to that class,

[**"authorised paramedic"** means a person who is –

---

a Article 13 of Billet d'État No. VII of 1989.

b Ordres en Conseil Vol. XXIV, p. 273; Vol. XXVIII, p. 307; No. VI of 1988; No. XIII of 1991; No. V of 1992; Recueil d'Ordonnances, Tome XX, p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV, pp. 38 and 325; Order in Council No. XVI of 1995.

(a) a registered paramedic, and

(b) employed by an ambulance or rescue service approved by [the Committee],]

[**"cannabis-based product for medicinal use in humans"** means a preparation or other product, other than one to which paragraph 10 of Schedule 2 applies, which –

(a) is or contains cannabis/cannabis resin, cannabinol or a cannabinol derivative (not being dronabinol or its stereoisomers),

(b) is produced for medicinal use in humans, and

(c) is –

(i) a medicinal product, or

(ii) a substance or preparation for use as an ingredient of, or in the production of an ingredient of, a medicinal product,]

"Chief Officer of Police" means the Chief Officer of the salaried police force of the Island of Guernsey,

[**"clinical management plan"** means a written plan (which may be amended from time to time) relating to the treatment of an individual patient agreed by –

(a) the patient to whom the plan relates,

(b) the doctor or dentist who is a party to the plan, and

(c) any supplementary prescriber who is to prescribe, give directions for administration or administer under the plan,]

[**"**[**the Committee**]**"** means the States of Guernsey [Committee for Health & Social Care],]

[**"dronabinol"** excludes any substance which is derived from cannabis, cannabis resin or their constituents, and stereoisomers of dronabinol are to be construed accordingly,]

"hospital" means an infirmary or other medical institution wholly or mainly maintained by the States of Guernsey or by the States of Alderney,

"the Law" means the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974,

"master" includes every person (except a general pilot) having command or charge of a ship, and, in relation to a fishing vessel, means the skipper,

"Medical Officer of Health" means the Medical Officer of Health of the States of Guernsey and includes any Deputy Medical Officer of Health of the States of Guernsey,

"medical prescription" means a prescription issued by a medical practitioner or a dentist under Part V of the Health Service (Benefit)

(Guernsey) Law, 1990[c],

"medicinal product" has the same meaning as in the [Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[ca]],

"the Merchant Shipping Laws", in relation to any ship, means the Loi relative à la Marine Marchande of 1916[d], and so much of the Merchant Shipping Acts 1894 to 1994 and the Merchant Shipping Act 1995 as applies to that ship,

"midwife's supply order" means an order in writing specifying the name and occupation of the midwife obtaining a supply of a controlled drug, the purpose for which it is required and the total quantity to be supplied,

[**"nurse independent prescriber"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

"nursing home" means a nursing home within the meaning of the Nursing Homes and Residential Homes (Guernsey) Law, 1976[e] or within the meaning of Part I of the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987[f],

"officer of customs and excise" means an officer within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law,

---

c Ordres en Conseil, Nos. XXIV of 1990 and XIV of 1993.

ca Order in Council No. V of 2009.

d Ordres en Conseil Vol. V, p. 189.

e Ordres en Conseil, Vol. XXVI, p. 71.

f Ordres en Conseil Vol. XXX, p. 371.

1972, as amended[g],

[**"Patient Group Direction"** has the meaning given by section 15 of the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"pharmacist independent prescriber"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

"prescription" means a prescription issued by a medical practitioner for the medical treatment of a single individual, [by a supplementary prescriber for the medical treatment of a single individual, by a nurse independent prescriber for the medical treatment of a single individual, by a pharmacist independent prescriber for the medical treatment of a single individual,] by a dentist for the dental treatment of a single individual, or by a veterinary surgeon for the purposes of animal treatment,

[**"professional register"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"register"** excludes any form of loose leaf register or card index,]

[**"registered chiropodist"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered midwife"** means a person registered in the Midwives' Part of the professional register,]

---

g Ordres en Conseil, Vol. XXIII, p. 573; Vol. XXIV, p. 87; No. V of 1989; No. XIII of 1991.

[**"registered nurse"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered occupational therapist"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered operating department practitioner"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered optometrist"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered orthoptist"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered paramedic"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered physiotherapist"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered prosthetist and orthotist"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

[**"registered radiographer"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance,

2009,]

"retail dealer" means a person lawfully conducting a retail pharmacy business,

"sampling officer" means a person authorised by [the Committee] under the Food and Drugs (Guernsey) Law, 1970[i] to exercise such powers of procuring samples for analysis or for bacteriological or other examination as are conferred by section 26 of that Law,

"seamen" includes every person (except masters and general pilots) employed or engaged in any capacity on board any ship,

"sister or acting sister" includes any male nurse occupying a similar position,

[**"specialist medical practitioner"** means a medical practitioner who –

(a) is included in the register of specialist medical practitioners kept under section 34D of the Medical Act 1983 (the Specialist Register), and

(b) is a registered practitioner within the meaning of –

(i) in the case of a practitioner practising in Guernsey or Alderney, the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, and

---

i Ordres en Conseil, Vol. XXII, p. 412; Vol. XXV, p. 378; Vol. XXIX, p. 329; No. X of 1995.

(ii) in the case of a practitioner practising in Sark, the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017,]

[**"supplementary prescriber"** has the same meaning as in the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009,]

"wholesale dealer" means a person who carries on the business of selling drugs to persons who buy to sell again,

and other expressions have the same meanings as in the Law.

(2) In this Ordinance any reference to a section or Schedule is to the section or Schedule so numbered in this Ordinance; and any reference in a section or Schedule to a subsection or paragraph is to the subsection or paragraph so numbered in that section or Schedule.

(3) In this Ordinance, unless the context otherwise requires, any reference to any other enactment is to that enactment as repealed and replaced, amended, extended or applied by or under any other enactment.

(4) The Interpretation (Guernsey) Law, 1948[j], as amended, applies to the interpretation of this Ordinance throughout the Bailiwick.

NOTES

In section 1,

---

j Ordres en Conseil, Vol. XIII, p. 355.

the definitions of the expressions "anaesthetic assistant", "authorised paramedic" and "the Committee" (originally "the Department") in subsection (1) were inserted, and the definition of the expression "register" therein was substituted, by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

the words, first, "the Committee" and, second, "Committee for Health & Social Care" in square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6, section 2, Schedule 1, paragraph 5 and section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;

the words, figures and parentheses in square brackets in, first, the definition of the expression "authorised as a member of a group", second, the definition of the expression "medicinal product" and, third, the definition of the expression "prescription" in subsection (1) were, respectively, substituted, substituted and inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, respectively paragraph 1(a), paragraph 1(b) and paragraph 1(c), with effect from 1st October, 2009;

the definitions of the expressions "cannabis-based product for medicinal use in humans", "dronabinol" and "specialist medical practitioner" in subsection (1) were inserted by the Misuse of Drugs (Modification) Order, 2019, article 2, with effect from 1st June, 2019;

the definitions of the expressions "clinical management plan", "nurse independent prescriber", "Patient Group Direction", "pharmacist independent prescriber", "professional register", "registered chiropodist", "registered nurse", "registered occupational therapist", "registered operating department practitioner", "registered optometrist", "registered orthoptist", "registered paramedic", "registered physiotherapist", "registered prosthetist and orthotist", "registered radiographer" and "supplementary prescriber" in subsection (1) were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 1(e), with effect from 1st October, 2009;

the definition of the expression "registered midwife" in subsection (1) was substituted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 1(d), with effect from 1st October, 2009.

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016,

section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.[1]

This Ordinance is modified, in part, by the Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of Guernsey) Regulations, 2020, regulation 1(l), Schedule, paragraph 12, with effect from 2nd April, 2020.

The Food and Drugs (Guernsey) Law, 1970 has since been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, section 92, Schedule 11, with effect from 3rd October, 2019, subject to the transitional and savings provisions in section 94 of, and Schedule 13 to, the 2016 Ordinance.

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.

Specification of controlled drugs for purposes of Ordinance.

2. Schedules 1 to 5 shall have effect for the purpose of specifying the controlled drugs to which certain provisions of this Ordinance apply.

Exceptions for drugs in Schedules 4 and 5 and poppy-straw.

3. (1) Section 2(1) of the Law (which prohibits the importation and exportation of controlled drugs) shall not have effect in relation to the drugs specified in [Schedule 5].

[(1A) Nothing in subsection (1) excepts from section 2(1)(b) of the Law (which prohibits the exportation of controlled drugs) the exportation of a preparation of cannabidiol falling within paragraph 10 of Schedule 5 by a person in the course of a business carried on by the person.]

[(2) Section 4(1) of the Law (which prohibits the possession of controlled drugs) shall not have effect in relation to the drugs specified in Schedule 5.]

(3) Section 3(1) (which prohibits the production and supply of

controlled drugs) and 4(1) of the Law shall not have effect in relation to poppy-straw.

[...]

NOTES

In section 3,

the word and figure in subsection (1) were substituted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

subsection (1A) was inserted by the Misuse of Drugs (Modification) Order, 2018, article 2, with effect from 1st February, 2018;

subsection (2) was substituted by the Misuse of Drugs (Modification) Order, 2012, article 3, with effect from 1st October, 2012;[2]

the words omitted in square brackets immediately after subsection (3) (which words were originally inserted by the Misuse of Drugs (Modification) Order, 2003, article 3, with effect from 14th July, 2003) were repealed by the Misuse of Drugs (Modification No. 4) Order, 2010, article 1, Schedule, with effect from 1st January, 2011.

[**Exceptions for fungi which contain psilocin or an ester of psilocin.**

3A. (1) Section 4(1) of the Law (which prohibits the possession of controlled drugs) shall not have effect in relation to a fungus (of any kind) which contains psilocin or an ester of psilocin where that fungus –

(a) is growing uncultivated,

(b) is picked by a person already in lawful possession of it for the purpose of delivering it as soon as is reasonably practicable into the custody of a person lawfully entitled to take custody of it and it remains in the former person's possession for and in accordance with that purpose,

(c) is picked for either of the purposes specified in subsection (2) and is held for and in accordance with the purpose specified in subsection (2)(b), either by the person who picked it or by another person, or

(d) is picked for the purpose specified in subsection (2)(b) and is held for and in accordance with the purpose specified in subsection (2)(a), either by the person who picked it or by another person.

(2) The purposes referred to in subsection (1)(c) and (d) are –

(a) the purpose of delivering the fungus as soon as is reasonably practicable into the custody of a person lawfully entitled to take custody of it, and

(b) the purpose of destroying the fungus as soon as is reasonably practicable.]

NOTE

Section 3A was inserted by the Misuse of Drugs (Modification) Order, 2010, article 2, with effect from 8th March, 2010.

[**Exceptions for gamma–butyrolactone and 1,4–butanediol.**

3B. (1) Nothing in section 2(1) (which prohibits the importation and exportation of controlled drugs), section 3(1) (which prohibits the production and supply of controlled drugs) or section 4(1) (which prohibits the possession of controlled drugs) of the Law shall have effect in relation to gamma–butyrolactone or 1,4–butanediol except where a person imports, exports, produces, supplies or offers to

supply either substance, or has either substance in his possession, knowing or believing that it will be used for the purpose of human ingestion, whether by himself or another person, other than as a flavouring in food.

(2) In this section, references to gamma–butyrolactone and 1,4–butanediol include—

(a) any stereoisomeric form of gamma–butyrolactone or 1,4–butanediol,

(b) any salt of gamma–butyrolactone, 1,4–butanediol or of a substance specified in paragraph (a), and

(c) any preparation or other product containing gamma–butyrolactone, 1,4–butanediol or a substance specified in paragraph (a) or (b).]

NOTE

Section 3B was inserted by the Misuse of Drugs (Modification) Order, 2010, article 2, with effect from 8th March, 2010.

Licences to produce etc. controlled drugs.

4. [The Committee] may issue a licence under this section authorising a person to produce, supply, offer to supply or have in his possession any controlled drug; and where a person is for the time being so authorised it shall not by virtue of section 3(1) or 4(1) of the Law be unlawful for that person to produce, supply, offer to supply or have in his possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

NOTE

In section 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

General authority to supply and possess.

5. (1) Notwithstanding the provisions of section 3(1)(b) of the Law, any person who is lawfully in possession of a controlled drug may supply that drug to the person from whom he obtained it.

(2) Notwithstanding the provisions of section 3(1)(b) of the Law, any person who has in his possession a drug specified in Schedule 2, 3, 4 or 5 which has been [lawfully] supplied by or on the prescription of a practitioner[, a pharmacist independent prescriber, a registered nurse, a supplementary prescriber or a person specified in Schedule 6A] for the treatment of that person, or of a person whom he represents, may supply that drug to any medical practitioner, dentist or pharmacist for the purpose of its destruction.

(3) Notwithstanding the provisions of section 3(1)(b) of the Law, any person who is lawfully in possession of a drug specified in Schedule 2, 3, 4 or 5 which has been supplied by or on the prescription of a veterinary surgeon for the treatment of animals may supply that drug to any veterinary surgeon or pharmacist for the purpose of its destruction.

(4) Notwithstanding the provisions of section 3(1)(b) of the Law, any of the persons specified in [subsection] (6) may supply any controlled drug to any person who may lawfully have that drug in his possession.

(5) Notwithstanding the provisions of section 4(1) of the Law, any of the persons so specified may have any controlled drug in his possession.

(6) The persons referred to in [subsections] (4) and (5) are –

(a) an officer of police when acting in the course of his duty as such,

(b) a person engaged in the business of a carrier when acting in the course of that business,

(c) a person engaged in the business of the States Post Office when acting in the course of that business,

(d) an officer of customs and excise when acting in the course of his duty as such,

(e) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged,

(f) a person engaged in conveying the drug to a person who may lawfully have that drug in his possession.

NOTES

In section 5,

the word in the first pair of square brackets in subsection (2) was inserted by the Misuse of Drugs (Modification) Order, 2019, article 3, with effect from 1st June, 2019;

the words in the second pair of square brackets in subsection (2) were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 2, with effect from 1st October, 2009;

the words in square brackets in, first, subsection (4) and, second, subsection (6) were substituted by the Misuse of Drugs (Modification) Order,

2015, respectively article 5 and article 6, with effect from 30th November, 2015.

[**Authority for Nurse Independent Prescribers and Pharmacist Independent Prescribers to prescribe.**

6A. (1) Subject to [subsections (1A) and (2)], a nurse independent prescriber or a pharmacist independent prescriber may prescribe any controlled drug specified in Schedule 2, 3, 4 or 5.

[(1A) Subsection (1) does not apply to a cannabis-based product for medicinal use in humans.]

(2) Neither a nurse independent prescriber nor a pharmacist independent prescriber may prescribe any of the following substances to a person who the nurse independent prescriber or pharmacist independent prescriber considers, or has reasonable grounds to suspect, is addicted to any controlled drug listed in the Schedule to the Misuse of Drugs (Notification of and Supply to Addicts) (Bailiwick of Guernsey) Ordinance, 1997, except for the purpose of treating organic disease or injury –

(a) cocaine, any salt of cocaine, or any preparation or other product containing cocaine or any salt of cocaine,

(b) diamorphine, any salt of diamorphine, or any preparation or other product containing diamorphine or any salt of diamorphine, or

(c) dipipanone, any salt of dipipanone, or any preparation or other product containing dipipanone or any salt of dipipanone.

(3) For the purposes of subsection (2), a person is addicted to a controlled drug if, and only if, the person has as a result of repeated administration become so dependent upon that controlled drug that that person has an overpowering desire for the administration of it to be continued.]

NOTES

Section 6A was inserted by the Misuse of Drugs (Modification) Order, 2015, article 7, with effect from 30th November, 2015.

In section 6A, first, the words in square brackets in subsection (1) were substituted and, second, subsection (1A) was inserted by the Misuse of Drugs (Modification) Order, 2019, article 4, respectively paragraph (a) and paragraph (b), with effect from 1st June, 2019.

Administration of drugs in Schedules 2, 3, 4 and 5.

6. (1) Any person may administer to another any drug specified in Schedule 5.

(2) A medical practitioner[, nurse independent prescriber, pharmacist independent] [prescriber, dentist or authorised paramedic] may administer to a patient any drug specified in Schedule 2, 3 or 4.

[(2A) A supplementary prescriber, acting under and in accordance with the terms of a clinical management plan, may administer to a patient any drug specified in Schedule 2, 3 or 4.]

(3) Any person other than a medical practitioner or dentist may administer to a patient, in accordance with the directions of a medical practitioner or dentist, any drug specified in Schedule 2, 3 or 4.

[(3A) None of subsections (2), (2A) or (3) applies to a cannabis-based product for medicinal use in humans unless the product is administered in

accordance with a prescription or direction given by a specialist medical practitioner in compliance with section 14A(1).]

[(4) Any person may administer to a patient, in accordance with the directions of a nurse independent prescriber or a pharmacist independent prescriber, any drug specified in Schedule 2, 3 or 4.

(5) Any person may administer to a patient, in accordance with the directions of a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, any drug specified in Schedule 2, 3 or 4.

(6) A person specified in Schedule 6A may administer to a patient, under and in accordance with a Patient Group Direction, any drug specified in Schedule 2, 3 or 4.]

[(6A) None of subsections (4), (5) or (6) applies to a cannabis-based product for medicinal use in humans.]

NOTES

In section 6,

first, the words in the first pair of square brackets in subsection (2), second, subsection (2A) and, third, subsection (4), subsection (5) and subsection (6) were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, respectively paragraph 3(a), paragraph 3(b) and paragraph 3(c), with effect from 1st October, 2009;

the words in the second pair of square brackets in subsection (2) were substituted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;[3]

first, subsection (3A) and, second, subsection (6A) were inserted by the Misuse of Drugs (Modification) Order, 2019, article 5, respectively paragraph (a) and paragraph (b), with effect from 1st June, 2019.

Production and supply of drugs in Schedules 2 and 5.

7. (1) Notwithstanding the provisions of section 3(1)(a) of the Law –

(a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in Schedule 2 or 5,

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the pharmacy at which he carries on that business, manufacture or compound any drug specified in Schedule 2 or 5.

(2) Notwithstanding the provisions of section 3(1)(b) of the Law, any of the following persons, that is to say –

(a) a practitioner,

(b) a pharmacist,

(c) a person lawfully conducting a retail pharmacy business,

(d) the person in charge or acting person in charge of a hospital, or of a nursing home which is wholly or mainly maintained by the States of Guernsey or Alderney,

(e) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at the hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or

other department in such a hospital or nursing home as aforesaid,

(f) an authorised analyst,

(g) a sampling officer,

[(h) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan,

(i) a nurse independent prescriber,

(j) a pharmacist independent prescriber,]

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his possession:

Provided that nothing in this subsection authorises –

(i) the person in charge or acting person in charge of a hospital or nursing home having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug,

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions

of a medical practitioner[, nurse independent prescriber, pharmacist independent prescriber, dentist or supplementary prescriber acting under and in accordance with the terms of a clinical management plan][, or]

[(iii) a person to supply a cannabis-based product for medicinal use in humans in contravention of section 14A(2).]

[(2A) Notwithstanding the provisions of section 3(1)(b) of the Law, an authorised paramedic may, when acting in his capacity as such, supply or offer to supply to any person who may lawfully have that drug in his possession –

(a) diazepam,

(b) morphine sulphate injection (to a maximum of 20 mg), or

(c) morphine sulphate oral.]

[(2B) Notwithstanding the provisions of section 3(1)(b) of the Law, any person may supply or offer to supply a preparation of cannabidiol falling within paragraph 10 of Schedule s to any other person who may lawfully have that drug in his possession.]

(3) Notwithstanding the provisions of section 3(1)(b) of the Law, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his possession.

(4) Notwithstanding the provisions of section 3(1)(b) of the Law, a person who is authorised by a written authority issued by [the Committee] under and for the purposes of this [subsection] and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 5 to any person who may lawfully have that drug in his possession.

(5) Notwithstanding the provisions of section 3(1)(b) of the Law, the owner of a ship, or the master of a ship which does not carry a medical practitioner among the seamen employed in it may supply or offer to supply any drug specified in Schedule 2 or 5 –

(i) for the purpose of compliance with any of the provisions specified in [subsection] (6), to any person on that ship,

(ii) to any person who may lawfully supply that drug to him,

(iii) to any officer of police for the purpose of the destruction of that drug.

[(5A) Neither subsection (3) nor (5) applies to a cannabis-based product for medicinal use in humans.]

(6) The provisions referred to in [subsection] (5) are any provision of, or of any instrument which is in force under –

(a) the Merchant Shipping Laws,

(b) the Health and Safety at Work etc. (Guernsey) Law, 1979[k].

[(7) Notwithstanding the provisions of section 3(1)(b) of the Law –

(a) a registered nurse, when acting in his capacity as such, may supply or offer to supply, under and in accordance with the terms of a Patient Group Direction, diamorphine for the treatment of cardiac pain to a person admitted as a patient to a coronary care unit or an accident and emergency department of a hospital,

[(b) a registered nurse or a person specified in Schedule 6A may, when acting in their capacity as such, supply or offer to supply, under and in accordance with the terms of a Patient Group Direction, any drug specified in Schedule 5 or ketamine to a person who may lawfully have that drug in the person's possession, but this paragraph does not have effect in the case of ketamine or any preparation of ketamine which is designed for administration by injection and which is to be used for the purpose of treating a person who is addicted to a drug.]]

[(8) For the purposes of subsection (7)(b), a person is to be regarded as being addicted to a drug if, and only if, the person has as a result of repeated administration become so dependent upon the drug that that person has an overpowering desire for the administration of it to be continued.]

---

k Ordres en Conseil, Vol. XXVII, p. 155; Nos. XXV of 1991 and XIV of 1993.

NOTES

In section 7,

subsection (7), paragraph (h), paragraph (i) and paragraph (j) of subsection (2), and the words in square brackets in paragraph (ii) of the Proviso to subsection (2), were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, respectively paragraph 4(c), paragraph 4(a) and paragraph 4(b), with effect from 1st October, 2009;

first, the punctuation and word in square brackets at the end of subparagraph (ii) of the proviso to subsection (2) were substituted, second, paragraph (iii) of that proviso was inserted and, third, subsection (5A) was inserted by the Misuse of Drugs (Modification) Order, 2019, article 6, respectively paragraph (a)(i), paragraph (a)(ii) and paragraph (b), with effect from 1st June, 2019;

subsection (2A) was inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

subsection (2B) was inserted by the Misuse of Drugs (Modification) Order, 2018, article 3, with effect from 1st February, 2018;

the words "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 6, with effect from 1st May, 2016;

the word "subsection" in square brackets, wherever occurring, was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

paragraph (b) of subsection (7) was substituted and subsection (8) inserted by the Misuse of Drugs (Modification) Order, 2015, article 8, respectively paragraph (a) and paragraph (b), with effect from 30th November, 2015.

Production and supply of drugs in Schedules 3 and 4.

8. (1) Notwithstanding the provisions of section 3(1)(a) of the Law –

(a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug

specified in Schedule 3 or 4,

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the pharmacy at which he carries on that business, manufacture or compound any drug specified in Schedule 3 or 4,

(c) a person who is authorised by a written authority issued by [the Committee] under and for the purposes of this subsection and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, produce any drug specified in Schedule 3 or 4.

(2) Notwithstanding the provisions of section 3(1)(b) of the Law, any of the following persons, that is to say –

(a) a practitioner,

(b) a pharmacist,

(c) a person lawfully conducting a retail pharmacy business,

(d) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research,

(e) an authorised analyst,

(f) a sampling officer,

[(g) the Chief Inspector or an additional inspector appointed under the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008,]

[(h) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan,

(i) a nurse independent prescriber,

(j) a pharmacist independent prescriber,]

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3 or 4 to any person who may lawfully have that drug in his possession.

[(2A) Notwithstanding the provisions of section 3(1)(b) of the Law, an authorised paramedic may, when acting in his capacity as such, supply or offer to supply to any person who may lawfully have that drug in his possession –

(a) diazepam,

(b) morphine sulphate injection (to a maximum of 20 mg), or

(c) morphine sulphate oral.]

(3) Notwithstanding the provisions of section 3(1)(b) of the Law –

(a) a person who is authorised as a member of a group, under and in accordance with the terms of his group

authority and in compliance with any conditions attached thereto,

(b) the person in charge or acting person in charge of a hospital or nursing home,

(c) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at that hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home,

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3, or any drug specified in Schedule 4 which is contained in a medicinal product, to any person who may lawfully have that drug in his possession:

Provided that nothing in this subsection authorises –

(i) the person in charge or acting person in charge of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug,

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner[, nurse independent prescriber, pharmacist independent prescriber,

dentist or supplementary prescriber acting under and in accordance with the terms of a clinical management plan].

(4) Notwithstanding the provisions of section 3(1)(b) of the Law –

(a) a person who is authorised by a written authority issued by [the Committee] under and for the purposes of this subsection and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 3 or 4 to any person who may lawfully have that drug in his possession,

(b) a person who is authorised under subsection (1)(c) may supply or offer to supply any drug which he may, by virtue of being so authorised, lawfully produce to any person who may lawfully have that drug in his possession.

(5) Notwithstanding the provisions of section 3(1)(b) of the Law the owner of a ship, or the master of a ship which does not carry a medical practitioner among the seamen employed in it, may supply or offer to supply any drug specified in Schedule 3, or any drug specified in Schedule 4 which is contained in a medicinal product –

(i) for the purpose of compliance with any of the provisions specified in section 7(6), to any person on that ship, or

(ii) to any person who may lawfully supply that drug to him.

(6) Notwithstanding the provisions of section 3(1)(b) of the Law, a person in charge of a laboratory may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3 which is required for use as a buffering agent in chemical analysis to any person who may lawfully have that drug in his possession.

[(7) Notwithstanding the provisions of section 3(1)(b) of the Law, a registered nurse or a person specified in Schedule 6A, when acting in his capacity as such, may supply or offer to supply, under and in accordance with the terms of a Patient Group Direction, [any drug specified in Schedule 4 or] Midazolam to any person who may lawfully have that drug in his possession, but this exception does not apply to –

(a) …

(b) any drug or preparation which is designed for administration by injection and which is to be used for the purpose of treating a person who is addicted to a drug,

and for the purposes of paragraph (b), a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.]

NOTES

In section 8,

the words "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 6, with effect from 1st May, 2016;

paragraph (g) of subsection (1) was substituted, and subsection (2A) was inserted, by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

subsection (7), paragraph (h), paragraph (i) and paragraph (j) of subsection (2), and the words in square brackets in paragraph (ii) of the Proviso to subsection (3), were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, respectively paragraph 5(c), paragraph 5(a) and paragraph 5(b), with effect from 1st October, 2009;

the words in square brackets in subsection (7) were inserted, and paragraph (a) thereof was repealed, by the Misuse of Drugs (Modification) Order, 2012, respectively article 4(a) and article 4(b), with effect from 1st October, 2012.[4]

Possession of drugs in Schedules 2, 3 and 4.

9. (1) Notwithstanding the provisions of section 4(1) of the Law –

(a) a person specified in one of [subsections (a) to (j)] of section 7(2) may have in his possession any drug specified in Schedule 2,

(b) a person specified in one of [subsections (a) to (j)] of section 8(2) may have in his possession any drug specified in Schedule 3 or 4,

[(ba) an authorised paramedic acting in his capacity as such may have in his possession a drug specified in section 7(2A) or 8(2A),]

(c) a person specified in section 8(3)(b) or (c) or section

8(6) may have in his possession any drug specified in Schedule 3,

[(d) a person specified in section 8(3)(b) or (c) may have in his possession any drug specified in Part I of Schedule 4 which is contained in a medicinal product,]

for the purpose of acting in his capacity as such a person:

Provided that nothing in this [subsection] authorises –

(i) a person specified in subsection (e) of section 7(2),

(ii) a person specified in subsection (c) of section 8(3), or

(iii) a person specified in section 8(6),

to have in his possession any drug other than such a drug as is mentioned in the subsection in question specifying him.

[(1A) Nothing in subsection (1)(a) authorises a person specified in section 7(2)(h), (i) or (j) to have in his possession a cannabis-based product for medicinal use in humans.]

(2) Notwithstanding the provisions of section 4(1) of the Law, a person may have in his possession any drug specified [in [Schedule 2, 3 or 4]] for administration for medical, dental or veterinary purposes in accordance with the directions of a [practitioner, nurse independent prescriber, pharmacist independent prescriber or a supplementary prescriber acting under and in accordance with the

terms of a clinical management plan]:

Provided that this [subsection] shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a [medical practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber] if –

(a) that person was then being supplied with any controlled drug by or on the prescription of [another medical practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber] and failed to disclose that fact to the [first mentioned medical practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber] before the supply by him or on his prescription, or

(b) that or any other person on his behalf made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.

[(2A) Nothing in subsection (2) authorises a person to have in his possession a cannabis-based product for medicinal use in humans for administration for medical or dental purposes except for administration in accordance with a prescription or direction given by a specialist medical practitioner in compliance with section 14A(1).]

(3) Notwithstanding the provisions of section 4(1) of the Law, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached

thereto, have any drug specified [in [Schedule 2, 3 or 4]] in his possession.

(4) Notwithstanding the provisions of section 4(1) of the Law –

(a) a person who is authorised by a written authority issued by [the Committee] under and for the purposes of this subsection and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, have in his possession any drug specified in Schedule 3 or 4,

(b) a person who is authorised under section 8(1)(c) may have in his possession any drug which he may, by virtue of being so authorised, lawfully produce,

(c) a person who is authorised under section 8(4)(a) may have in his possession any drug which he may, by virtue of being so authorised, lawfully supply or offer to supply.

(5) Notwithstanding the provisions of section 4(1) of the Law –

(a) any person may have in his possession any drug specified [in [Schedule 2, 3 or 4]] for the purpose of compliance with any of the provisions specified in section 7(6),

(b) the master of a ship which is in a port in the Bailiwick may have in his possession any drug specified [in [Schedule 2, 3 or 4]] so far as necessary for the equipment of the ship.

[(5A) Neither subsection (3) nor (5) applies to a cannabis-based product for medicinal use in humans.]

(6) The foregoing provisions of this section are without prejudice to the provisions of section 3(2)(a).

NOTES

In section 9,

the words, letters and parentheses in square brackets in, first, paragraph (a) and, second, paragraph (b) of subsection (1) were substituted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, respectively paragraph 6(a) and paragraph 6(b), with effect from 1st October, 2009;

paragraph (ba) of subsection (1) was inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

paragraph (d) of subsection (1) (which was originally inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 6(c), with effect from 1st October, 2009, then repealed by the Misuse of Drugs (Modification No. 4) Order, 2010, article 1, Schedule, with effect from 1st January, 2011, was inserted by the Misuse of Drugs (Modification) Order, 2012, article 5, with effect from 1st October, 2012;

the word "subsection" in square brackets, wherever occurring, was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

first, subsection (1A), second, subsection (2A) and, third, subsection (5A) were inserted by the Misuse of Drugs (Modification) Order, 2019, article 7, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st June, 2019;

the words in, first, the first pair of square brackets in subsection (2) and, second, the square brackets in subsection (3) and subsection (5) were substituted by the Misuse of Drugs (Modification) Order, 2003, article 4, with effect from 14th July, 2003;

the words and figures "Schedule 2, 3 or 4" in square brackets within square brackets, wherever occurring, were substituted by the Misuse of

Drugs (Modification) Order, 2012, article 6, with effect from 1st October, 2012;[5]

the words in the second, fourth, fifth and sixth pairs of square brackets in subsection (2) were substituted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, respectively paragraph 6(d), paragraph 6(e), paragraph 6(f)(i) and paragraph 6(f)(ii), with effect from 1st October, 2009;

the words "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 6, with effect from 1st May, 2016.

Exemption for midwives.

10. (1) Notwithstanding the provisions of sections 3(1)(b) and 4(1) of the Law, a registered midwife may, subject to the provisions of this section:

(a) so far as necessary to her professional practice, have in her possession,

(b) so far as necessary as aforesaid, administer, and

(c) surrender to the Chief Pharmacist of the [Committee for Health & Social Care] such stocks in her possession as are no longer required by her of,

any controlled drug which she may lawfully administer under and in accordance with section 8 of the Nurses, Midwives and Health Visitors Ordinance, 1987 [or the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008[la] or any enactment made under it].

(2) Nothing in subsection (1) authorises a midwife to have in her

---

la Order in Council No. V of 2009.

possession a controlled drug which has been obtained otherwise than on a midwife's supply order signed by the designated officer within the meaning of the Nurses, Midwives and Health Visitors Ordinance, 1987.

NOTES

In section 10,

the words in the first pair of square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;[6]

the words in the second pair of square brackets in subsection (1) were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 7, with effect from 1st October, 2009.

Cultivation under licence of Cannabis plant.

11. [The Committee] may issue a licence under this section authorising a person to cultivate plants of the genus *Cannabis*; and where a person is for the time being so authorised it shall not by virtue of section 5 of the Law be unlawful for that person to cultivate any such plant in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

NOTE

In section 11, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Documents to be obtained by supplier of controlled drugs.

12. (1) Where a person (**"the supplier"**), not being a practitioner, supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug to a person who –

(a) purports to be sent by or on behalf of the person to whom it is supplied (**"the recipient"**), and

(b) is not authorised by any provision of this Ordinance other than the provisions of sections 5(5) and 5(6)(f) to have that drug in his possession,

unless that person produces to the supplier a statement in writing signed by the recipient to the effect that he is empowered by the recipient to receive that drug on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) Where a person (**"the supplier"**) supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in subsection (4), the supplier shall not deliver the drug –

(a) until he has obtained a requisition in writing which –

(i) is signed by the person to whom the drug is supplied (**"the recipient"**),

(ii) states the name, address and profession or occupation of the recipient,

(iii) specifies the purpose for which the drug supplied is required and the total quantity to be supplied, and

(iv) where appropriate, satisfies the requirements of subsection (5), and

(b) unless he is reasonably satisfied that the signature is that of the person purporting to have signed the requisition and that that person is engaged in the profession or occupation specified in the requisition:

Provided that where the recipient is a practitioner and he represents that he urgently requires a controlled drug for the purpose of his profession, the supplier may, if he is reasonably satisfied that the recipient so requires the drug and is, by reason of some emergency, unable before delivery to furnish to the supplier a requisition in writing duly signed, deliver the drug to the recipient on an undertaking by the recipient to furnish such a requisition within the next 24 hours.

(3) A person who has given such an undertaking as aforesaid shall deliver to the person by whom the controlled drug was supplied a signed requisition in accordance with the undertaking.

(4) The persons referred to in subsection (2) are –

(a) a practitioner,

(b) the person in charge or acting person in charge of a hospital or nursing home,

(c) a person who is in charge of a laboratory,

(d) the owner of a ship, or the master of a ship which does not carry a medical practitioner among the seamen employed in it,

(e) the master of a ship which is in a port in the Bailiwick[,

(f) a supplementary prescriber,

(g) a nurse independent prescriber,

(h) a pharmacist independent prescriber].

(5) A requisition furnished for the purposes of [subsection] (2) shall –

(a) where furnished by the person in charge or acting person in charge of a hospital or nursing home, be signed by a medical practitioner or dentist employed or engaged in that hospital or nursing home,

(b) where furnished by the master of a ship, contain a statement, signed by the Medical Officer of Health, that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship.

(6) Where the person responsible for the dispensing and supply of medicines at any hospital or nursing home supplies a controlled drug to the sister or acting sister for the time being in charge of any ward, theatre or other department in that hospital or nursing home (**"the recipient"**) he shall –

(a) obtain a requisition in writing, signed by the recipient, which specifies the total quantity of the drug to be supplied, and

(b) mark the requisition in such manner as to show that it has been complied with,

and any requisition obtained for the purposes of this [subsection] shall be retained in the dispensary at which the drug was supplied and a copy of the requisition or a note of it shall be retained or kept by the recipient.

(7) Nothing in this section shall have effect in relation to –

(a) the drugs specified in Schedules 4 and 5 or poppy straw,

(b) any drug specified in Schedule 3 contained in or comprising a preparation which –

(i) is required for use as a buffering agent in chemical analysis,

(ii) has present in it both a substance specified in paragraph 1 or 2 of that Schedule and a salt of that substance, and

(iii) is premixed in a kit.

NOTES

In section 12,

paragraph (f), paragraph (g) and paragraph (h) of subsection (4) were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 8, with effect from 1st October, 2009;

the word "subsection" in square brackets, wherever occurring, was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015.

Form of prescriptions.

13. (1) Subject to the provisions of this section, a person shall not issue a prescription containing a controlled drug, other than a drug specified in Schedule 4 or 5 […], unless the prescription complies with the following requirements, that is to say it shall –

[(a) be in writing, indelible, dated, and signed by hand in the usual signature of the person issuing it,

(b) be in any form issued for this purpose, and include any unique identification number allocated to the person issuing the prescription, by –

(i) in the case of medical prescriptions, the States of Guernsey [Committee for Employment & Social Security], and

(ii) in any other case, the States of Guernsey [Committee for Health & Social Care],]

(c) except in the case of a medical prescription, specify the address of the person issuing it,

(d) have written thereon, if issued by a dentist, the words "for dental treatment only" and, if issued by a veterinary surgeon, a declaration that the controlled drug is prescribed for an animal or herd under his care,

(e) specify the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary

surgeon, of the person to whom the controlled drug prescribed is to be delivered,

(f) specify the doses to be taken and –

(i) in the case of a prescription containing a controlled drug which is a preparation, the form and, where appropriate, the strength of the preparation, and either the total quantity (in both words and figures) of the preparation or the number (in both words and figures) of dosage units, as appropriate, to be supplied,

(ii) in any other case, the total quantity (in both words and figures) of the controlled drug to be supplied,

(g) in the case of a prescription for a total quantity intended to be supplied by instalments, contain a direction specifying the amount of the instalments of the total amount which may be supplied and the intervals to be observed when supplying[,

(h) include a space to record the name and signature of the person collecting the drug concerned].

(2) [Subsection] (1)(b) shall not have effect in relation to –

(a) a prescription issued by a person approved (whether personally or as a member of a class) for the purposes of this paragraph by [the Committee], or

(b) a prescription containing no controlled drug other than –

(i) phenobarbitone,

(ii) phenobarbitone sodium, or

(iii) a preparation containing a drug specified in [subparagraph] (i) or (ii) above.

(3) In the case of a prescription issued for the treatment of a patient in a hospital or nursing home, it shall be a sufficient compliance with subsection (1)(e) if the prescription is written on the patient's bed card or case sheet.

[(4) The Electronic Transactions (Guernsey) Law, 2000 applies to subsection (1) as if subsection (1) is a provision in a Guernsey enactment and, for the avoidance of doubt, a prescription does not fail to comply with the requirements of that subsection by reason only that it is printed or generated by electronic means.]

NOTES

In section 13,

the words omitted in the first pair of square brackets in subsection (1) (which words were, in part, originally inserted by the Misuse of Drugs (Modification) Order, 2008, article 2(1), with effect from 11th March, 2008) were repealed, and the word in square brackets in paragraph (b)(iii) of subsection (2) was substituted, by the Misuse of Drugs (Modification) Order, 2015, respectively article 9 and article 10, with effect from 30th November, 2015;

paragraph (a) and paragraph (b) of subsection (1) were substituted, and subsection (4) and paragraph (h) of subsection (1) were inserted, by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

the words in the first pair of square brackets within paragraph (b) of subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 13, with effect from 1st May, 2016;

the words in the second pair of square brackets within paragraph (b) of subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;

the word in the first pair of square brackets in subsection (2) was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

the words in the second pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

The functions, rights and liabilities of the Social Security Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 13, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

Provisions as to supply on prescription.

14. (1) [Subject to subsection (5)] a person shall not supply a controlled drug other than a drug specified in Schedule 4 or 5 on a prescription –

(a) unless the prescription complies with the provisions of section 13,

(b) unless the address specified in the prescription as the address of the person issuing it is an address within the Bailiwick,

(c) unless he either is acquainted with the signature of the person by whom it purports to be issued and has no

reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine,

(d) before the date specified in the prescription,

(e) subject to [subsection] (3), later than [four] weeks after the date specified in the prescription.

(2) Subject to [subsection] (3), a person supplying on prescription a controlled drug other than a drug specified in Schedule 4 or 5 shall, at the time of the supply, mark on the prescription the date on which the drug is supplied and, unless it is a medical prescription, shall retain the prescription on the premises from which the drug was supplied.

(3) In the case of a prescription containing a controlled drug other than a drug specified in Schedule 4 or 5, which contains a direction that specified instalments of the total amount may be supplied at stated intervals, the person supplying the drug shall not do so otherwise than in accordance with that direction and –

(a) subsection (1) shall have effect as if for the requirement contained in paragraph (e) thereof there were substituted a requirement that the occasion on which the first instalment is supplied shall not be later than [four] weeks after the date specified in the prescription,

(b) subsection (2) shall have effect as if for the words "at the time of the supply" there were substituted the words "on each occasion on which an instalment is supplied".

[(4) A person asked to supply on prescription a controlled drug specified in Schedule 2 must first ascertain whether the person collecting the drug is the patient, the patient's representative or a healthcare professional acting in his professional capacity on behalf of the patient; and –

(a) where that person is the patient or the patient's representative, he may –

(i) request evidence of that person's identity, in which case he must, if he obtains such evidence, record details of that evidence in the register kept under section 17, and

(ii) refuse to supply the drug if he is not satisfied as to the identity of that person,

(b) where that person is a healthcare professional acting in his professional capacity on behalf of the patient, he –

(i) must obtain that person's name and address, and

(ii) must, unless he is acquainted with that person, request evidence of that person's identity, in which case he must, if he obtains such evidence, record details of that evidence in the register kept under section 17, but

(iii) may supply the drug even if he is not satisfied as to the identity of that person.

(5) Nothing in subsection (1)(a) prevents a pharmacist supplying

on prescription a controlled drug other than a drug specified in Schedule 4 or 5 […] where paragraph (a) applies and the conditions in paragraph (b), and paragraph (c) (if applicable), are satisfied –

(a) the prescription does not comply with the provisions of section 13 by reason only that –

(i) it contains minor typographical errors or spelling mistakes, or

(ii) in relation to section 13(1)(f), it specifies the total quantity of the preparation, the controlled drug, or the dosage units either in words or in figures but not both, and

(b) having exercised due diligence, the pharmacist is satisfied on reasonable grounds that –

(i) the prescription is genuine, and

(ii) he is supplying the drug in accordance with the intention of the person issuing the prescription, and

(c) in any case where paragraph (a)(i) applies, the pharmacist –

(i) amends the prescription in ink or otherwise indelibly to correct the minor typographical error or spelling mistake, or in any other way so that the prescription complies with regulation

13, and

(ii) marks the prescription so that the amendment he has made under subparagraph (i) is attributable to him.

(6) In this regulation –

"healthcare professional" means any medical practitioner, pharmacist, dentist, registered nurse, registered midwife, supplementary prescriber, anaesthetic assistant, registered occupational therapist, registered operating department practitioner, registered optometrist, registered orthoptist, registered orthotist and prosthetist, registered paramedic, registered physiotherapist, or registered radiographer,

"patient" means the person named in the prescription as the person to whom the drug is to be supplied, and

"patient's representative" means a person sent by or on behalf of the patient (other than a healthcare professional acting in his professional capacity).]

NOTES

In section 14,

subsection (4), subsection (5), subsection (6), and the words in square brackets in subsection (1) and the second pair of square brackets in subsection (3), were inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

the word "subsection" in square brackets, wherever occurring, was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

the words omitted in square brackets in subsection (5) were repealed by the Misuse of Drugs (Modification) Order, 2015, article 11, with effect from 30th November, 2015.

[**Orders, supply and use of cannabis-based products for administration.**

14A. (1) A person shall not order (whether by issuing a prescription or otherwise) a cannabis-based product for medicinal use in humans for administration, unless that product is –

(a) a special medicinal product that is for use in accordance with a prescription or direction of a specialist medical practitioner, or

(b) a medicinal product with a marketing authorisation.

(2) A person shall not supply a cannabis-based product for medicinal use in humans by way of or for the purpose of the administration of that product, unless the supply –

(a) is pursuant to an order that complies with subsection (1), and

(b) is –

(i) in the case of a product that is a special medicinal product, for use in accordance with a prescription or direction of a specialist medical practitioner, or

(ii) of a medicinal product with a marketing authorisation.

(3) A person shall not self-administer a cannabis-based product for medicinal use in humans by the smoking of the product.

(4) ...

(5) In this section –

"marketing authorisation" has the meaning given by section 136(1) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008,

"special medicinal product" has the meaning given by Schedule 2A, and

"specialist medical practitioner" means a medical practitioner who –

(a) is included in the register of specialist medical practitioners kept under section 34D of the Medical Act 1983 (the Specialist Register),

(b) is a registered practitioner within the meaning of –

(i) in the case of an order made or issued or supply carried out in Guernsey or Alderney, the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, and

(ii) in the case of an order made or issued or supply carried out in Sark, the Regulation of Health

Professions (Medical Practitioners) (Sark) Ordinance, 2017, and

(c) prior to making or issuing an order or (as the case may be) supplying the product –

(i) has given written notice to the States of Guernsey Committee for Health & Social Care that the medical practitioner intends, in his or her practice, to prescribe or direct the administration or use in one or more human beings of cannabis-based products for medicinal use in humans, and

(ii) has not revoked the written notice by a further written notice to that committee.]

NOTES

Section 14A was inserted by the Misuse of Drugs (Modification) Order, 2019, article 8, with effect from 1st June, 2019.

In section 14A, subsection (4) was repealed by the Misuse of Drugs (Modification No. 2) Order, 2019, article 3, with effect from 4th July, 2019.

Exemption for certain prescriptions.

15. Nothing in sections 13 and 14 shall have effect in relation to a prescription issued for the purposes of the Food and Drugs (Guernsey) Law, 1970.

NOTE

The Food and Drugs (Guernsey) Law, 1970 has since been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance,

2016, section 92, Schedule 11, with effect from 3rd October, 2019, subject to the transitional and savings provisions in section 94 of, and Schedule 13 to, the 2016 Ordinance.

Marking of bottles and other containers.

16. (1) Subject to [subsection] (2), no person shall supply a controlled drug otherwise than in a bottle, package or other container which is plainly marked –

(a) in the case of a controlled drug other than a preparation, with the amount of the drug contained therein,

(b) in the case of a controlled drug which is a preparation –

(i) made up into tablets, capsules or other dosage units, with the amount of each component (being a controlled drug) of the preparation in each dosage unit and the number of dosage units in the bottle, package or other container,

(ii) not made up as aforesaid, with the total amount of the preparation in the bottle, package or other container and the percentage of each of its components which is a controlled drug.

(2) Nothing in this section shall have effect in relation to –

(a) the drugs specified in Schedules 4 and 5 or poppy-straw,

(b) any drug specified in Schedule 3 contained in or comprising a preparation which –

(i) is required for use as a buffering agent in chemical analysis,

(ii) has present in it both a substance specified in paragraph 1 or 2 of that Schedule and a salt of that substance, and

(iii) is premixed in a kit,

(c) the supply of a controlled drug by or on the prescription of a [practitioner, nurse independent prescriber, pharmacist independent prescriber or supplementary prescriber].

NOTES

In section 16,

the word in square brackets in subsection (1) was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

the words in square brackets in paragraph (c) of subsection (2) were substituted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 9, with effect from 1st October, 2009.

Record-keeping requirements in respect of drugs in Schedules 1 and 2.

17. (1) Subject to subsection (3) and section 19, every person authorised by or under section 4 or 7 to supply any drug specified in Schedule 1 or 2 shall comply with the following requirements, that is to say –

(a) he shall, in accordance with the provisions of this

section and of section 18, keep a register and shall enter therein in chronological sequence in the form specified in Part I or Part II of Schedule 6, as the case may require, particulars of every quantity of a drug specified in Schedule 1 or 2 obtained by him and of every quantity of such a drug supplied (whether by way of administration or otherwise) by him whether to persons within or outside the Bailiwick,

(b) he shall use a separate register or separate part of the register for entries made in respect of each class of drugs, and each of the drugs specified in paragraphs 1 and 3 of Schedule 1 and paragraphs 1, 3 and 6 of Schedule 2 together with its salts and any preparation or other product containing it or any of its salts shall be treated as a separate class, so however that any stereoisomeric form of a drug or its salts shall be classed with that drug [and

(c) he shall keep a separate register or separate part of the register showing the running balance of stock in his possession of each drug specified in Schedule 1 or 2 and shall update this register or part of the register each time he makes an entry under paragraph (a)].

(2) Nothing in [subsection] (1) shall be taken as preventing the use of a separate section within a register or separate part of a register in respect of different drugs or strengths of drugs comprised within the class of drugs to which that register or separate part relates.

(3) The foregoing provisions of this section shall not have effect in

relation to –

(a) in the case of a drug supplied to him for the purpose of destruction in pursuance of section 5(2) or (3), a practitioner or pharmacist,

(b) a person licensed under section 4 to supply any drug, where the licence so directs, or

(c) the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home.

NOTES

In section 17,

paragraph (c) of subsection (1) was inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

the word in square brackets in subsection (2) was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015.

Requirements as to registers.

18. [(1)] Any person required to keep a register under section 17 shall comply with the following requirements, that is to say –

(a) the class of drugs to which the entries on any page of any such register relate shall be specified at the head of that page,

(b) every entry required to be made under section 17 in

such a register shall be made on the day on which the drug is obtained or, as the case may be, on which the transaction in respect of the supply of the drug by the person required to make the entry takes place or, if that is not reasonably practicable, on the next day,

(c) no cancellation, obliteration or alteration of any such entry shall be made, and a correction of such an entry shall be made only by way of marginal note or footnote which shall specify the date on which the correction is made,

(d) every such entry and every correction of such an entry shall be made in [writing],

(e) such a register shall not be used for any purpose other than the purposes of this Ordinance,

(f) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on his business or occupation, but subject to that not more than one register shall be kept at one time in respect of each class of drugs in respect of which he is required to keep a separate register, so, however, that a separate register may, with the approval of [the Committee], be kept in respect of each department of the business carried on by him,

(g) every such register in which entries are currently being made shall be kept at the premises to which it relates.

[(2) The Electronic Transactions (Guernsey) Law, 2000 applies to section 17 and subsection (1) as if they were provisions in a Guernsey enactment and, for the avoidance of doubt, a register does not fail to comply with the requirements of those provisions by reason only that it is in electronic form or it is generated by electronic means.]

NOTES

In section 18,

subsection (1) was renumbered, subsection (2) was inserted, and the word in square brackets in paragraph (d) of subsection (1) as so renumbered was substituted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

the words in square brackets in paragraph (f) of subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Record-keeping requirements in respect of drugs in Schedule 2 in particular cases.

19. (1) Where a drug specified in Schedule 2 is supplied in accordance with section 7(5)(i) to any person on a ship, an entry in the official log book required to be kept under the Merchant Shipping Laws or, in the case of a ship which is not required to carry such an official logbook, a report signed by the master of the ship, shall, notwithstanding anything in this Ordinance, be a sufficient record of the supply if the entry or report specifies the drug supplied and, in the case of a report, it is delivered as soon as may be to the Medical Officer of Health.

(2) [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] –

(a) on each occasion on which [he] obtains a supply of such a drug, enter in a book kept by [him] and used solely for the purposes of this subsection the date, the name and address of the person from whom the drug was obtained, the amount obtained and the form in which it was obtained, and

(b) on administering such a drug to a patient, enter in that book as soon as practicable the name and address of the patient, the amount administered and the form in which it was administered.

NOTE

In section 19, the words in the first, second and third pairs of square brackets in subsection (2) were substituted by the Misuse of Drugs (Modification No. 4) Order, 2010, article 1, Schedule, with effect from 1st January, 2011.

Record-keeping requirements in respect of drugs in Schedules 3 and 4.

20. (1) Every person who is authorised under section 4 or 8(1)(c) to produce any drug specified in Schedule 3 or 4 shall make a record of each quantity of such a drug produced by him.

(2) Every person who is authorised by or under any provision to the Law to import or export any drug specified in Schedule 3 shall make a record of each quantity of such a drug imported or exported by him.

(3) Every person who is authorised under section 8(4) to supply any drug specified in Schedule 4 shall make a record of each quantity of such a drug imported or exported by him.

(4) [Subsection] (2) shall not have effect in relation to a person licensed under the Law to import or export any drug where the licence so directs.

NOTE

In section 20, the word in square brackets in subsection (4) was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015.

Preservation of registers, books and other documents.

21. (1) All registers and books kept in pursuance of section 17 or 19(2) shall be preserved for a period of [seven] years from the date on which the last entry therein is made.

(2) Every record made in pursuance of section 20 shall be preserved for a period of [seven] years from the date on which the record was made.

(3) Every requisition, order or prescription (other than a medical prescription) on which a controlled drug is supplied in pursuance of this Ordinance shall be preserved for a period of [seven] years from the date on which the last delivery under it was made.

NOTE

In section 21, the words in square brackets were substituted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010.

Preservation of records relating to drugs in Schedules 3 and 5.

22. (1) A producer of any drug specified in Schedule 3 or 5 and a wholesale dealer in any such drug shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each

quantity of such a drug supplied by him.

(2) A person who is authorised under section 8(4)(a) to supply any drug specified in Schedule 3 shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each quantity of such a drug supplied by him.

(3) A retail dealer in any drug specified in Schedule 3, a person in charge or acting person in charge of a hospital or nursing home and a person in charge of a laboratory shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each quantity of such a drug supplied by him.

(4) A retail dealer in any drug specified in Schedule 5 shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him.

(5) Every invoice or other record which is required by this section to be kept in respect of a drug specified in Schedule 3 shall contain information sufficient to identify the date of the transaction and the person by whom or to whom the drug was supplied.

(6) Every document kept in pursuance of this section (other than a medical prescription) shall be preserved for a period of two years from the date on which it is issued:

Provided that the keeping of a copy of the document made at any time during the said period of two years shall be treated for the purposes of this [subsection] as if it were the keeping of the original document.

NOTE

In section 22, the word in square brackets in subsection (6) was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015.

Furnishing of information with respect to controlled drugs.

23. (1) The persons specified in [subsection] (2) shall on demand made by [the Committee] or by any person authorised in writing by [the Committee] in that behalf –

(a) furnish such particulars as may be requested in respect of the producing, obtaining or supplying by him of any controlled drug or in respect of any stock of such drugs in his possession,

(b) for the purpose of confirming any such particulars, produce any stock of such drugs in his possession,

(c) produce any register, book or document required to be kept under this Ordinance relating to any dealings in controlled drugs which is in his possession.

(2) The persons referred to in [subsection] (1) are –

(a) any person authorised by or under this Ordinance to produce any controlled drug,

(b) any person authorised by or under any provision of the Law to import or export any controlled drug,

(c) a wholesale dealer,

(d) a retail dealer,

(e) a practitioner,

(f) the person in charge or acting person in charge of a hospital or nursing home,

(g) a person who is in charge of a laboratory,

(h) a person who is authorised under section 8(4)(a) to supply any controlled drug[,

(i) a supplementary prescriber,

(j) a nurse independent prescriber,

(k) a pharmacist independent prescriber].

[(2A) Once in each calendar year, every practitioner and every person lawfully conducting a retail pharmacy business shall send a statement to [the Committee] specifying, as at the date of the statement –

(a) the amount of stock in his possession of each drug specified in Schedule 1 or 2, and

(b) the address of the premises where the stock is kept.]

(3) Nothing in this section shall require the furnishing of personal records which a person has acquired or created in the course of his profession or occupation and which he holds in confidence; and in this [subsection] **"personal**

records" means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating to his physical or mental health.

NOTES

In section 23,

the word "subsection" in square brackets, wherever occurring, was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

the words "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 6, with effect from 1st May, 2016;

paragraph (i), paragraph (j) and paragraph (k) of subsection (2) were inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 10, with effect from 1st October, 2009;

subsection (2A) was inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010.

Destruction of controlled drugs.

24. (1) No person who is required by any provision of, or by any term or condition of a licence having effect under, this Ordinance to keep records with respect to a drug specified in Schedule 1, 2, 3 or 4 shall destroy such a drug or cause such a drug to be destroyed except in the presence of, and in accordance with any directions given by, a person authorised (whether personally or as a member of a class) for the purposes of this [subsection] by [the Committee] (an **"authorised person"**).

(2) An authorised person may, for the purposes of analysis, take a sample of a drug specified in Schedule 1, 2, 3 or 4 which is to be destroyed.

(3) Where a drug specified in Schedule 1, 2, 3 or 4 is destroyed in pursuance of [subsection] (1) by or at the instance of a person who is required by any provision of, or by any term or condition of a licence having effect under, this Ordinance to keep a record in respect of the obtaining or supply of that drug, that record shall include particulars of the date of its destruction and the quantity destroyed and shall be signed by the authorised person in whose presence the drug is destroyed.

(4) Where the master or owner of a ship has in his possession a drug specified in Schedule 2 which he no longer requires, he shall not destroy the drug or cause it to be destroyed but shall dispose of it to an officer of police or to a person who may lawfully supply that drug to him.

(5) Nothing in [subsection] (1) or (3) shall apply to any person who is required to keep records only by virtue of section 20(2) or (3) or 22(3).

(6) Nothing in [subsection] (1) or (3) shall apply to the destruction of a drug which has been supplied to a practitioner or pharmacist for that purpose in pursuance of section 5(2) or (3).

NOTES

In section 24,

the word "subsection" in square brackets, wherever occurring, was substituted by the Misuse of Drugs (Modification) Order, 2015, article 5, with effect from 30th November, 2015;

the words "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 6, with effect from 1st May, 2016.

Repeals, amendment, and transitional provisions.

25. (1) The Ordinances listed in Schedule 7 are repealed.

(2) In section 4 of the Health Service (Benefit) Ordinance, 1990[m] for "section 12 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance 1976" there is substituted "section 14 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance 1997".

(3) Notwithstanding subsection (1), any register, record, book, prescription or other document required to be preserved under section 18 or 19 of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance 1976[n] shall be preserved for the same period of time as if this Ordinance had not been made.

(4) In the case of a prescription issued before this Ordinance comes into force –

(a) paragraphs (a) and (b) of section 14(1) do not apply, but

(b) the prescription must comply with the requirements of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1976.

Extent.

26. This Ordinance shall apply throughout the Bailiwick.

Citation.

27. This Ordinance may be cited as the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997.

---

m Recueil d'Ordonnances Tome XXV, p. 191.

n Recueil d'Ordonnances, Tome XX, p. 272.

Commencement.

28. This Ordinance shall come into force on 1st June 1997.

[SCHEDULE 1 [Sections 2, 17, 23 and 24]

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF SECTIONS 12, 13, 14, 16, 17, 18, 21, 23 and 24

1. The following substances and products –

(a) Bufotenine

Cannabinol

Cannabinol derivatives, not being dronabinol or its stereoisomers

Cannabis and cannabis resin

Cathinone

Coca leaf

Concentrate of poppy-straw

[2,3–Dihydro–5–methyl–3–(4–morpholinylmethyl)pyrrolo[1, 2, 3–*de*]–1,4–benzoxazin–6–yl]–1–naphthalenylmethanone

3–Dimethylheptyl–11–hydroxyhexahydrocannabinol

Eticyclidine

Fungus (of any kind) which contains psilocin or an ester of psilocin

[9–Hydroxy–6–methyl–3–[5–phenylpentan–2–yl] oxy–5, 6, 6a, 7, 8, 9, 10, 10a–octahydrophenanthridin–1–yl] acetate

9-(Hydroxymethyl)–6, 6–dimethyl–3–(2–methyloctan–2–yl)–6a, 7, 10, 10a–tetrahydrobenzo[c]chromen–1–ol

Lysergamide

Lysergide and other N-alkyl derivatives of lysergamide

Mescaline

Methcathinone

[4-methylmethcathinone]

Psilocin

Raw opium

Rolicyclidine

Tenocyclidine

4-Bromo-2,5-dimethoxy- α -methylphenethylamine

[1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45)]

N,N-Diethyltryptamine

N,N-Dimethyltryptamine

2,5-Dimethoxy- α,4-dimethylphenethylamine

N-Hydroxy-tenamphetamine

4-Methyl-aminorex

[4-Methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine or 4-methyl-5-(4-methylphenyl)-1,3-oxazolidin-2-imine, each of which is also known as 4,4'-DMAR],

(b) any compound (not being a compound specified in subparagraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent,

(c) the following phenethylamine derivatives –

Allyl(α-methyl-3,4-methylenedioxyphenethyl)amine

2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol

2-Amino-1-(3,4-dimethoxyphenyl)ethanol

Benzyl(α-methyl-3,4-methylenedioxyphenethyl)amine

4-Bromo-*β*,2,5-trimethoxyphenethylamine

N-(4-*sec*-Butylthio-2,5-dimethoxyphenethyl)hydroxylamine

Cyclopropylmethyl(α-methyl-3,4-methylenedioxyphenethyl)amine

2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)ethylamine

2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)-1-methylethylamine

2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine

2-(1,4-Dimethoxy-2-naphthyl)ethylamine

2-(1,4-Dimethoxy-2-naphthyl)-1-methylethylamine

N-(2,5-Dimethoxy-4-propylthiophenethyl)hydroxylamine

2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)ethylamine

2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)-1-methylethylamine

ααDimethyl-3,4-methylenedioxyphenethylamine

ααDimethyl-3,4-methylenedioxyphenethyl(methyl)amine

Dimethyl(α-methyl-3,4-methylenedioxyphenethyl)amine

N-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine

4-Iodo-2,5-dimethoxy-α-methylphenethyl(dimethyl)amine

2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)ethyl-amine

2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)-1-methylethylamine

2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo[b]furan-6-yl)-1-methyl-ethylamine

2-Methoxyethyl(α-methyl-3,4-methylenedioxyphenethyl)amine

2-(5-Methoxy-2-methyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-methyl-ethylamine

ß-Methoxy-3,4-methylenedioxyphenethylamine

1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine

1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine

2-(α-Methyl-3,4-methylenedioxyphenethylamino)ethanol

α-Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine

N-Methyl-*N*-(α-methyl-3,4-methylenedioxyphenethyl)hydroxylamine

O-Methyl-*N*-(α-methyl-3,4-methylenedioxyphenethyl)hydroxylamine

α-Methyl-4-(methylthio)phenethylamine

ß,3,4,5-Tetramethoxyphenethylamine

ß,2,5-Trimethoxy-4-methylphenethylamine,

(d) any compound (not being methoxyphenamine or a compound specified in subparagraph (a)) structurally derived from phenethylamine, an N-alkylphenethylamine, a-methylphenethy-

lamine, an N-alkyl-a-methylphenethylamine, a-ethylphenethylamine, or an N-alkyl-a-ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylenedioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents,

(e) any compound (not being a compound specified in Schedule 2) structurally derived from fentanyl by modification in any of the following ways –

(i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle,

(ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups,

(iii) by substitution in the piperidine ring with alkyl or alkenyl groups,

(iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups,

(v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group, or

(vi) by replacement of the *N*-propionyl group by another acyl group,

(f) any compound (not being a compound specified in Schedule 2) structurally derived from pethidine by modification in any of the

following ways –

(i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted,

(ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted,

(iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups,

(iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group, or

(v) by formation of an *N*-oxide or of a quaternary base,

(g) 1–benzylpiperazine or any compound (not being a compound specified in Schedule 4) structurally derived from 1–benzylpiperazine or 1–phenylpiperazine by modification in either of the following ways –

(i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups, or

(ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylenedioxy, halide or haloalkyl groups,

(h) any compound structurally derived from 3–(1–naphthoyl)indole or 1*H*–indol–3–yl–(1–naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl,

cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent,

(i) any compound structurally derived from 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent,

(j) any compound structurally derived from 1–(1–naphthylmethyl)indene by substitution at the 3–position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent,

(k) any compound structurally derived from 3–phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent,

(l) any compound structurally derived from 2–(3–hydroxycyclohexyl)phenol by substitution at the 5–position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent[,]

[(m) Any compound (not being bupropion, diethylpropion, pyrovalerone or a compound specified in subparagraph (a)) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following

ways –

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents,

(ii) by substitution at the 3-position with an alky substituent, or

(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure[,]

[(n) Any compound structurally derived from 2-amino-1-phenyl-1-propanone by replacement of the phenyl ring with any monocyclic, or fused-polycyclic ring system (not being a phenyl ring or alkylene-dioxyphenyl ring system), whether or not the compound is further modified in any of the following ways, that is to say –

(i) by substitution in the ring system to any extent with alkyl, alkoxy, haloalkyl or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents,

(ii) by substitution at the 3-position with an alkyl substituent,

(iii) by substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure][,

(o) any compound (not being pipradrol) structurally derived from

piperidine, pyrrolidine, azepane, morpholine or pyridine by substitution at a ring carbon atom with a diphenylmethyl group, whether or not the compound is further modified in any of the following ways, that is to say –

(i) by substitution in any of the phenyl rings to any extent with alkyl, alkoxy, haloalkyl or halide groups,

(ii) by substitution at the methyl carbon atom with an alkyl, hydroxyalkyl or hydroxy group,

(iii) by substitution at the ring nitrogen atom with an alkyl, alkenyl, haloalkyl or hydroxyalkyl group.]

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any ester or ether of a substance specified in paragraph 1 or 2.

4. Any salt of a substance specified in any of paragraphs 1 to 3.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a preparation specified in Schedule 5.

[6. But paragraphs 1 to 5 do not include a cannabis-based product for medicinal use in humans.]]

NOTES

Schedule 1 was substituted by the Misuse of Drugs (Modification) Order, 2010, article 3, Schedule 2, with effect from 8th March, 2010.

The words and figures in square brackets adjacent to the title "Schedule 1" were substituted by the Misuse of Drugs (Modification) Order, 2012, article

7(a), with effect from 1st October, 2012.

In Schedule 1,

the entry "4-methylmethcathinone" in square brackets in subparagraph (a) of paragraph 1 was substituted by the Misuse of Drugs (Modification No. 3) Order, 2010, article 2(a), with effect from 17th August, 2010;[7]

the entries for, first, "1-Cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45)" and, second, "4-Methyl-5-(4-methylphenyl)-4,5-dihydrooxazol-2-amine or 4-methyl-5-(4-methylphenyl)-1,3-oxazolidin-2-imine, each of which is also known as 4,4'-DMAR" in square brackets in subparagraph (a) of paragraph 1 were inserted by the Misuse of Drugs (Modification) Order, 2015, article 12, respectively paragraph (a) and paragraph (b), with effect from 30th November, 2015;

subparagraph (m) of paragraph 1 was inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010;

subparagraph (n), and the punctuation in square brackets immediately after subparagraph (l) and subparagraph (m), of paragraph 1, were, respectively, inserted and substituted by the Misuse of Drugs (Modification No. 3) Order, 2010, article 2(c) and article 2(b), with effect from 17th August, 2010;

subparagraph (o), and the punctuation in square brackets immediately after subparagraph (n), were, respectively, inserted and substituted by the Misuse of Drugs (Modification) Order, 2012, article 7(c) and article 7(b), with effect from 1st October, 2012;

paragraph 6 was inserted by the Misuse of Drugs (Modification) Order, 2019, article 9, with effect from 1st June, 2019.

[SCHEDULE 2 Sections 2, 5, 6, 7, 9,14, [14A,] 17, 19, 23 and 24 and Schedule 1

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF SECTIONS 12, 13, 14, 16, 17, 18, 19, 21, 23 and 24

1. The following substances and products –

Acetorphine
Alfentanil
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzethidine
Benzylmorphine (3-benzylmorphine)
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Bezitramide
[Cannabis-based product for medicinal use in humans]
Carfentanil
Clonitazene
Cocaine
Desomorphine
Dextromoramide
Diamorphine
Diampromide

Diethylthiambutene

Difenoxin

Dihydrocodeinone O-carboxymethyloxime

Dihydroetorphine

Dihydromorphine

Dimenoxadole

Dimepheptanol

Dimethylthiambutene

Dioxaphetyl butyrate

Diphenoxylate

Dipipanone

Dronabinol

Drotebanol

Ecgonine, and any derivitive of ecgonine which is convertible to ecgonine or to cocaine

Ethylmethylthiambutene

Etonitazene

Etorphine

Etoxeridine

Fentanyl

Furethidine

Hydrocodone

Hydromorphinol

Hydromorphone

Hydroxypethidine

Isomethadone

Ketamine

Ketobemidone

Levomethorphan

Levomoramide

Levophenacylmorphan

Levorphanol

Lofentanil

Medicinal opium

Metazocine

Methadone

Methadyl acetate

Methyldesorphine

Methyldihydromorphine (6-methyldihydromorphine)

Metopon

Morpheridine

Morphine

Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives

Myrophine

Nabilone

Nicomorphine

Noracymethadol

Norlevorphanol

Normethadone

Normorphine

Norpipanone

Oripavine

Oxycodone

Oxymorphone

Pethidine

Phenadoxone

Phenampromide

Phenazocine

Phencyclidine

Phenomorphan

Phenoperidine

Piminodine
Piritramide
Proheptazine
Properidine
Racemethorphan
Racemoramide
Racemorphan
Remifentanil
Sufentanil
Thebacon
Thebaine
Tilidate
Trimeperidine
Zipeprol
4-Cyano-2-dimethylamino-4, 4-diphenylbutane
4-Cyano-1-methyl-4- phenylpiperidine
2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
α –Methylphenethylhydroxylamine
1-Methyl-4-phenylpiperidine-4-carboxylic acid
4-Phenylpiperidine-4- carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance specified in paragraph 1, not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance specified in paragraph 1 or 2, not being a substance specified in paragraph 6.

4. Any salt of a substance specified in any of paragraphs 1 to 3.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a preparation specified in Schedule 5.

[5A. But paragraphs 2 to 5 only apply in respect of a cannabis-based product for medicinal use in humans if the cannabis-based product that would, as a consequence of paragraphs 2 to 5, be specified in this Schedule but for the operation of this paragraph, is produced for medicinal use in humans.]

6. The following substances and products –

Acetyldihydrocodeine
Amphetamine
Codeine
Dextropropoxyphene
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Fenethylline
Glutethimide
Lefetamine
Mecloqualone
Methaqualone
Methylamphetamine
Methylphenidate
Nicocodine
Nicodicodine (6-nicotinoyldihydrocodeine)
Norcodeine
Phenmetrazine
Pholcodine
Propiram
Quinalbarbitone

7. Any stereoisomeric form of a substance specified in paragraph 6.

8. Any salt of a substance specified in paragraph 6 or 7.

9. Any preparation or other product containing a substance or product specified in any of paragraphs 6 to 8, not being a preparation specified in Schedule 5.

10. A liquid formulation –

(a) containing a botanical extract of cannabis –

(i) with a concentration of not more than 30 milligrams of cannabidiol per millilitre, and not more than 30 milligrams of delta-9-tetrahydrocannabinol per millilitre, and

(ii) where the ratio of cannabidiol to delta-9-tetrahydrocannabinol is between 0.7 and 1.3,

(b) which is dispensed through a metered dose pump as a mucosal mouth spray, and

(c) which was approved for marketing by the Medicines and Healthcare products Regulatory Agency of the United Kingdom ("the MHRA") on the 16th June, 2010.

11. Any medicinal cannabinoid products –

(a) approved or authorised for marketing for human use by the MHRA (other than the formulation specified in paragraph 10), or

(b) authorised for marketing for human use by the European medicines Agency.]

NOTES

Schedule 2 was repealed and replaced with the same schedule by the Misuse of Drugs (Modification No. 2) Order, 2018, article 2, with effect from 1st April, 2018 and, in Schedule 2 as so repealed and replaced, paragraph 10 and paragraph 11 were inserted by the Misuse of Drugs (Modification No. 2) Order, 2018, article 2, with effect from 1st April, 2018.[8]

In Schedule 2, first, the figures and letter in the heading, second, the words in square brackets in paragraph 1 and, third, paragraph 5A were inserted by the Misuse of Drugs (Modification) Order, 2019, article 10, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 1st June, 2019.

[SCHEDULE 2A Section 14A(5)

MEANING OF "SPECIAL MEDICINAL PRODUCT"

(1) A special medicinal product means a medicinal product that –

(a) is supplied in response to an unsolicited order,

(b) is manufactured and assembled in accordance with the specification of a specialist medical practitioner, and

(c) is for use by a patient for whose treatment that specialist medical practitioner is directly responsible in order to fulfil the special needs of that patient,

where the following conditions are met.

(2) Condition A is that the medicinal product is supplied –

(a) to a specialist medical practitioner, or

(b) for use under the supervision of a specialist medical practitioner in a hospital, a nursing home or the premises of any person providing medical services under a contract for services agreed between the person and the Committee.

(3) Condition B is that no advertisement relating to the medicinal product is issued by any person.

(4) Condition C is that –

(a) the manufacture and assembly of the medicinal product are carried out under such supervision, and

(b) such precautions are taken,

as are adequate to ensure that the medicinal product meets the specification of the specialist medical practitioner who requires it.

(5) Condition D is that written records of the manufacture or assembly of the medicinal product in accordance with condition C are maintained and are available to the Committee on request.

(6) Condition E is that if the medicinal product is manufactured or assembled in the Bailiwick or imported into the Bailiwick from a country or territory that is neither a Member State of the European Union nor (if the United Kingdom is no longer a Member State of the European Union) the United Kingdom, it is manufactured, assembled or imported by the holder of a manufacturer's licence that relates specifically to the manufacture, assembly or importation of special medicinal products.

(7) Condition F is that if the product is imported from a Member State of the European Union (or, if the United Kingdom is no longer a Member State of the European Union) the United Kingdom –

(a) it is manufactured or assembled in the country or territory from which it is imported by a person who is the holder of an authorisation in relation to its manufacture or assembly in accordance with –

(i) the provisions of the 2001 Directive as implemented in that country or territory, or

(ii) if manufactured or assembled in the United Kingdom and the United Kingdom is no longer a Member State of the European Union, equivalent provisions in force in the United Kingdom, or

(b) it is manufactured or assembled as an investigational medicinal product in the country or territory concerned by the holder of an authorisation in relation to its manufacture or assembly in accordance with –

(i) Article 13 of the Clinical Trials Directive as implemented in that country or territory, or

(ii) if so manufactured or assembled in the United Kingdom and the United Kingdom is no longer a Member State of the European Union, equivalent provisions in force in the United Kingdom,

and it is imported by the Committee or the holder of a wholesale dealer's licence in relation to the product in question.

(8) Condition G is that if the product is distributed by way of wholesale dealing by a person ("P"), who has not, as the case may be, manufactured, assembled or imported the product in accordance with paragraph (6) or (7)(a), P must be either the Committee or the holder of a wholesale dealer's licence in relation to the product in question.

(9) In this schedule –

"advertisement" has the meaning given by section 72 of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008, and

"manufacturer's licence" has the meaning given by section 8(2) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008.]

NOTE

Schedule 2A was inserted by the Misuse of Drugs (Modification) Order, 2019, article 11, Schedule, with effect from 1st June, 2019.

[SCHEDULE 3 [Sections 2, 5, 6, 8, 9, 12, 16, 20, 22 and 24]

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF SECTIONS 12, 13 […], 14, 16, 20, 21, 22, 23 AND 24

1. The following substances –

(a) Benzphetamine
Buprenorphine
Cathine
Chlorphentermine
Diethylpropion
Ethchlorvynol
Ethinamate
Flunitrazepam
[Gabapentin]
Mazindol
Mephentermine
Meprobamate
Methylphenobarbitone
Methyprylone
Midazolam
Pentazocine
Phendimetrazine
Phentermine
Pipradrol
[Pregabalin]
Temazepam
[Tramadol],

(b) any 5,5 disubstituted barbituric acid not being quinalbarbitone,

[(c) any ester or ether of pipradrol.]

2. Any stereoisomeric form of a substance specified in paragraph 1 not being phenylpropanolamine.

3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 5.]

NOTES

Schedule 3 was substituted by the Misuse of Drugs (Modification) Order, 2010, article 3, Schedule 2, with effect from 8th March, 2010.[9]

The words and figures in square brackets adjacent to the title "Schedule 3" were substituted by the Misuse of Drugs (Modification) Order, 2012, article 9(a), with effect from 1st October, 2012.

In Schedule 3,

the words and parentheses omitted in square brackets in the heading thereto were repealed by the Misuse of Drugs (Modification) Order, 2015, article 14, with effect from 30th November, 2015;

the entries for, first, "Gabapentin" and, second, "Pregabalin" in square brackets in paragraph 1(a) were inserted by the Misuse of Drugs (Modification No. 2) Order, 2019, article 4, respectively paragraph (a) and paragraph (b), with effect from 4th July, 2019;

the entry for "Tramadol" in square brackets in paragraph 1(a) was inserted by the Misuse of Drugs (Modification) Order, 2014, article 6, with effect from 1st December, 2014;

paragraph 1(c) was inserted by the Misuse of Drugs (Modification) Order, 2012, article 9(b), with effect from 1st October, 2012.

[SCHEDULE 4 [Sections 2, 5, 6, 8, 9 12, 13, 14, 16, 20 and 24 and Schedule 1]

[CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF SECTIONS 20,21,23 AND 24]

PART I

[…]

1. The following substances and products –

Alprazolam
Aminorex
Bromazepam
Brotizolam
Camazepam
Chlordiazepoxide
1–(3–chlorophenyl)piperazine
1–(3–chlorophenyl)–4–(3–chloropropyl)piperazine
Clobazam
Clonazepam
Clorazepic acid
Clotiazepam
Cloxazolam
Delorazepam
Diazepam
Estazolam
[Etizolam]
N –Ethylamphetamine
Ethyl loflazepate
Fencamfamin

Fenproporex

Fludiazepam

Flurazepam

Halazepam

Haloxazolam

4-Hydroxy-n-Butyric Acid – also known as Gammahydroxy-butyrate (GHB)

[…]

Ketazolam

Loprazolam

Lorazepam

Lormetazepam

Medazepam

Mefenorex

Mesocarb

Nimetazepam

Nitrazepam

Nordazepam

Oxazepam

Oxazolam

Pemoline

[Phenazepam]

Pinazepam

Prazepam

Pyrovalerone

Tetrazepam

Triazolam

[Zaleplon]

Zolpidem

[Zopiclone].

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance of product specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 5.

PART II

[…]

1. The following substances and products –

5α–Androstane–3,17–diol
Androst-4-ene-3,17-diol
1–Androstenediol
1–Androstenedione
4-Androstene-3, 17 dione
5–Androstenedione
5-Androstene-3, 17 diol
Atamestane
Bolandiol
Bolasterone
Bolazine
Boldenone
Boldione
Bolenol
Bolmantalate
4-Chloromethandienone
Clostebol
Danazol
Desoxymethyltestosterone
Drostanolone

Enestebol

Eptiostanol

Ethyloestrenol

Fluoxymesterone

Formebolone

Furazabol

Gestrinone

3–Hydroxy–5α–androstan–17–one

Mebolazine

Mepitiostane

Mestanolone

Mesterolone

Methandienone

Methandriol

Methenolone

Methyltestosterone

Metribolone

Mibolerone

Nandrolone

19–Norandrostenedione

19-Nor-5-Androstene-3, 17 diol

19–Norandrosterone

19-Nor-4-Androstene-3, 17 dione

Norethandrolone

19–Noretiocholanolone

Norboletone

Norclostebol

Norclostebol

Ovandrotone

Oxabolone

Oxadrolone

Oxymesterone
Oxymetholone
Prasterone
Propetandrol
Prostanozol
Quinbolone
Roxibolone
Silandrone
Stanolone
Stanozolol
Stenbolone
Testosterone
Tetrahydrogestrinone
Thiomesterone
Trenbolone.

2. Any compound (not being Trilostane or a compound specified in paragraph 1 of this Part) structurally derived from 17-hydroxyandrostan-3-one or from 17-hydroxyestran-3-one by modification in any of the following ways –

(a) by further substitution at position 17 by a methyl or ethyl group,

(b) by substitution to any extent at one or more positions 1, 2, 4, 6, 7, 9, 11 or 16, but at no other position,

(c) by unsaturation in the carbocyclic ring system to any extent, provided that there are no more than ethylenic bonds in any one carbocyclic ring, or

(d) by fusion of ring A with a heterocyclic system.

3. Any substance which is an ester or ether (or, where more than one hydroxyl function is available, both an ester and an ether) of a substance specified in paragraph 1 or described in paragraph 2 of this Part.

4. The following substances –

Chorionic gonadotrophin (HCG)
Clenbuterol
Non-human chorionic gonadotrophin (HCG)
Somatotropin
Somatrem
Somatropin
Zeranol
Zilpaterol.

5. Any stereoisomeric form of a substance specified or described in any of paragraphs 1 to 4 of this Part.

6. Any salt of a substance specified or described in any of paragraphs 1 to 5 of this Part.

7. Any preparation or other product containing a substance or product specified or described in any of paragraphs 1 to 6 of this Part, not being a preparation specified in Schedule 5.]

NOTES

Schedule 4 was substituted by the Misuse of Drugs (Modification) Order, 2010, article 3, Schedule 2, with effect from 8th March, 2010.[10]

The words and figures in square brackets adjacent to the title "Schedule 4" were substituted, and the heading to Schedule 4 was inserted, by the Misuse of Drugs (Modification) Order, 2012, respectively article 10(a) and article

10(b), with effect from 1st October, 2012.

In Schedule 4,

the words and figures omitted in the square brackets immediately after the titles "Part I" and Part II" were repealed by the Misuse of Drugs (Modification) Order, 2012, article 10(c), with effect from 1st October, 2012;

the entries for "Etizolam" and "Phenazepam" in the first and third pairs of square brackets in paragraph 1 of Part I were inserted by the Misuse of Drugs (Modification) Order, 2012, respectively article 10(d)(i) and article 10(d)(ii), with effect from 1st October, 2012;

the word omitted in the second pair of square brackets in paragraph 1 of Part I was repealed by the Misuse of Drugs (Modification) Order, 2015, article 15, with effect from 30th November, 2015;

the entries for "Zaleplon" and "Zopiclone" in the fourth and fifth pairs of square brackets in paragraph 1 of Part I were inserted by the Misuse of Drugs (Modification) Order, 2014, article 7, respectively paragraph (a) and paragraph (b), with effect from 1st December, 2014.

SCHEDULE 5 [Sections 2, 3, 5, 6, 7, 12, 13, 14, 16 and 22 and Schedules I, II, III and IV]

CONTROLLED DRUGS EXCEPTED FROM PROHIBITION ON IMPORTATION, EXPORTATION AND POSSESSION AND SUBJECT TO THE REQUIREMENTS OF SECTIONS 22 AND 23

1. (1) Any preparation of one or more of the substances to which this paragraph applies, not being a preparation designed for administration by injection, when compounded with one or more other active or inert ingredients and containing a total of not more than 100 milligrammes of the substance or substances (calculated as base) per dosage unit or with a total concentration of not more than 2.5 per cent (calculated as base) in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, nicocodine, nicodicodine (6-nicotinoyldihydrocodeine), norcodeine, pholcodine and their respective salts.

2. ...

3. Any preparation of medicinal opium or of morphine containing (in either case) not more than 0.2 per cent of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the opium, or as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

4. Any preparation of dextropropoxyphene, being a preparation designed for oral administration, containing not more than 135 milligrammes of dextropropoxyphene (calculated as base) per dosage unit or with a total concentration

of not more than 2.5 per cent (calculated as base) in undivided preparations.

5. Any preparation of difenoxin containing, per dosage unit, not more than 0.5 milligrammes of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of difenoxin.

6. Any preparation of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least 1 per cent of the dose of diphenoxylate.

7. Any preparation of propiram containing, per dosage unit, not more than 100 milligrammes of propiram calculated as base and compounded with at least the same amount (by weight) of methylcellulose.

8. Any powder of ipecacuanha and opium comprising –

10 per cent opium, in powder
10 per cent ipecacuanha root, in powder,
well mixed with
80 per cent of any other powdered ingredient
containing no controlled drug.

9. Any mixture containing one or more of the preparations specified in paragraphs 1 to 8, being a mixture of which none of the other ingredients is a controlled drug.

[**10.** (1) Any preparation of cannabidiol which –

(a) has its ingredients clearly labelled,

(b) does not contain any plant material visible to the naked

eye,

(c) does not contain any controlled drug other than cannabinol or a cannabinol derivative,

(d) complies with the condition in subparagraph (2),

(e) if it is being imported, supplied or (as the case may be) offered to be supplied in the course of a business, satisfies the condition in subparagraph (3), and

(f) if it is being imported other than in the course of a business, satisfies the condition in subparagraph (4).

(2) A preparation complies with the condition in this subparagraph if it contains –

(a) relative to its total weight –

(i) not more than 2.5% cannabidiol, and

(ii) not more than 0.1% cannabinol and cannabinol derivatives in aggregate, or

(b) relative to the total weight of its cannabidiol content, not more than 3% cannabinol and cannabinol derivatives in aggregate.

(3) A preparation satisfies the condition in this subparagraph if its compliance with the condition in subparagraph (2) is attested to by –

(a) an official certificate of analysis for the preparation that is demonstrably and clearly linked to that preparation by batch or lot number or otherwise, or

(b) a certificate or statement concerning the preparation provided by the States Analyst.

(4) A preparation satisfies the condition m this subparagraph if the Chief Revenue Officer or the Chief Pharmacist is satisfied (whether by attestation in accordance with subparagraph (3) or otherwise) that the preparation complies with the condition in subparagraph (2).]

NOTES

The words and figures in square brackets adjacent to the title "Schedule 5" were substituted by the Misuse of Drugs (Modification) Order, 2012, article 11(a), with effect from 1st October, 2012.

In Schedule 5,

paragraph 2 was repealed by the Misuse of Drugs (Modification) Order, 2012, article 11(b), with effect from 1st October, 2012;

paragraph 10 was substituted by the Misuse of Drugs (Modification No. 2) Order, 2019, article 5, with effect from 4th July, 2019.[11]

SCHEDULE 6 Section 17

FORM OF REGISTER

PART I

Entries to be made in case of obtaining

Date on which supply received	NAME	ADDRESS	Amount obtained	Form in which obtained
	Of person or firm from whom obtained			

PART II

Entries to be made in case of supply

[

Date of transaction	**Name and address of person or firm supplied**			**Amount supplied**	**Form in which supplied**	**Additional details if supplied on prescription**	
	Name	**Add.**	**Details of licence or authority to be in possession**			**Unique identification number of prescriber**	**Evidence of identity of collector of drug, if obtained (e.g. driving licence number)**

]

NOTE

In Schedule 6, the Table in Part II was substituted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I and Part II, with effect from 16th April, 2010.

[SCHEDULE 6A [Sections 5, 6, 7 and 8]

CLASSES OF PERSONS BY WHOM CONTROLLED DRUGS MAY BE SUPPLIED OR ADMINISTERED UNDER A PATIENT GROUP DIRECTION

Any of the following persons may supply or administer a specified controlled drug under a Patient Group Direction –

Anaesthetic assistants

Registered midwives

Registered occupational therapists

Registered operating department practitioners.

Registered optometrists

Registered orthoptists

Registered orthotists and prosthetists

Registered paramedics

Registered physiotherapists

Registered radiographers.]

NOTES

Schedule 6A was inserted by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 11, with effect from 1st October, 2009.

The words and figures in square brackets adjacent to the title "Schedule 6A" were substituted by the Misuse of Drugs (Modification) Order, 2012, article 12, with effect from 1st October, 2012.

SCHEDULE 7 Section 25(1)

REPEALS

The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1976.

The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Modification) Ordinance, 1976[o].

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Ordinance, 1983[p].

The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Modification) Ordinance, 1983[q].

The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Modification) Ordinance, 1988[r].

The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Modification) Ordinance, 1989[s].

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Ordinance, 1989[t].

The Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 (Modification) Ordinance,

---

o Recueil d'Ordonnances Tome XX, p. 271.
p Recueil d'Ordonnances Tome XXII, p. 480.
q Recueil d'Ordonnances Tome XXII, p. 483.
r Recueil d'Ordonnances Tome XXIV, p. 477.
s Recueil d'Ordonnances Tome XXV, p. 38.
t Recueil d'Ordonnances Tome XXV, p. 43.

1991[u].

The Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Ordinance, 1991[v].

---

1 The functions, rights and liabilities of the Health and Social Services 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 Health ("the Board") and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

2 Prior to its substitution, subsection (2) was amended by the Misuse of Drugs (Modification) Order, 2003, article 2, with effect from 14th July, 2003; and the Misuse of Drugs (Modification No. 4) Order, 2010, article 1, Schedule, with effect from 1st January, 2011.

3 These words were previously inserted, in part, by the Prescription Only Medicines (Human) (Bailiwick of Guernsey) Ordinance, 2009, section 22, Schedule 3, paragraph 3(a), with effect from 1st October, 2009.

4 Prior to its repeal, paragraph (a) of subsection (7) was amended by the Misuse of Drugs (Modification No. 4) Order, 2010, article 1, Schedule, with effect from 1st January, 2011.

5 These words and figures were previously substituted by the Misuse of Drugs (Modification No. 4) Order, 2010, article 1, Schedule, with effect from 1st January, 2011.

6 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

7 This entry was originally inserted by the Misuse of Drugs (Modification No. 2) Order, 2010, article 2, Schedule, Part I, with effect from 16th April, 2010.

8 Prior to this repeal and replacement, Schedule 2 was amended by the Misuse of Drugs (Modification) Order, 2003, respectively article 5(a) and article 5(b), with effect from 14th July, 2003; substituted by the Misuse of Drugs (Modification) Order, 2010, article 3, Schedule 2, with effect from 8th March, 2010; and amended by the Misuse of Drugs (Modification) Order, 2012, article 8, with effect from 1st October,

---

u Recueil d'Ordonnances Tome XXV, p. 325.

v Recueil d'Ordonnances Tome XXV, p. 326.

2012; the Misuse of Drugs (Modification) Order, 2015, article 13, with effect from 30th November, 2015.

9 Schedule 3 was previously substituted by the Misuse of Drugs (Modification) Order, 2008, article 2(2), Schedule 2, with effect from 11th March, 2008.

10 Schedule 4 was previously substituted by: the Misuse of Drugs (Modification) Order, 2003, article 6, Schedule 2, with effect from 14th July, 2003; the Misuse of Drugs (Modification) Order, 2006, article 2, Schedule 2, with effect from 14th November, 2006; the Misuse of Drugs (Modification) Order, 2008, article 2(3), Schedule 3, with effect from 11th March, 2008.

11 Paragraph 10 was originally inserted by the Misuse of Drugs (Modification) Order, 2018, article 4, with effect from 1st February, 2018, then substituted by the Misuse of Drugs (Modification No. 3) Order, 2018, article 2, with effect from 1st August, 2018; and paragraph 10(b) was previously substituted by the Misuse of Drugs (Modification) Order, 2019, article 12, with effect from 1st June, 2019.