

## **The Misuse of Drugs (Notification of and Supply to Addicts) (Bailiwick of Guernsey) Ordinance, 1997**

**THE STATES**, in pursuance of their Resolution of 29th March, 1989<sup>a</sup>, and in exercise of the powers conferred upon them by sections 9 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended<sup>b</sup>, hereby order:-

### **Interpretation**

1. (1) In this Ordinance:

"**drug**" means a controlled drug specified in the Schedule to this Ordinance;

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

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

(2) For the purposes of this Ordinance, 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.

---

<sup>a</sup> Article XIII of Billet d'État No. VII of 1989.

<sup>b</sup> 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.

(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In this Ordinance, unless the context otherwise requires, any reference to any other enactment is to that enactment as repealed and replaced, amended, extended or applied by or under any other enactment.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<sup>c</sup>, as amended, shall apply to the interpretation of this Ordinance throughout the Bailiwick.

### **Notification of addicts to Medical Officer of Health**

2. (1) Subject to subsection (2), any medical practitioner who attends a person who he considers, or has reasonable grounds to suspect, is addicted to any drug shall, within seven days of the attendance, furnish in writing to the Medical Officer of Health such of the following particulars with respect to that person as are known to the medical practitioner, that is to say, the person's name, address, sex, date of birth, and Social Security number as shown on his Health Benefit Card, the date of the attendance and the name of the drug or drugs concerned.

(2) It shall not be necessary for a medical practitioner who attends a person to comply with the provisions of subsection (1) in respect of that person if:

- (a) the medical practitioner is of the opinion, formed in good faith, that the continued administration of the drug or drugs concerned is required for the purpose of treating organic disease or injury; or
- (b) the particulars which, apart from this subsection, would have been required under those provisions to be

---

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

furnished have, during the period of twelve months ending with the date of the attendance, been furnished in compliance with those provisions:

- (i) by the medical practitioner; or
- (ii) if the medical practitioner is a partner in or employed by a firm of general or specialist practitioners, by a medical practitioner who is a partner in or employed by that firm; or
- (iii) if the attendance is on behalf of another medical practitioner, whether for payment or otherwise, by that medical practitioner;
- (iv) if the attendance is at a hospital, by a medical practitioner who is approved by the Board to admit and treat patients at that hospital.

**Control of supply of certain drugs to addicts**

3. (1) Subject to subsection (2), a medical practitioner shall not administer or supply to a person who he considers, or has reasonable grounds to suspect, is addicted to any drug, or authorise the administration or supply to such a person of, any substance specified in subsection (3), or prescribe for such a person any such substance, except:

- (a) for the purpose of treating organic disease or injury;
- (b) under and in accordance with the terms of a licence issued by the Board under this section.

(2) Subsection (1) shall not apply to the administration or supply by a medical practitioner of a substance specified in subsection (3) if the administration or supply is authorised by another medical practitioner under and in accordance with the terms of a licence issued by the Board under this Ordinance.

(3) The substances referred to in subsections (1) and (2) are:

- (a) cocaine, its salts and any preparation or other product containing cocaine or its salts other than a preparation falling within paragraph 5 of Schedule 5 to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997;
- (b) diamorphine, its salts and any preparation or other product containing diamorphine or its salts;
- (c) dipipanone, its salts and any preparation or other product containing dipipanone or its salts.

#### **Transitional provisions**

4. (1) Any particulars furnished in compliance with section 23(3) of the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1976<sup>d</sup> ("the 1976 Ordinance") and in force immediately before the repeal of that Ordinance by the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 shall be deemed to have been furnished in compliance with section 2(1) of this Ordinance.

---

<sup>d</sup> Recueil d'Ordonnances, Tome XX, p. 272; Tome XXII, p. 480; Tome XXIV, p. 477; No. XIV of 1989; No. XXIII of 1991.

(2) Any licence issued pursuant to section 23 of the 1976 Ordinance and in force immediately before the repeal of that Ordinance shall continue in force for the same period of time as if the 1976 Ordinance had not been repealed and shall have effect as if it had been issued for the purposes of this Ordinance.

**Extent**

5. This Ordinance shall apply throughout the Bailiwick.

**Citation**

6. This Ordinance may be cited as the Misuse of Drugs (Notification of and Supply to Addicts) (Bailiwick of Guernsey) Ordinance, 1997.

**Commencement**

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

## **SCHEDULE**

### **CONTROLLED DRUGS TO WHICH THIS ORDINANCE APPLIES**

1. The following substances and products, namely:

Cocaine  
Hydromorphone  
Oxycodone  
Dextromoramide  
Levorphanol  
Pethidine  
Diamorphine  
Methadone  
Phenazocine  
Dipipanone  
Morphine  
Piritramide  
Hydrocodone  
Opium

2. Any stereoisomeric form of a substance specified in paragraph 1 above, not being dextrorphan.
3. Any ester or ether of a substance specified in paragraph 1 or 2 above, not being a substance for the time being specified in Part II of Schedule 1 to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.
4. Any salt of a substance specified in any of paragraphs 1 to 3 above.
5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4 above.