

GREFFE
ROYAL COURT

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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2012 No. 8

The Import (Control) (Guernsey) (Amendment) Order, 2012

Made

13th February 2012

Coming into operation

1st March, 2012

THE HOME DEPARTMENT, in exercise of the powers conferred upon it by article 1 of the Import and Export (Control) (Guernsey) Law, 1946^a and all other powers enabling it in that behalf, hereby makes the following Order:-

Amendments to Order of 2010.

1. The Import (Control) (Guernsey) Order, 2010^b is amended as follows.
2. In article 14(1) of that Order –
 - (a) the definition of "**Commission decision**" is amended by substituting, for the expression "European Communities", the expression "European Union",
 - (b) the definition of "**Community Area**" is repealed and substituted with the following definition, which is to be inserted in the correct alphabetical order –

^a Ordres en Conseil Vol. XII, p. 332, as amended by Vol. XXIII, p. 573; Vol. XXXIII, p. 249; Recueil d'Ordonnances Tome XXIX, p. 406; and Order in Council No. XIV of 2007.

^b G.S.I. No. 39 of 2010; as amended by G.S.I. No. 68 of 2010.

" **EU Area**" means Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom,"

- (c) the definition of "**Community directive or regulation**" is amended by substituting, for the words "Article 249 of the Treaty establishing the European Community, signed at Rome on the 25th March 1957", the words "Article 288 of the Treaty on the Functioning of the European Union",
- (d) the definition of "**in free circulation in the customs territory**" is amended by substituting, for the words "Article 24 of the Treaty establishing the European Economic Community, signed at Rome on the 25th March 1957", the words "Article 29 of the Treaty on the Functioning of the European Union", and
- (e) the definition of "**Member State**" is amended by substituting, for the expression "European Community", the expression "European Union".

3. Schedule 3 to that Order is amended as follows –

- (a) paragraph 1 is amended by substituting, for subparagraph (b), the following subparagraph –

"(b) the product is imported –

- (i) solely for use in, or administration to, the importer or a person who is in the importer's personal care,
- (ii) in a quantity that does not exceed 6 months' supply for one person at the normal prescribed or recommended dose,
- (iii) where there is no normal prescribed or recommended dose of that product, in a quantity that does not exceed a quantity that could reasonably be required for use or administration in accordance with subparagraph (i), and
- (iv) in compliance with either condition A or condition B –
 - (A) condition A is that the product is imported in the personal baggage of, or is personally carried by, the importer and has been lawfully supplied to the importer in the country from which that product has been imported, and
 - (B) condition B is that the product is imported for use or administration in accordance with a prescription or equivalent authorisation issued in respect of that product by a dentist or a doctor prior to the importation,"

- (b) paragraph 2 is amended by substituting, for subparagraph (c), the following subparagraph –

"(c) the product is imported –

- (i) solely for use in, or administration to, the importer or a person who is in the importer's personal care, and
- (ii) in a quantity that does not exceed a quantity that could reasonably be required for such use or administration," and

- (c) the part headed "Interpretation" is amended by inserting, in the correct alphabetical order, the following definition –

" **"personal care"** means care for someone who is disabled or is otherwise unable to care for themselves."

4. Schedule 7 to that Order is amended by deleting paragraph 11.

5. In Schedule 8 to that Order, paragraphs 2, 3 and 4 of the part headed "Interpretation of Table 2" are amended by substituting, for the expression "European Community" in each place it occurs, the expression "European Union".

Consequential revocation.

6. The Import (Control) (Guernsey) (Amendment) Order, 2010^c is revoked.

^c G.S.I. No 68 of 2010.

Interpretation.

7. (1) In this Order, a reference to any enactment is a reference to the enactment as from time to time amended, re-enacted (with or without modification), extended or applied.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^d apply to the interpretation of this Order as they apply to the interpretation of an enactment.

Citation.

8. This Order may be cited as the Import (Control) (Guernsey) (Amendment) Order, 2012.

Commencement.

9. This Order comes into force on the 1st of March, 2012.

^d Ordres en Conseil Vol. XIII, p. 355.

Dated this 13 day of February, 2012

G. H. Mahy

G. H. MAHY

Minister of the States Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Import (Control) (Guernsey) Order, 2010 ("**the principal Order**") to substitute references to the European Community with references to the European Union, and references to the Treaty establishing the European Economic Community signed at Rome in 1957 with references to the replacement Treaty.

Further, this Order makes 2 amendments relating to the importation of medicinal products for the personal use of the importer or a person in the personal care of the importer.

The first amendment will permit prescription medicinal products to be imported (otherwise than in the personal baggage of a traveller) for use or administration in accordance with a prescription issued by a local dentist or a local doctor *prior* to the importation. The quantity imported must not exceed 6 months' supply or a quantity that could reasonably be required for personal use or administration.

The second amendment permits the importation of other medicinal products not exceeding a quantity that could reasonably be required for personal use or administration.

Finally, this Order removes naphyrone from the list of prohibited imports in Schedule 7 to the principal Order as naphyrone has been prescribed as a Class B controlled drug in the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974.

This Order will come into force on 1st March, 2012.