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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2014 No. 70.

**The Import (Control) (Guernsey) (Amendment No. 2)  
Order, 2014**

*Made*

19<sup>th</sup> November, 2014

*Coming into operation*

1<sup>st</sup> December, 2014

**THE HOME DEPARTMENT**, in exercise of the powers conferred upon it by article 1 of the Import and Export (Control) (Guernsey) Law, 1946<sup>a</sup> and of 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<sup>b</sup> ("the **principal Order**") is amended as follows.

2. Immediately after paragraph 5 of Schedule 3 to the principal Order, insert the following paragraph –

"6. For the avoidance of doubt, for the purposes of the definition of "**medicinal product**" or "**product**" in paragraph 5 of this Schedule, a substance, article or combination of substances may be regarded as falling within the meaning of paragraph

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

<sup>b</sup> G.S.I. No. 39 of 2010; as amended by G.S.I. No. 68 of 2010, G.S.I No.s 8 and 23 of 2012, G.S.I. No. 47 of 2013 and G.S.I. No. 45 of 2014.

(b) of the definition of "**medicinal product**" in section 133(1) of the Medicines Law even if the substance, article or combination of substances is not proven to have or be capable of having a therapeutic or beneficial effect on human health."

3. Between Schedule 6 and Schedule 7 to the principal Order, insert the schedule set out in the Schedule to this Order.

4. Revoke paragraphs 11 and 12 of Schedule 7 to the principal Order.

**Interpretation.**

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

(2) The provisions of the Interpretation (Guernsey) Law, 1948<sup>c</sup> apply to the interpretation of this Order as they apply to the interpretation of an enactment.

**Citation.**

6. This Order may be cited as the Import (Control) (Guernsey) (Amendment No. 2) Order, 2014.

**Commencement.**

7. This Order comes into force on the 1<sup>st</sup> December, 2014.

Dated this 19<sup>th</sup> day of November, 2014

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



Deputy Peter GILLSON  
Minister of the Home Department  
For and on behalf of the Department

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## SCHEDULE

"SCHEDULE 6A

Article 1(1)(a)

GOODS THAT CANNOT BE IMPORTED WITHOUT A LICENCE

### Specific substances, etc. of concern

1. Subject to paragraph 2 -
  - (a) Ethyl phenyl(piperidin-2-yl)acetate (also known as 'ethylphenidate'),
  - (b) any stereoisomeric form of ethyl phenyl(piperidin-2-yl)acetate,
  - (c) any salt of a substance specified in subparagraph (a) or (b), or
  - (d) any preparation or other product containing a substance specified in any of subparagraphs (a) to (c).
2. Anything listed in paragraph 1 may be imported by the States Analyst for analytical purposes."

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Import (Control) (Guernsey) Order, 2010 (**"the principal Order"**).

This Order inserts a new paragraph 6 in Schedule 3 to the principal Order. This new paragraph clarifies that for the purposes of the definition of "**medicinal product**" or "**product**" in paragraph 5 of that Schedule, a substance, article or combination of substances may fall within paragraph (b) of the definition of "**medicinal product**" in section 133(1) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008, even it is not proven to have or be capable of having a therapeutic or beneficial effect on human health.

This Order also inserts a new Schedule 6A in the principal Order. The new schedule contains specific formulations of substances, salts, preparations and products that are of concern for reasons of public health. The new schedule 6A exempts importations by the States Analyst for analytical purposes (there is a similar exemption in relation to medicinal products in Schedule 3 to the principal Order). Substances, etc. that were previously in paragraph 11 of Schedule 7 to the principal Order have been moved to the new Schedule 6A.

In addition, this Order revokes paragraph 12 of Schedule 7 to the principal Order, which contains formulations for benzofuran-related, mescaline-related and other compounds. The import control on these compounds will no longer be needed as these compounds will be brought under control as either Class A or Class B controlled drugs by the Misuse of Drugs (Modification) Order, 2014, from the 1<sup>st</sup> December, 2014.

This Order comes into force on the 1<sup>st</sup> December, 2014.

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