

GUERNSEY STATUTORY INSTRUMENT

2014 NO. 79

The Misuse of Drugs (Modification) Order, 2014

Made 13th November, 2014
Coming into operation 1st December, 2014
Laid before the States , 2014

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 1, 6, 9, 21 and 30 of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974^a, section 1(2) of the Misuse of Drugs (Amendment) (Bailiwick of Guernsey) Law, 2000^b and all other powers enabling it in that behalf, hereby makes the following order: -

Amendments to the 1974 Law.

1. The First Schedule to the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 is amended as follows.

2. In Part I (Class A Drugs) of the First Schedule to the Law –

(a) in paragraph 1(a) –

(i) delete "4-Bromo-2, 5-dimethoxy- α -methylphenethylamine", "2,5-Dimethoxy- α , 4-

^a Ordres en Conseil Vol. XXIV, p. 273; as amended by Vol. XXVIII, p. 307; Vol. XXXI, pp. 47 and 278; Vol. XXXIII, p. 217; Vol. XXXIV, p. 172; Vol. XXXVI, p. 396; Vol. XL, pp. 34 and 131; Order in Council No. IV of 2006; No. XIII of 2006; Recueil d'Ordonnances Tome XX, p. 271; Tome XXII, p. 483; Tome XXIV, p. 477; Tome XXV, pp. 38 and 325; Tome XXIX, p. 406; Ordinances No. XLIII of 2010 and No. XXV of 2011; G.S.I. No. 19 of 1997; G.S.I. No. 5 of 2004; G.S.I. No. 42 of 2006; G.S.I. No. 20 of 2008; G.S.I. No. 22 of 2010; G.S.I. No. 33 of 2010; G.S.I. No. 82 of 2010; G.S.I. No. 44 of 2012; G.S.I. No. 54 of 2013; see also Recueil d'Ordonnances Tome XXVII, p. 247; Ordres en Conseil Vol. XXIX, p. 207.

^b Ordres en Conseil Vol. XL, p. 34.

dimethylphenethylamine" and "N-Hydroxy-tenamphetamine", and

(ii) for "Levophenacylmorphan", substitute "Levophenacylmorphan",

(b) in paragraph 1(c) –

(i) delete "Benzyl(α -methyl-3,4-methylenedioxyphenethyl)amine", and

(ii) immediately after " β -Methoxy-3,4-methylenedioxyphenethylamine", insert "(1-(3,4-methylenedioxy)-*N*-hydroxypropan-2-amine", and

(c) immediately after paragraph 1(f), insert the following subparagraph –

"(g) any compound structurally derived from mescaline or a compound specified in subparagraph (c) or (d) above, by substitution on the nitrogen atom of the amino group with a benzyl substituent, whether or not substituted in the phenyl ring of the benzyl group to any extent."

3. In Part II (Class B Drugs) of the First Schedule to the Law –

(a) in paragraph 1(a) –

(i) immediately after "Glutethimide", insert "Ketamine", and

- (ii) immediately after "Lefetamine", insert "Lisdexamphetamine",
- (b) immediately after paragraph 1(k), insert the following subparagraph –
 - "(l) Any compound (not being a compound for the time being specified in paragraph 1(c) of Part I of this Schedule) structurally derived from 1-benzofuran, 1*H*-indole, or 1*H*-indene, by substitution in the 6-membered ring with a 2-aminoeth-1-yl substituent whether or not the compound is further modified in any of the following ways that is to say –
 - (i) by saturation in the fused ring system at the 2,3-position,
 - (ii) by substitution in the ring system to any extent with alkyl, alkoxy, halide or haloalkyl substituents,
 - (iii) by substitution in the 2-aminoeth-1-yl side-chain at the 2- position with any alkyl substituent, or
 - (iv) by substitution at the 2-amino nitrogen atom of the side chain with alkyl or dialkyl groups.", and
- (c) in paragraph 5, delete "or (k)" the second time this expression occurs.

4. In Part III (Class C Drugs) of the First Schedule to the Law, in paragraph 1(a) –

- (a) delete "Ketamine",
- (b) immediately after "Tetrazepam", insert "Tramadol",
- (c) after "Triazolam", insert "Zaleplon", and
- (d) after "Zolpidem", insert "Zopiclone".

Amendments to the 1997 Ordinance.

5. The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997^c is amended as follows.

6. In Schedule 3 to the Ordinance, in paragraph 1(a), immediately after "Temazepam", insert "Tramadol".

7. In Schedule 4 to the Ordinance, in paragraph 1 of Part I –

- (a) immediately after "Triazolam", insert "Zaleplon", and
- (b) immediately after "Zolpidem", insert "Zopiclone".

Interpretation.

8. (1) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of this Order throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

^c Recueil d'Ordonnances Tome XXVII, p. 247; as amended by Tome XXIX, p. 406 and Tome XXXIII, p. 555; G.S.I. No. 5 of 2004; G.S.I. No. 42 of 2006; G.S.I. No. 20 of 2008; G.S.I. No. 22 of 2010; G.S.I. No. 33 of 2010; G.S.I. No. 82 of 2010; G.S.I. No. 98 of 2010; G.S.I. No. 44 of 2012.

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

(2) A reference to an enactment is a reference to that enactment as from time to time amended, repealed and replaced, extended or applied by or under any other enactment.

Citation and commencement.

9. This Order may be cited as the Misuse of Drugs (Modification) Order, 2014 and comes into force on the 1st December, 2014.

Dated this 13th day of November 2014.

A handwritten signature in black ink, consisting of a large loop at the top left, followed by several horizontal strokes and a final flourish at the bottom right.

Deputy Paul A. Luxon

Minister of the Health and Social Services Department

For and on behalf of the Department.

EXPLANATORY NOTE
(This note is not part of the Order)

Article 2 of this Order brings groups of "NBOMe" compounds under control as Class A drugs under the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 ("**the Law**"). This article also updates the list of Class A drugs by deleting substances that are already covered by more generic formulations and moving and renaming one substance. Finally, this article corrects a typographical error in the spelling of a Class A drug (the correct spelling being "Levophenacylmorphan").

Article 3 of this Order reclassifies Ketamine as a Class B drug and brings Lisdexamphetamine and groups of benzofuran compounds under control as Class B drugs under the Law. This article also corrects a typographical error in the list of Class B drugs.

Article 4 of this Order removes Ketamine from the list of Class C drugs and brings Tramadol, Zaleplon and Zopiclone under control as Class C drugs under the Law.

Article 6 inserts Tramadol in Schedule 3 to the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 ("**the Ordinance**").

Article 7 inserts Zaleplon and Zopiclone in Schedule 4 to the Ordinance.

This Order will come into force on the 1st December, 2014.