

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

Ordonnance relative à l'Importation et à la Vente d'Essences Méthyliques (Methylated Spirits) *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome V, p. 401; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Loi ayant rapport à la Police Salariée pour l'Île entière (Ordres en Conseil Vol. VI, p. 176); the Methylated Spirits (Amendment) Ordinance, 1960 (Recueil d'Ordonnances Tome XII, p. 391).

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Ordonnance relative à l'Importation et à la Vente d'Essences Méthyliques (Methylated Spirits)

ARRANGEMENT OF ARTICLES

Vente d'Essences Méthyliques. (Methylated Spirits.)

Definitions

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SCHEDULE Form of stock account to be kept by a retailer of Mineralised Methylated Spirits.

*(Made on 6th November, 1926.)
(Renewed as permanent on 5th October, 1931.)*

Ordonnance relative à l'Importation et à la Vente d'Essences Méthyliques (Methylated Spirits)

Vente d'Essences Méthyliques. (Methylated Spirits.)

LA COUR, vu l'approbation des États, ouïes les conclusions des Officiers du Roi, a renouvelé comme Ordonnance permanente les dispositions de l'Ordonnance provisoire relative à l'importation et à la vente d'Essences Méthyliques (Methylated Spirits), passée le 6 novembre 1926, de laquelle Ordonnance la teneur suit: –

LA COUR, ouïes les conclusions des Officiers du Roi, a rappelé l'Ordonnance provisoire à ce sujet passée le 4 septembre 1926, et a adopté les règlements qui ensuivent rédigés en Anglais ayant rapport à l'Importation et à la Vente d'Essences Méthyliques (Methylated Spirits).

Definitions

Definitions: "Industrial Methylated Spirits", "[The Committee]", "Finish".

1. In this Ordinance –

"Industrial Methylated Spirits" and **"Mineralised Methylated Spirits"** mean respectively, spirits with which have been mixed the combination of substances prescribed hereunder and in the proportion so prescribed, viz. –

in the case of Industrial Methylated Spirits, to every ninety-five parts by volume of spirits, five parts by volume of wood naphtha,

in the case of Mineralised Methylated Spirits, to every ninety parts by volume of spirits nine and a half parts by volume of wood naphtha and one half of one part of crude pyridine, and to every hundred gallons of the mixture three-eighths of one

gallon of mineral naphtha or petroleum oil and not less than one-fortieth of an ounce by weight of powdered aniline dye (methyl violet).

"[The Committee]" means the [Committee for Home Affairs] of the States of Guernsey.

"**Finish**" means any mixture of Methylated Spirits and gum resin in which the proportion of gum resin in actual solution is not less than three ounces and not more than sixteen ounces in each gallon of the mixture.

NOTES

In Article 1, the words, first, "The Committee" and, second, "Committee for Home Affairs" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part III, with effect from 13th March, 1948.

Licence. Imports to be placed in Bonded Stores.

2. (1) No person shall –
- (a) import, procure, retail, supply or be in possession of any Methylated Spirits other than Industrial Methylated Spirits or Mineralised Methylated Spirits, or
 - (b) import, retail or supply Industrial Methylated Spirits or Mineralised Methylated Spirits without a licence from [the Committee] and in accordance with the

terms and conditions of such licence and subject to the regulations hereinafter contained.

(2) All Methylated Spirits imported into the Island shall be immediately placed in the States Bonded Stores, and importers shall be liable for the payment of the fees usually charged by the States for the use of the Bonded Stores.

NOTES

In Article 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

In accordance with the provisions of the Methylated Spirits (Amendment) Ordinance, 1960, section 5, with effect from 16th November, 1960, the Committee may vary the terms and conditions of a licence granted by it under this Article and suspend or revoke any such licence.

Regulations for import.

3. (1) It is unlawful to import Methylated Spirits from the United Kingdom unless obtained from a duly authorised Methylator and contained in vessels, painted, branded or labelled in accordance with Regulation 5 of the Methylated Spirits (other than Power Methylated Spirits) Regulations, 1925, dated December 7, 1925, made by the Commissioners of Customs and Excise.

(2) No Methylated Spirits imported from elsewhere than the United Kingdom shall be removed from the States Bonded Stores until it has been shown to the satisfaction of [the Committee] that the spirits are in accordance with the definition of Industrial Methylated Spirits or Mineralised Methylated Spirits contained in this Ordinance.

NOTE

In Article 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Use in the manufacture of finish.

4. A person authorised by [the Committee] to receive Methylated Spirits for use in the manufacture of finish shall not sell any finish in the preparation of which Industrial Methylated Spirits have been used, or any mixture of Methylated Spirits and gum resin containing at the time of delivery gum resin in actual solution in a proportion less than three ounces of gum resin in every gallon of the mixture.

NOTE

In Article 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 7, with effect from 1st May, 2016.

Retailers.

5. A retailer of Methylated Spirits must not have in his possession for sale, except as provided by the next following regulation, any Methylated Spirits other than Mineralised Methylated Spirits, nor any Methylated Spirits containing any essential oil or other flavouring matters; but this regulation shall not prevent a retailer of Methylated Spirits, if duly authorised by [the Committee], from receiving or having in his possession Industrial Methylated Spirits for use in an Art or manufacture carried on by him.

NOTES

In Article 5, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

In accordance with the provisions of the Methylated Spirits (Amendment) Ordinance, 1960, section 3, with effect from 16th November, 1960, and notwithstanding anything in this Article contained, a pharmaceutical chemist or chemist and druggist authorised to practise as such in the Island of Guernsey or in the Island of Herm according to the law for the time being in force may, if authorised so to do by a licence granted by the Committee under Article 2 of this Ordinance, receive and have in his possession industrial methylated spirits for sale as a constituent of an antiseptic or lotion or other preparation for external use which is not capable of being used as a beverage whether or not such spirits are for sale for medical purposes or veterinary purposes, and may supply such antiseptic, lotion or other preparation without a prescription, for any purpose and in any quantity.

Regulations for Chemists and Druggists.

6. (1) A duly registered Pharmaceutical Chemist or a Chemist and Druggist authorised by the Royal Court to practise in this Island may, when duly authorised by [the Committee], receive and have in his possession Industrial Methylated Spirits for sale as received or as a constituent of an antiseptic or lotion or other preparation prescribed for external use which is not capable of being used as a beverage, for medical and surgical purposes other than internal use as a medicine, and for veterinary purposes, subject to the following conditions –

(a) the spirits, or preparations containing them must be supplied only on a written order (which expression shall, when used in this regulation, mean an order for the sale of the spirits as received) or prescription (which expression shall, when used in this regulation, mean a prescription for one or more ingredients in addition to spirits) dated and signed –

(1) by a duly qualified practitioner or dentist authorised to practise in the Island, for use as an application to the skin of patients, or as an agent in sterilising instruments,

(2) by a duly qualified Veterinary Surgeon authorised to practise in the Island, as an application to the skin of animals, or as an agent in sterilising instruments, and no greater quantity than one imperial pint of spirits, either alone or as an ingredient or a preparation, shall be supplied at any one time to or for the use of any one person,

(b) an order must state the purpose for which the spirits are intended to be used, which must be one of the purposes authorised by this regulation,

(c) an order must specify the quantity of spirits required and shall not be acted upon more than seven days after

the date it bears,

- (d) the order or prescription must bear the name and address of the person to whom the spirits or preparations are to be supplied by the vendor in accordance with the regulations,
- (e) the order or prescription must be copied in the prescription book ordinarily kept by Chemists for prescriptions or in a book especially kept for the purpose of this article with the patient's or animal owner's full name and address, together with the full name and address of the medical practitioner, dentist, or veterinary surgeon, as the case may be. A similar entry must be made in the prescription book on every subsequent occasion when the prescription is dispensed. A fresh order must be obtained on every occasion when spirits alone are required, but preparations in which spirits are one of the ingredients may be dispensed without a fresh prescription,
- (f) the bottle or vessel in which Industrial Methylated Spirits are supplied without admixture on an order must have a label attached bearing the words "Methylated Spirits". "For external use only, for medical, surgical or veterinary purposes", and the name and address of the vendor.

(2) On every delivery of spirits, whether as received or as a constituent of a preparation as aforesaid, under this regulation the vendor shall enter the prescription in his prescription book and keep a record of the particulars of the transaction in the form prescribed therein, and shall keep such book and record upon his trading premises open to inspection by the Inspector of the States Police, and shall allow him to take an extract therefrom. If the preparation is not an article described in the British Pharmacopoeia, the British Pharmaceutical Codex or other well-known book of reference, the formula shall be recorded in the prescription

book.

(3) This regulation shall not apply to preparations which are made with Industrial Methylated Spirits for use in an art or manufacture under the special authority of [the Committee].

NOTES

In Article 6, 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 7, with effect from 1st May, 2016.

In accordance with the provisions of the Methylated Spirits (Amendment) Ordinance, 1960, section 3, with effect from 16th November, 1960, and notwithstanding anything in this Article contained, a pharmaceutical chemist or chemist and druggist authorised to practise as such in the Island of Guernsey or in the Island of Herm according to the law for the time being in force may, if authorised so to do by a licence granted by the Committee under Article 2 of this Ordinance, receive and have in his possession industrial methylated spirits for sale as a constituent of an antiseptic or lotion or other preparation for external use which is not capable of being used as a beverage whether or not such spirits are for sale for medical purposes or veterinary purposes, and may supply such antiseptic, lotion or other preparation without a prescription, for any purpose and in any quantity.

In accordance with the provisions of the Loi ayant rapport à la Police Salarisée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this Ordinance to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Retailers of Mineralised Methylated Spirits.

7. A retailer of Mineralised Methylated Spirits –
- (a) must not receive or have in his possession at any one time a greater quantity of Mineralised Methylated Spirits for sale than 200 gallons,
 - (b) when entitled to receive Mineralised Methylated Spirits from another retailer, must not receive such spirits in quantity exceeding 5 gallons at a time, and

- (c) must not sell to or for the use of any one person more than 5 gallons of Mineralised Methylated Spirits at a time.

Article 8.

8. A retailer of Mineralised Methylated Spirits shall, if required by [the Committee], keep an account in the form given in the Schedule hereto annexed of all Mineralised Methylated Spirits received by him. The account shall be at all times open to inspection by the Inspector of the States Police, who shall be allowed to take an extract therefrom.

NOTES

In Article 8, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

In accordance with the provisions of the Methylated Spirits (Amendment) Ordinance, 1960, section 2(6), with effect from 16th November, 1960, the references herein to "mineralised methylated spirits" shall be deemed to include a reference to industrial methylated spirits as received.

In accordance with the provisions of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this Ordinance to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Article 9.

9. A retailer of Mineralised Methylated Spirits must not use any Methylated Spirits in any art or manufacture carried on by him unless he has been authorised by [the Committee] to do so.

NOTE

In Article 9, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Article 10.

10. A retailer of Mineralised Methylated Spirits and a person authorised

to receive Methylated Spirits must, on receiving any Methylated Spirits accompanied by a permit, or a document in the nature of a permit, keep the permit or document and deliver it to the Inspector of the States Police when he inspects the premises.

NOTE

In accordance with the provisions of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, Article III(3), with effect from 19th August, 1947, any powers and duties attributed under this Ordinance to the Inspector of Police shall henceforth be deemed to be attributed to the Chief Officer of Police, instead of the Inspector of Police.

Penalties for infractions.

11. Any person acting in contravention of this Ordinance or of any of the conditions prescribed in the licence shall be guilty of an offence and shall be liable for each offence to a penalty not exceeding [level 2 on the uniform scale], and to the confiscation of the goods imported in contravention of the Ordinance.

NOTES

In Article 11, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

The Ordinance was made and came into operation on 6th November, 1926; and was renewed as a permanent Ordinance on 5th October, 1931.

In accordance with the provisions of the Methylated Spirits (Amendment) Ordinance, 1960, section 6, with effect from 16th November, 1960, where a person convicted of an offence under this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Consolidated text

Schedule referred to in Article [VIII]

FORM OF STOCK ACCOUNT TO BE KEPT BY A RETAILER OF MINERALISED METHYLATED SPIRITS

REQUISITION			PERMIT				ACCOUNT OF SALE				
Date.	No. of	Gallons requisitioned.	Date.	From what Methylator received.	Of what place.	Gallons.	Date.	Full name of person to whom sold.	Of what place and address.	Trade or occupation	Gallons and parts of a gallon sold.

NOTES

In accordance with the provisions of the Methylated Spirits (Amendment) Ordinance, 1960, section 2(6), with effect from 16th November, 1960, the reference herein to "mineralised methylated spirits" shall be deemed to include a reference to industrial methylated spirits as received.

In the printed version of this Schedule, the Roman numerals in square brackets shown, incorrectly, as "VIII" should read "8".

¹ The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Home 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 Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.