



Jersey

**MISUSE OF DRUGS (SUBSTANCES
USEFUL FOR MANUFACTURE)
(JERSEY) ORDER 2007**

Official Consolidated Version

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MISUSE OF DRUGS (SUBSTANCES USEFUL FOR MANUFACTURE) (JERSEY) ORDER 2007

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MISUSE OF DRUGS (SUBSTANCES USEFUL FOR MANUFACTURE) (JERSEY) ORDER 2007

THE MINISTER FOR HEALTH AND SOCIAL SERVICES, in pursuance of Articles 7 and 27 of the [Misuse of Drugs \(Jersey\) Law 1978](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Order, unless the context otherwise requires –

“authorized officer” means –

- (a) a person who is an employee in an administration of the States for which the Minister for Health and Social Services has responsibility, and is authorized in writing by that Minister for the purposes of this Order;
- (b) a police officer; or
- (c) an officer of the Impôts;

“consignee” means, in relation to the export, import or movement of a scheduled substance, the person to whom the substance is consigned in the country that is the destination of the export, import or movement;

“move in transit” means, in relation to a scheduled substance, to move the substance through Jersey from a country other than Jersey to a country other than Jersey;

“operator” means a person engaged, as part or all of the person’s business or occupation, in any of the following activities –

- (a) the manufacture, production, or processing, of one or more scheduled substances;
- (b) the import of one or more scheduled substances into Jersey, the export of one or more such substances from Jersey or the movement in transit of one or more such substances through Jersey;

- (c) the distribution, or trading or brokering, of one or more scheduled substances;
 - (d) making customs declarations in respect of one or more scheduled substances.
- (2) In this Order, a requirement to give the name of a scheduled substance is a requirement to give the name by which it is described in Schedule 5 to the [Misuse of Drugs \(Jersey\) Law 1978](#).
- (3) For the avoidance of doubt, an operator for the purposes of this Order does not include any of the following persons –
 - (a) Jersey Post;
 - (b) any other postal operator;
 - (c) any other person engaged in the carriage of goods or freight, to the extent that the person merely carries, conveys or delivers scheduled substances dispatched by another person.
- (4) For the avoidance of doubt, it makes no difference for the purposes of the definition of “operator” whether a person is an individual or a body corporate, and whether the person’s activities are done for profit or not.

2 Documentation of scheduled substances

- (1) A person who, as the operator –
 - (a) imports a scheduled substance into Jersey;
 - (b) exports a scheduled substance from Jersey; or
 - (c) moves a scheduled substance in transit through Jersey,shall ensure that a document to which this Article applies, and that relates to the import, export, or movement, of the scheduled substance (as the case may be), complies with paragraph (3).
- (2) This Article applies to –
 - (a) an invoice;
 - (b) a cargo manifest;
 - (c) a customs document;
 - (d) a shipping document; and
 - (e) any other document relating to transport.
- (3) The document shall specify the following information –
 - (a) the name of the substance;
 - (b) the quantity of the substance, expressed as its mass;
 - (c) if the substance forms part of a mixture –
 - (i) the mixture’s quantity, expressed as its mass, and
 - (ii) the percentage (by mass) of the substance as a part of the mixture;

- (d) the name and address of the person referred to in paragraph (1);
- (e) the name and address of the consignee of the substance;
- (f) if the substance is imported, and is to be distributed within Jersey, the name and address of the distributor.

3 Labelling of consignments of scheduled substances

A person who, as operator –

- (a) imports a scheduled substance into Jersey;
- (b) exports a scheduled substance from Jersey; or
- (c) moves a scheduled substance in transit through Jersey,

shall ensure that the consignment of the substance so imported, exported or moved is labelled with the name of the substance.

4 Records of transactions involving scheduled substances within Jersey

(1) A person who, as operator –

- (a) imports a scheduled substance into Jersey;
- (b) exports a scheduled substance from Jersey; or
- (c) moves a scheduled substance in transit through Jersey,

shall ensure that a record is made, and kept, in accordance with this Article.

(2) The record made shall show the following information –

- (a) the name of the substance;
- (b) the name and address of the person;
- (c) in the case of an import, the date on which the substance is imported into Jersey;
- (d) in the case of an export, the date on which the substance is exported from Jersey;
- (e) in the case of a movement in transit, the date or the dates on which the substance is moved in transit through Jersey; and
- (f) the name and address of the consignee of the substance.

(3) The person shall keep the record for not less than 3 years commencing on the first day of the calendar year next following the one in which the import, export or movement in transit (as the case may be) is completed.

5 Records of overseas transactions arranged or procured in Jersey

(1) If the export of a scheduled substance from a country of origin other than Jersey to a country of destination other than Jersey is arranged from Jersey or procured from Jersey, a person who as operator makes the

arrangement or procurement shall make, and keep in Jersey, a record of the export and import, and of the arrangement or procurement.

- (2) The record shall show the following information –
 - (a) the name of the substance;
 - (b) the names and addresses of its exporter and its importer;
 - (c) the name and address of the person referred to in paragraph (1);
 - (d) the date on which the substance is exported from the country of origin;
 - (e) the date on which the substance is imported into the country of destination; and
 - (f) the name and address of the consignee of the substance.
- (3) The person shall keep the record for not less than 3 years commencing on the first day of the calendar year next following the one in which the import is completed.

6 Notification of proposed export

- (1) A person who proposes to export, as operator, a scheduled substance from Jersey shall, at least 14 days before the export takes place, give the Chief Pharmacist a notification that complies with paragraph (3).
- (2) A person who proposes to arrange, as operator, from Jersey, or to procure, as operator, from Jersey, the export of a scheduled substance from a country of origin other than Jersey to a country of destination other than Jersey shall, at least 14 days before the export takes place, give the Chief Pharmacist a notification that complies with paragraph (3).
- (3) The notification shall contain the following information –
 - (a) the name and address in Jersey of the person referred to in paragraph (1) or (2);
 - (b) the name and quantity (expressed as a mass) of the substance;
 - (c) the name and address of the exporter (if the exporter is not the person who is required to give the notification);
 - (d) the expected date of export;
 - (e) the expected date of import into the country of destination;
 - (f) the name and address of the importer in the country of destination;
 - (g) the name and address of the consignee of the substance.

7 Production of documents

- (1) An authorized officer may at any time require an operator to produce to the officer a label, record or other document that the operator is required to ensure contains certain information, is required to ensure is used, or is required to make or keep, under this Order.

- (2) An authorized officer may at any time require a person whom the officer believes on reasonable grounds to be in possession of any of the following to produce it to the officer –
 - (a) a document to which Article 2 applies, being a document relating to the import, export, or movement in transit, of a scheduled substance;
 - (b) a label that is required under Article 3;
 - (c) a record that Article 4 or 5 requires to be made or kept in respect of a scheduled substance.
- (3) An authorized officer who in accordance with this Article requires an operator or other person to produce a label, record or other document –
 - (a) may make a copy of the label, record or other document;
 - (b) may retain the label, record or other document for such time as is reasonably necessary to enable its copying; and
 - (c) if it is reasonable to do so, may while so retaining it remove it to a place where there are facilities for copying it.
- (4) An authorized officer who is lawfully on premises may inspect any documents on those premises if the officer has reason to believe that the premises are used for the purposes of an operator's business, or occupation, as operator.
- (5) If requested to do so by a person of whom an authorized officer (not being a police officer in uniform or an officer of the Impôts in uniform) makes a requirement under this Article, the authorized officer shall show the person evidence of the officer's authority to act under this Order.

8 Citation

This Order may be cited as the Misuse of Drugs (Substances Useful for Manufacture) (Jersey) Order 2007.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Misuse of Drugs (Substances Useful for Manufacture) (Jersey) Order 2007	R&O.91/2007	19 July 2007

Table of Renumbered Provisions

Original	Current
8(1)	8
8(2)	Spent, omitted

Table of Endnote References

There are currently no endnote references