



Jersey

MISUSE OF DRUGS (SAFE CUSTODY) (JERSEY) ORDER 1981

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

08.680.80

Showing the law from 1 January 2019 to Current



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MISUSE OF DRUGS (SAFE CUSTODY) (JERSEY) ORDER 1981¹

THE HEALTH AND SOCIAL SERVICES COMMITTEE, in pursuance of Article 13 of the [Misuse of Drugs \(Jersey\) Law 1978](#) and after consultation with the Advisory Council on the Misuse of Drugs, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Order –
“controlled drug” has the meaning assigned thereto by Article 3 of the [Misuse of Drugs \(Jersey\) Law 1978](#);
“Minister” has the meaning assigned to it by paragraph (1) of Article 1 of the Law.
- (2) References in this Order to any enactment shall be construed as references to that enactment as amended or extended by or under any other enactment.

2 Safe custody requirement

- (1) Subject to the provisions of paragraph (5), the occupier and every person concerned in the management of any premises on which controlled drugs are kept shall ensure that all the drugs (other than those specified in Schedules 4 and 5 to the Misuse of Drugs (General Provisions) (Jersey) Order 1989) are kept in a locked room, safe, cabinet or other receptacle which is so constructed and maintained, having regard to the nature of the premises, as to prevent unauthorized access to the drugs.²
- (2) The Minister, or any person duly authorized in writing by the Minister in that behalf, may cause any premises on which controlled drugs are kept to be inspected at any reasonable time for the purpose of ascertaining whether the requirements of this Article are being complied with.
- (3) Where the Minister is of the opinion that the requirements of paragraph (1) are not being complied with, or, having regard to the nature

of the premises or any other factor, that the precautions taken are not sufficient to prevent unauthorized access to the drugs, it may, by notice in writing served on the occupier or any other person concerned in the management of the premises, direct the occupier or the person to take such precautions or further precautions in relation to such drugs as may be specified in the notice within the period specified therein.

- (4) For the purposes of paragraph (3), a direction given thereunder may require the making of such structural alterations of such standards and specifications as the Minister considers necessary in all the circumstances.
- (5) This Article does not apply to the following persons –
 - (a) a person engaged in the business of a carrier when acting in the course of that business; or
 - (b) a person engaged in the business of the Minister for Economic Development, Tourism, Sport and Culture when acting in the course of that business.³

3 Citation

This Order may be cited as the Misuse of Drugs (Safe Custody) (Jersey) Order 1981.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Misuse of Drugs (Safe Custody) (Jersey) Order 1981	R&O.6943	1 September 1981
Misuse of Drugs (Safe Custody) (Amendment) (Jersey) Order 1989	R&O.7865	1 March 1989
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016

Table of Endnote References

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- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 2(1)* amended by R&O.7865
- ³ *Article 2(5)* amended by R&O.158/2015