

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Dangerous Drugs (Guernsey) Law, 1966

(Registered on the Records of the Island of Guernsey
on the 10th day of May, 1966.)



1966.

V
1966

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 10th day of May, 1966, before Dr. Francis Coningsby, Lieutenant-Bailiff; present :—Théophile Le Messurier Allez, Bertram Guy Blampied, Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier and William Burton Fox, Esquires, Jurats.

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 6th day of April, 1966, ratifying a *Projet de Loi* entitled "The Dangerous Drugs (Guernsey) Law, 1966", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace

The 6th day of April, 1966.

PRESENT,

The Queen's Most Excellent Majesty.

PRIME MINISTER
LORD PRESIDENT
LORD PRIVY SEAL
MR. SECRETARY LEE
MR. SECRETARY HUGHES
MR. MARSH
MR. PRENTICE
CHANCELLOR OF THE DUCHY OF LANCASTER

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 17th day of March, 1966, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:

‘1. That, in pursuance of their Resolution of the 30th day of June, 1965, the States of Deliberation at a meeting held on the 29th day of September, 1965, approved a Bill or “Projet de Loi” entitled “The Dangerous Drugs (Guernsey) Law, 1966”, which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 18th day of November, 1965, considered the said Bill

or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 19th day of January, 1966, considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Dangerous Drugs (Guernsey) Law, 1966" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Dangerous Drugs (Guernsey) Law, 1966

ARRANGEMENT OF SECTIONS

Section

PART I

INTERPRETATION

1. Interpretation.

PART II

RAW OPIUM, COCA LEAVES, POPPY STRAW,
CANNABIS, ETC.

2. Restriction on importation of drugs to which Part II applies.
3. Restriction on exportation of drugs to which Part II applies.
4. Power of the States to control production, sale, etc., of drugs to which Part II applies.
5. Penalization of permitting premises to be used for smoking cannabis, etc.
6. Penalization of intentional cultivation of cannabis plant.
7. Drugs to which Part II applies.

PART III

PREPARED OPIUM

8. Prohibition of importation and exportation of prepared opium.
9. Penalization of manufacture, sale, use, etc., of prepared opium.
10. Meaning of "prepared opium".

PART IV

OTHER DRUGS, AND INTERMEDIATE
PRODUCTS OF SYNTHESIS THEREOF

11. Restriction on importation and exportation of substances specified in Part I, but not falling within Part II, of Schedule.
12. Power of the States to control manufacture, sale, etc., of substances specified in Part I of Schedule.
13. Power of the States to amend Schedule.

PART V

GENERAL

14. Penalties in relation to the importation or exportation of prohibited or restricted articles.
15. Entry and search of premises, etc., to obtain evidence of offences.
16. General provisions as to offences and penalties.

17. Forfeiture and disposal of articles in respect of which offences are committed.
18. Attempts, etc., to commit offences.
19. Offences by companies.
20. Burden of proving licence, authority, etc.
21. Power of arrest.
22. Licences and authorities.
23. Repeal and variation of Ordinances.
24. Repeals and savings.
25. Citation and commencement.

SCHEDULE: SUBSTANCES DEALINGS IN
WHICH ARE SUBJECT TO CON-
TROL UNDER PART IV OF THIS
LAW.

PROJET DE LOI

ENTITLED

The Dangerous Drugs (Guernsey) Law, 1966

THE STATES, in pursuance of their Resolution of the thirtieth day of June, nineteen hundred and sixty-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

INTERPRETATION

1. (1) In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“authorised pharmacist” means a pharmacist authorised to practice as such in the Island of Guernsey according to the law for the time being in force;

“the Bailiff” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, the Bailiff, a Lieutenant-Bailiff or the Juge Délégué;
- (b) in relation to the Island of Alderney, the Chairman of the Court of Alderney; and
- (c) in relation to the Island of Sark, the Seneschal;

“the Bailiwick” means the Bailiwick of Guernsey;

“the Board” means the States Board of Administration;

- “cannabis”, except where used in the expression “cannabis resin”, means the flowering or fruiting tops of any plant of the genus cannabis from which the resin has not been extracted, by whatever name they may be designated;
- “cannabis resin” means the separated resin, whether crude or purified, obtained from any plant of the genus cannabis;
- “coca leaves” means the leaves of any plant of the genus of the erythroxylaceae from which cocaine can be extracted, either directly or by chemical transformation;
- “the Commission” means the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations;
- “the Dangerous Drugs Law of 1931” means the Law entitled “Loi ayant rapport à l'Importation, l'Exportation, la Manufacture, la Vente et l'Emploi d'Opium et d'autres Drogues Dangereuses dans les Iles du Bailliage” registered on the seventh day of March, nineteen hundred and thirty-one^(a), as amended by the Law entitled “Loi supplémentaire ayant rapport à l'Importation, l'Exportation, la Manufacture, la Vente et l'Emploi d'Opium et d'autres Drogues Dangereuses dans les Iles du Bailliage” registered on the twenty-seventh day of February, nineteen hundred and thirty-two^(b);
- “the Geneva Convention (No. 1)” means the International Opium Convention signed at Geneva on the nineteenth day of February, nineteen hundred and twenty-five;

(a) Ordres en Conseil Vol. IX, p. 421.

(b) Ordres en Conseil Vol. IX, p. 197.

“the Geneva Convention (No. 2)” means the Convention signed at Geneva on the thirteenth day of July, nineteen hundred and thirty-one, being the Convention for the purpose of supplementing the Geneva Convention (No. 1) and the Hague Convention;

“the Hague Convention” means the International Opium Convention signed at the Hague on the twenty-third day of January, nineteen hundred and twelve;

“medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopœia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

“officer of police” means—

- (a) in relation to the Islands of Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
- (b) in relation to the Island of Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney;
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;

“opium-poppy” means the plant of the species *Papaver somniferum* L;

“the Organisation” means the World Health Organisation;

“poppy-straw” means all parts except the seeds of the opium-poppy, after mowing;

“the Protocol” means the Protocol on Narcotic Drugs signed at Lake Success, New York, on the eleventh day of December, nineteen hundred and forty-six;

“raw opium” includes powdered or granulated opium, but does not include medicinal opium;

“the Single Convention” means the Single Convention on Narcotic Drugs signed at New York on the thirtieth day of March, nineteen hundred and sixty-one;

“the States” means the States of Guernsey.

(2) In this Law the expression “corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the Bailiwick to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention or a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the provisions of the Hague Convention, the Geneva Convention (No. 1) and the Geneva Convention (No. 2) as respectively amended by the Protocol; and a statement in any such certificate as aforesaid as to the effect of the law mentioned in the certificate or a statement in any such certificate that any facts constitute an offence against that law shall be conclusive.

(3) The specification in paragraph 1 of the Schedule to this Law of a substance shall, if the existence of isomers of that substance is possible within the specific chemical designation thereof, be

taken to comprehend the specification of any isomer of that substance whose existence is possible as aforesaid; and references in paragraphs 2, 3, 8, 13 and 14 of that Schedule to a substance for the time being specified in the said paragraph 1 shall be construed accordingly.

(4) For the purposes of this Law, an article shall be deemed to be imported under licence or exported under licence if the importer or exporter, as the case may be, is the holder of a licence issued under this Law authorising the importation or exportation, as the case may be, of the article and complies with the conditions, if any, of the licence, but not otherwise.

(5) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law throughout the Bailiwick.

PART II

RAW OPIUM, COCA LEAVES, POPPY-STRAW, CANNABIS, ETC.

2. It shall not be lawful for a person to import into the Bailiwick a drug to which this Part of this Law applies except under a licence granted by the Board.

Restriction
on importa-
tion of drugs
to which
Part II
applies.

3. (1) It shall not be lawful for a person to export from the Bailiwick a drug to which this Part of this Law applies except under a licence granted by the Board.

Restriction
on exporta-
tion of drugs
to which
Part II
applies.

(2) If at any time the importation into a foreign country of a drug to which this Part of this

Law applies is prohibited or restricted by the laws of that country, there shall, while that prohibition or restriction is in force, be attached to every licence which is issued by the Board under this Law authorising the export of that drug from the Bailiwick such conditions as appear to it necessary for preventing or restricting, as the case may be, the exportation of that drug from the Bailiwick to that country during such time as the importation of that drug into that country is so prohibited or restricted, and any such licences issued before the prohibition or restriction came into force shall, if the Board by order so directs, be deemed to be subject to the like conditions.

(3) The Board may at any time revoke any order made under the last preceding subsection.

Power of the States to control production, sale, etc., of drugs to which Part II applies.

4. The States may by Ordinance provide for controlling or restricting the production, possession, sale and distribution of drugs to which this Part of this Law applies, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of any such drug except by persons licensed or otherwise authorised in that behalf by the Board.

Penalization of permitting premises to be used for smoking cannabis, etc.

5. If a person—

- (a) being the occupier of any premises, permits those premises to be used for the purpose of smoking cannabis or cannabis resin or of dealing in cannabis or cannabis resin (whether by sale or otherwise); or
- (b) is concerned in the management of any premises used for any such purpose as aforesaid;

he shall be guilty of an offence against this Law.

6. A person who, except under a licence granted by the Board, knowingly cultivates any plant of the genus cannabis shall be guilty of an offence against this Law.

Penalization of intentional cultivation of cannabis plant.

7. The drugs to which this Part of this Law applies are raw opium, coca leaves, poppy-straw, cannabis, cannabis resin and all preparations of which cannabis resin forms the base.

Drugs to which Part II applies.

PART III

PREPARED OPIUM

8. It shall not be lawful for a person to import into, or to export from, the Bailiwick, any prepared opium.

Prohibition of importation and exportation of prepared opium.

9. If a person—

(a) manufactures, sells or otherwise deals in prepared opium; or

Penalization of manufacture, sale, use, etc., of prepared opium.

(b) has in his possession any prepared opium; or

(c) being the occupier of any premises, permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium; or

(d) is concerned in the management of any premises used for any such purpose as aforesaid; or

(e) has in his possession any pipes or other utensils for use in connection with the smoking of opium or any utensils used in connection with the preparation of opium for smoking; or

- (f) smokes or otherwise uses prepared opium or frequents a place used for the purpose of opium smoking;

he shall be guilty of an offence against this Law.

Meaning of
"prepared
opium".

10. In this Part of this Law the expression "prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked.

PART IV

OTHER DRUGS, AND INTERMEDIATE PRODUCTS OF SYNTHESIS THEREOF

Restriction
on importa-
tion and
exportation
of substances
specified in
Part I, but
not falling
within
Part II,
of Schedule.

11. It shall not, except under a licence granted by the Board, be lawful for a person to import into, or to export from, the Bailiwick a substance for the time being specified in Part I of the Schedule to this Law, other than a preparation or other substance for the time being falling within Part II of that Schedule.

Power of
the States
to control
manufac-
ture, sale,
etc., of
substances
specified in
Part I of
Schedule.

12. (1) For the purpose of preventing the improper use of the substances for the time being specified in Part I of the Schedule to this Law, the States may by Ordinance provide for controlling the manufacture, sale, possession and distribution of those substances, and in particular, but without prejudice to the generality of the foregoing power, for—

- (a) prohibiting the manufacture of a substance for the time being so specified except on premises licensed for the purpose by the Board and subject to any conditions specified in the licence;
- (b) prohibiting the manufacture, sale or distribution of a substance for the time being so

specified except by persons licensed or otherwise authorised under the Ordinance by the Board and subject to any conditions specified in the licence or authority;

- (c) regulating the issue by medical practitioners of prescriptions containing a substance for the time being so specified and the dispensing of any such prescriptions; and
- (d) requiring persons engaged in the manufacture, sale or distribution of a substance for the time being so specified to keep such books and furnish such information either in writing or otherwise as may be prescribed by the Ordinance.

(2) An Ordinance made under this section shall make provision for authorising a person carrying on business in the Islands of Guernsey or Herm as an authorised pharmacist or a person carrying on business in the Islands of Alderney or Sark as a pharmacist, being a person for the time being approved by the Board—

- (a) in the ordinary course of his retail business to manufacture, at any premises for the time being approved by the Board, any preparation, admixture or extract of a substance for the time being specified in Part I of the Schedule to this Law; or
- (b) to carry on at any such premises as aforesaid the business of retailing, dispensing or compounding any such substance;

subject to the power of the Board to withdraw the authorisation in the case of a person who has been convicted of an offence against this Law or the Dangerous Drugs Law of 1931 and who cannot, in the opinion of the Board, properly be allowed to

carry on the business of manufacturing or selling or distributing, as the case may be, any such substance.

Power of the
States to
amend
Schedule.

13. If—

- (a) it appears to the States that a decision of the Commission or of the Organisation to alter any of the Schedules to the Single Convention or to apply to a substance measures of control applicable under that Convention to substances specified in Schedule I thereto, requires the addition of a substance to, or the removal of a substance from, Part I or Part II of the Schedule to this Law or both the removal of a substance from Part I of that Schedule and the removal of a substance from Part II thereof; or
- (b) it appears to the States probable that there will be taken such a decision as aforesaid of the Commission or of the Organisation as will require the addition of a substance to Part I of the Schedule to this Law and that, in the circumstances of the case, it is expedient to anticipate the decision;

the States may by Ordinance make the requisite modifications in the Schedule to this Law.

PART V

GENERAL

Penalties in
relation to
the importa-
tion or ex-
portation of
prohibited
or restricted
articles.

14. (1) If any person—

- (a) unships or lands in the Bailiwick or unloads from any aircraft in the Bailiwick or removes from their place of importation or from any place for the time being

designated by the Board for the deposit of goods not yet cleared from customs charge, any articles imported contrary to any prohibition or restriction for the time being in force under this Law; or

- (b) assists or is otherwise concerned in such unshipping, landing, unloading or removal; or
- (c) imports or is concerned in importing any such articles, whether or not the articles are unloaded;

then, if he does so with intent to evade any such prohibition or restriction, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding three times the value of the goods or one hundred pounds, whichever is the greater, or to imprisonment for a term not exceeding two years, or to both.

(2) If any articles are—

- (a) exported; or
- (b) brought to any place in the Bailiwick for the purpose of being exported;

and the exportation is or would be contrary to any prohibition or restriction for the time being in force with respect to those articles under this Law, the exporter or intending exporter of those articles and any agent of his concerned in the exportation or intended exportation shall each be guilty of an offence and liable, on conviction, to a fine not exceeding three times the value of the articles or one hundred pounds, whichever is the greater.

(3) Any person knowingly concerned in the exportation or in the attempted exportation of any articles with intent to evade any such prohibition or restriction for the time being in force with respect to those articles under this Law shall be guilty of

an offence and liable, on conviction, to a fine not exceeding three times the value of the articles or one hundred pounds, whichever is the greater, or to imprisonment for a term not exceeding two years, or to both.

(4) If any person—

(a) knowingly and with intent to evade any prohibition or restriction for the time being in force under this Law with respect thereto, acquires possession of, or is in any way concerned in carrying, removing, depositing, harbouring, keeping or concealing or in any manner dealing with any articles with respect to the importation or exportation of which any prohibition or restriction is for the time being in force as aforesaid;

or

(b) is, in relation to any articles, in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any such prohibition or restriction as aforesaid;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding three times the value of the articles or one hundred pounds, whichever is the greater, or to imprisonment for a term not exceeding two years, or to both.

(5) For the purposes of this section, in determining the amount of a fine by reference to the value of any article, that value shall be taken to be the price which that article might reasonably be expected to have fetched if it had been sold in the open market at or about the date of the commission of the offence for which the fine is imposed.

(6) Any person convicted in the same proceedings of more than one offence under this section

shall be liable to the punishment prescribed by this section for each such offence of which he is convicted.

(7) In this section the expression "exporter", in relation to articles for exportation, includes the shipper of the articles and any person performing in relation to an aircraft functions corresponding to those of a shipper.

15. (1) Any person authorised in that behalf by a general or special order of the Board shall, for the purposes of the execution of Parts II, III and IV of this Law have power to enter the premises of a person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which Part II or III of this Law applies or any substances for the time being specified in Part I of the Schedule to this Law, and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs or substances and to inspect any stocks of any such drugs or substances.

Entry and search of premises, etc., to obtain evidence of offences.

(2) If the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting—

- (a) that any drugs to which Part II or III of this Law applies or any substances for the time being specified in Part I of the Schedule to this Law are, in contravention of the provisions of this Law or any Ordinance made thereunder, in the possession or under the control of a person in any premises; or
- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence against this Law, or in the

case of a transaction or dealing carried out or intended to be carried out in a place outside the Bailiwick, an offence against the provisions of a corresponding law in force in that place, is in the possession or under the control of a person in any premises;

he may grant a search warrant authorising any officer of police named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence against this Law has been committed in relation to any such drugs or substances as aforesaid which may be found in the premises or in the possession of any such persons, or that a document which may be so found is such a document as is mentioned in paragraph (b) of this subsection, to seize and detain those drugs or substances or that document, as the case may be.

(3) If a person wilfully delays or obstructs a person in the exercise of his powers under this section or fails to produce, or conceals or attempts to conceal, any such books, stocks, drugs, substances or documents as aforesaid, he shall be guilty of an offence against this Law.

General provisions as to offences and penalties.

16. (1) A person—

- (a) who acts in contravention of, or fails to comply with, an Ordinance made under this Law; or
- (b) who acts in contravention of, or fails to comply with, the conditions of a licence issued or authority granted under, or in pursuance of, this Law; or

- (c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any such licence or authority as aforesaid, makes a declaration or statement which is false in any particular, or knowingly utters, produces or makes use of any such declaration or statement or a document containing the same; or
- (d) who in the Bailiwick aids, abets, counsels or procures the commission in a place outside the Bailiwick of an offence punishable under the provisions of a corresponding law in force in that place, or does an act preparatory to, or in furtherance of, an act which if committed in the Bailiwick would constitute an offence against this Law;

shall be guilty of an offence against this Law.

(2) Subject to the provisions of the next succeeding subsection, every person guilty of an offence against this Law, not being an offence under section fourteen of this Law (which relates to penalties in relation to the importation or exportation of prohibited or restricted articles), shall, in respect of each offence, be liable—

- (a) on conviction on indictment, to a fine not exceeding one thousand pounds or to imprisonment for a period not exceeding ten years, or to both such fine and imprisonment; or
- (b) on summary conviction, to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

(3) No person shall, on conviction for an offence against this Law consisting in a contravention of, or failure to comply with, any provision of any Ordinance under this Law relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which Part II or III of this Law applies or substances for the time being specified in Part I of the Schedule to this Law, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against this Law.

Forfeiture
and disposal
of articles
in respect
of which
offences are
committed.

17. A person convicted of an offence against this Law shall forfeit to Her Majesty all articles in respect of which the offence was committed and the court before which he is convicted may order those articles to be destroyed or otherwise disposed of as the court thinks fit.

Attempts,
etc., to
commit
offences.

18. If a person attempts to commit an offence against this Law, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable on summary conviction to the same punishment and forfeiture as if he had committed an offence against this Law.

Offences by
companies.

19. Where a person convicted of an offence against this Law is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

20. For the avoidance of doubt it is hereby declared that in any proceedings against a person for an offence against this Law it is not necessary to negative by evidence a licence, authority or other matter of exception or defence, and that the burden of proving any such matter lies on the person seeking to avail himself thereof.

Burden of proving licence, authority, etc.

21. An officer of police may arrest without warrant a person who has committed, or attempted to commit, or is reasonably suspected by the officer of police of having committed or attempted to commit, an offence against this Law, if he has reasonable ground for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to, and cannot be ascertained by, him.

Power of arrest.

22. A licence or authority issued or granted for the purposes of this Law by the Board may be issued or granted on such terms and subject to such conditions (including, in the case of a licence, the payment of a fee) as the Board thinks proper.

Licences and authorities.

23. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Repeal and variation of Ordinances.

24. (1) The Law entitled "Loi ayant rapport à l'Importation, l'Exportation, la Manufacture, la Vente et l'Emploi d'Opium et d'autres Drogues Dangereuses dans les Iles du Bailliage" registered on the seventh day of March, nineteen hundred and thirty-one, and the Law entitled "Loi supplémentaire ayant rapport à l'Importation, l'Exportation, la Manufacture, la Vente et l'Emploi d'Opium

Repeals and savings.

et d'autres Drogues Dangereuses dans les Iles du Bailliage, 1931 " registered on the twenty-seventh day of February, nineteen hundred and thirty-two, are hereby repealed.

(2) In so far as any licence issued, authority or warrant granted or other thing done under the Dangerous Drugs Law of 1931 could have been issued, granted or done under a corresponding provision of this Law, it shall not be invalidated by the repeal effected by subsection (1) of this section, but shall have effect as if it had been issued, granted or done under that corresponding provision.

(3) Any document referring to an enactment repealed by this Law shall, so far as may be necessary for preserving the effect thereof, be construed as referring, or as including a reference, to the corresponding provision of this Law.

Citation and
commence-
ment.

25. (1) This Law may be cited as the Dangerous Drugs (Guernsey) Law, 1966.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

SCHEDULE

SUBSTANCES DEALINGS IN WHICH ARE
SUBJECT TO CONTROL UNDER PART IV
OF THIS LAW

PART I

SUBSTANCES DEALINGS IN WHICH ARE
SUBJECT TO CONTROL EXCEPT, IN THE
CASE OF ANY SPECIFIED IN PART II
BELOW, AS REGARDS IMPORTATION
AND EXPORTATION

1. The following substances, namely:—

Acetyldihydrocodeine.	Diethylthiambutene.
Allylprodine.	Dihydrocodeine.
Alphacetylmethadol.	Dihydromorphine.
Alphameprodine.	Dimenoxadole.
Alphamethadol.	Dimepheptanol.
Alphaprodine.	Dimethylthiambutene.
Anileridine.	Dioxaphetyl butyrate
	Diphenoxylate.
Benzethidine.	Dipipanone.
Benzylmorphine (3-benzylmor- phine).	Ecgonine.
Betacetylmethadol.	Ethylmethylthiambutene.
Betameprodine.	Ethylmorphine (3-ethylmor- phine).
Betamethadol.	Etonitazene.
Betaprodine.	Etoperidine.
Clonitazene.	
Cocaine.	Fentanyl.
Codeine.	Furethidine.
Desomorphine.	Hydrocodone (dihydrocodei- none).
Dextromoramide.	Hydromorphenol.
Dextropropoxyphene.	Hydromorphone.
Diamorphine.	Hydroxypethidine.
Diampromide (N-[2-(N-methyl- phenethylamino) propyl] pro- pionanilide).	Isomethadone.

Ketobemidone.	Pethidine.
Levomethorphan.	Phenadoxone.
Levomoramide.	Phenampromide.
Levophenacymorphan.	Phenazocine.
Levorphanol.	Phenomorphan.
	Phenoperidine.
Metazocine.	Pholcodine.
Methadone.	Piminodine.
Methadyl acetate.	Proheptazine.
Methyldesorphine.	Properidine (1-methyl-4-phenyl-
Methyldihydromorphine	piperidine-4-carboxylic acid
(6-methyldihydromorphine).	isopropyl ester).
Metopon.	Racemethorphan.
Morpheridine.	Racemoramide.
Morphine.	Racemorphan.
Morphine methobromide, mor-	
phine-N-oxide and other pen-	Thebacon.
tavalent nitrogen morphine	Thebaine.
derivatives.	Trimeperidine.
Myrophine.	4-Cyano-2-dimethylamino-4, 4-
	diphenylbutane.
Nicocodine.	
Nicomorphine (3, 6-dinicotinoyl-	4-Cyano-1-methyl-4-phenyl-
morphine).	piperidine.
Noracymethadol.	1-Methyl-4-phenylpiperidine-4-
Norcodeine.	carboxylic acid.
Norlevorphanol.	
Normethadone.	2-Methyl-3-morpholino-1, 1-
Normorphine.	diphenylpropanecarboxylic acid.
Norpipanone.	4-Phenylpiperidine-4-carboxylic
	acid ethyl ester.
Oxycodone.	
Oxymorphone.	

2. Any ester (other than one expressly mentioned in paragraph 1 above) or ether (other than one so mentioned) of a substance for the time being specified in that paragraph.

3. Any salt of a substance for the time being specified in paragraph 1 or 2 above.

4. Any derivative of ecgonine which is convertible to ecgonine or to cocaine.

5. Concentrate of poppy-straw (that is to say, the material arising when poppy-straw has entered into a process for the concentration of its alkaloids).

6. Medicinal opium.

7. Any extract or tincture of cannabis.

8. Any preparation, admixture, extract or other substance containing any proportion of a substance for the time being specified in paragraph 1 above or in any of paragraphs 2 to 7 above.

PART II

PREPARATIONS AND OTHER SUBSTANCES FALLING WITHIN PART I WHOSE IMPORTATION AND EXPORTATION ARE EXCEPTED FROM CONTROL

9. (1) A preparation of not more than one of the substances to which this paragraph applies, when—

(a) compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and that the substance cannot be recovered by readily applicable means or in a yield which would constitute a risk to health; and

(b) containing not more than 100 milligrammes of the substance per dosage unit and with a concentration of not more than 2.5 per cent. in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dextropro-

poxyphene, dihydrocodeine, ethylmorphine (3-ethylmorphine), norcodeine, pholcodine and their respective salts.

10. A preparation of cocaine containing not more than 0.1 per cent. of cocaine calculated as cocaine base, being a preparation compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse, and that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

11. A preparation of medicinal opium or of morphine containing (in either case) not more than 0.2 per cent. of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other ingredients in such a way that the preparation has no, or a negligible, risk of abuse and that the opium or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

12. Solid dose preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate.

13. Pulvis Ipecacuanhae et Opii Compositus:—

10 per cent. opium, in powder,

10 per cent. ipecacuanha root, in powder,
well mixed with

80 per cent. of any other powdered ingredient containing neither a drug to which Part II or III of this Law applies nor a

substance for the time being specified in paragraph 1 of this Schedule or in any of paragraphs 2 to 8 thereof.

14. Mixtures containing not more than one of the preparations specified in paragraphs 9 to 13 above, being mixtures whereof none of the other ingredients is either a drug to which Part II or III of this Law applies or a substance for the time being specified in paragraph 1 of this Schedule or in any of paragraphs 2 to 8 thereof.

R. H. VIDELO,

Her Majesty's Greffier.