



Jersey

# **MISUSE OF DRUGS (JERSEY) LAW 1978**

## **Official Consolidated Version**

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Jersey

## MISUSE OF DRUGS (JERSEY) LAW 1978

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Jersey

## MISUSE OF DRUGS (JERSEY) LAW 1978<sup>1</sup>

A **LAW** to make provision with respect to dangerous or otherwise harmful drugs and for matters connected therewith

Commencement [[see endnotes](#)]

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### 1 Interpretation

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

“cannabis” (except in the expression “cannabis resin”) means any plant of the genus *Cannabis* or any part of any such plant, but does not include cannabis resin or any of the following products after separation from the rest of the plant, namely –

- (a) mature stalk of any such plant;
- (b) fibre produced from mature stalk of any such plant; and
- (c) seed of any such plant;

“cannabis resin” means the separated resin, whether crude or purified, obtained from any plant of the genus *Cannabis*;

“controlled drug” has the meaning assigned thereto by Article 3;

“Convention state” means a state other than the United Kingdom which is a party to the Vienna Convention;

“Customs and Excise Law” means the [Customs and Excise \(Jersey\) Law 1999](#);

“doctor” means a registered person within the meaning of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);

“drug trafficking” means carrying out, or being concerned in, any of the following activities, whether in Jersey or elsewhere –

- (a) producing or supplying a controlled drug in contravention of Article 5 of this Law or a corresponding law;
- (b) transporting or storing a controlled drug where possession of the drug contravenes Article 8(1) of this Law or a corresponding law;

- (c) importing or exporting goods where the importation or exportation is prohibited by Article 10A of this Law, Article 31(5) of the [Proceeds of Crime \(Jersey\) Law 1999](#), or a corresponding law;
- (d) manufacturing or supplying a scheduled substance where such manufacture or supply –
  - (i) amounts to the commission of an offence under Article 6 of this Law or a corresponding law, or
  - (ii) would be such an offence if it took place in Jersey;
- (e) illicit traffic in a controlled drug by means of a ship in circumstances which amount to the commission of an offence under Article 11B of this Law;

“enactment” includes an enactment of the United Kingdom;

“Medical Officer of Health” means the person appointed as such under the [Loi \(1934\) sur la Santé Publique](#);

“Minister” means the Minister for Health and Social Services;

“person lawfully conducting a retail pharmacy business” shall be construed in accordance with Article 68 of the [Medicines \(Jersey\) Law 1995](#);

“police officer” means a member of the Honorary Police or the States of Jersey Police Force;

“practitioner” means a doctor, dentist or veterinary surgeon;

“premises” includes a vessel, any offshore installation, and any tent or movable structure;

“prepared opium” means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

“prescribed” means prescribed by Order;

“produce” where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method, and “production” shall be construed accordingly;

“scheduled substance” has the meaning assigned thereto by Article 6(3);

“supplying” includes distributing;

“veterinary surgeon” means a recognized veterinary surgeon under the [Veterinary Surgeons \(Jersey\) Law 1999](#);

“Vienna Convention” means the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which was signed in Vienna on 20th December 1988.<sup>2</sup>

- (2) References in this Law to misusing a drug are references to a person misusing it by taking it by way of any form of self-administration, whether or not involving assistance by another person.
- (3) For the purposes of this Law any thing which a person has in his or her possession shall be taken to include any thing subject to the person’s control which is in the custody of another.
- (4) Any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

- (5) In this Law, “corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Jersey (in paragraph (6), “a corresponding law certificate”) to be a law in force and providing for the control and regulation in that country –
- (a) of the production, supply, use, export, or import of drugs and other substances, in accordance with the Single Convention on Narcotic Drugs signed at New York on 30th March 1961; or
  - (b) of the production, supply, use, export or import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention, or other agreement or arrangement to which the government of that country and the States of Jersey are for the time being parties.<sup>3</sup>
- (6) A statement in a corresponding law certificate that any facts constitute an offence against the corresponding law in question shall be evidence of the matters stated.<sup>4</sup>
- (7) If, in any proceedings under this Law, the question arises whether a country or territory is a state or is a party to the Vienna Convention, a certificate issued by the Secretary of State shall be conclusive in determining that question; and for this purpose “Secretary of State” means –
- (a) Her Majesty’s Secretary of State for the Home Department; or
  - (b) Her Majesty’s Secretary of State for any other government department, or any Minister of the Crown, to whom the functions of the Secretary of State for the Home Department are transferred.<sup>5</sup>

## **2 Constitution of Advisory Council on Misuse of Drugs**

- (1) There shall be constituted in accordance with Schedule 1 an Advisory Council on the Misuse of Drugs (in this Law referred to as “the Council”) and the supplementary provisions contained in that Schedule shall have effect in relation to the Council.
- (2) It shall be the duty of the Council to keep under review the situation in Jersey with respect to drugs which are, or appear to it likely to be, misused, and of which the misuse is having, or appears to it capable of having, harmful effects sufficient to constitute a social problem, and to give to the Minister, where either the Council considers it expedient to do so or it is consulted by the Minister, advice on the measures which, in the opinion of the Council, ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which, in the opinion of the Council, ought to be taken –
- (a) for restricting the availability of such drugs or supervising the arrangements for their supply;
  - (b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;
  - (c) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in dealing with social problems connected with the misuse of such drugs;
  - (d) for educating the public, and in particular, the young, in the dangers of misusing such drugs, and for giving publicity to those dangers;

- (e) for obtaining information about any matter which, in the opinion of the Council, is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse.
- (3) For the purposes of carrying out its functions under paragraph (2) of this Article, the Council may, from time to time, consult with the Advisory Council on the Misuse of Drugs set up by the Misuse of Drugs Act, 1971 of the United Kingdom.
- (4) It shall also be the duty of the Council to consider any matter relating to drug dependance or the misuse of drugs which may be referred to it by the Minister and to advise the Minister thereon, and in particular to consider and advise the Minister with respect to any communication referred to it, being a communication relating to the control of any dangerous or otherwise harmful drug made by any organisation or authority established by or under any treaty, convention or other agreement or arrangement.
- (5) The States may by Regulations amend Schedule 1.

### **3 Controlled drugs and their classification**

- (1) For the purposes of this Law –
  - (a) the expression “controlled drug” means any substance or product for the time being specified in Parts 1, 2 or 3 of Schedule 2;
  - (b) the expressions “Class A drug”, “Class B drug” and “Class C drug” mean any of the substances and products for the time being specified respectively in Part 1, Part 2 or Part 3 of that Schedule,and the provisions of Part 4 of that Schedule shall have effect with respect to the meanings of expressions used in that Schedule.
- (2) The Minister may by Order make such amendments to Schedule 2 as may be requisite for the purpose of adding any substance or product to, or removing any substance or product from, any of Parts 1, 2 or 3 of that Schedule.
- (3) An Order under this Article may amend Part 4 of Schedule 2, and may do so whether or not it amends any other part of that Schedule.

### **4 Restrictions on importation or exportation of controlled drugs**

- (1) Subject to the provisions of paragraph (2) the importation or exportation of a controlled drug is hereby prohibited.
- (2) Paragraph (1) does not apply –
  - (a) to the importation or exportation of a controlled drug which is for the time being exempted from the provisions of paragraph (1) by an Order made under Article 12; or
  - (b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Minister and in compliance with any conditions attached thereto.

## **5 Restrictions on production and supply of controlled drugs**

Subject to the provisions of any Order for the time being in force under Article 12, it is an offence for a person –

- (a) to produce or be concerned in the production of a controlled drug;
- (b) to supply or offer to supply a controlled drug to any person; or
- (c) to be concerned in the supplying of, or in the making of an offer to supply, a controlled drug to any person.

## **6 Manufacture and supply of scheduled substances<sup>6</sup>**

- (1) It is an offence for a person –
  - (a) to manufacture a scheduled substance; or
  - (b) to supply such a substance to another person,  
knowing or suspecting that the substance is to be used in or for the unlawful production of a controlled drug.
- (2) In this Article “unlawful production of a controlled drug” means the production of such a drug which is unlawful by virtue of Article 5(a).
- (3) In this Law “a scheduled substance” means a substance for the time being specified in Schedule 5.
- (4) The States may by Regulations amend Schedule 5 (whether by addition, deletion or transfer from one Table to the other) but no such Regulations shall add any substance to the Schedule unless –
  - (a) it appears to the States to be frequently used in or for the unlawful production of a controlled drug; or
  - (b) it has been added to the annex to the Vienna Convention under Article 12 of that Convention.
- (5) <sup>7</sup>

## **7 Orders about scheduled substances<sup>8</sup>**

- (1) The Minister may by Order make provision –
  - (a) imposing requirements as to the documentation of transactions involving scheduled substances;
  - (b) requiring the keeping of records and the furnishing of information with respect to such substances;
  - (c) for the inspection of records kept pursuant to the Order;
  - (d) for the labelling of consignments of scheduled substances.
- (2) Orders made under paragraph (1)(b) may, in particular, require –
  - (a) the notification of –
    - (i) the proposed exportation from Jersey to any country specified in the Order, or



- (ii) the arranging or procuring, in Jersey, of the proposed exportation from any other country to any country specified in the Order, of any substance specified in Table 1 of Schedule 5; and
  - (b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given,
- and for the purposes of Article 37 of the Customs and Excise Law any such substance shall be deemed to be exported contrary to a restriction for the time being in force with respect to it under this Law if it is exported without the requisite notification having been given.<sup>9</sup>
- (3) Orders under this Article may make different provision in relation to the substances specified in Table 1 and Table 2 in Schedule 5 respectively and in relation to different cases or circumstances.
  - (4) Any person who fails to comply with any requirement imposed by an Order under this Article, or in purported compliance with any such requirement, furnishes information which the person knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence.
  - (5) No information obtained pursuant to an Order shall be disclosed except for the purposes of criminal proceedings or of proceedings under –
    - (a) the provisions of Part 2 of the [Proceeds of Crime \(Jersey\) Law 1999](#) relating to the confiscation of the proceeds of criminal conduct; or
    - (b) the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008.<sup>10</sup>

## **8 Restrictions on possession of controlled drugs**

- (1) Subject to the provisions of any Order for the time being in force under Article 12, it is an offence for a person to have a controlled drug in his or her possession.
- (2) It is an offence for a person to have a controlled drug in his or her possession, whether lawfully or not, with intent to supply it to another person in contravention of Article 5(b).
- (3) In any proceedings for an offence under paragraph (1) in which it is proved that the accused had a controlled drug in his or her possession, it shall be a defence for the accused to prove –
  - (a) that, knowing or suspecting it to be a controlled drug, the accused took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it the accused took all such steps as were reasonably open to him or her to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it; or
  - (b) that, knowing or suspecting it to be a controlled drug, the accused took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it the accused took all such steps as were reasonably open to him or her to deliver it into the custody of such a person.
- (4) The provisions of paragraph (3) of this Article shall apply in the case of proceedings for an offence under Article 21(4) as they apply in the case of proceedings for an offence under paragraph (1) of this Article, subject to the following modifications –

- (a) for the reference to the accused having in his or her possession, and to the accused's taking possession of, a controlled drug, there shall be substituted respectively references to the accused's attempting to get, and to him or her attempting to take, possession of such a drug; and
  - (b) in paragraph (3)(a) and (b) the words from "and that as soon as possible" to the end of those sub-paragraphs shall be omitted.
- (5) Nothing in paragraph (3) shall prejudice any other defence which it is open to a person charged with an offence under this Article to raise.

## **9 Prohibition of certain activities relating to opium**

It is an offence for a person –

- (a) to smoke or otherwise use prepared opium;
- (b) to frequent a place used for the purpose of opium smoking;
- (c) to have in the person's possession –
  - (i) any pipes or other utensils made or adapted for use in connection with the smoking of opium, being pipes or utensils which have been used by the person or with his or her knowledge and permission in that connection or which he or she intends to use or permit others to use in that connection, or
  - (ii) any utensils which have been used by the person or with his or her knowledge and permission in connection with the preparation of opium for smoking.

## **10 Prohibition on possession of utensils for the purposes of committing an offence**

It is an offence for a person to have in his or her possession any needle, syringe or other utensil for the purposes of committing an offence against this Law.

## **10A Prohibition on importation and exportation of goods for use in drug trafficking<sup>11</sup>**

The importation or exportation of goods intended by any person for use in drug trafficking is prohibited.

## **11 Occupier of premises**

A person commits an offence if, being the occupier or concerned in the management of any premises, the person knowingly permits or suffers any of the following activities to take place on those premises –

- (a) producing or attempting to produce or supplying or attempting to supply a controlled drug in contravention of Article 5;
- (b) preparing opium for smoking;
- (c) smoking cannabis, cannabis resin or prepared opium.

**11A Offences committed on Jersey ships<sup>12</sup>**

- (1) Anything which, if it were done on land in Jersey, would constitute an offence listed in paragraph (2) of this Article shall constitute that offence if done on a Jersey ship.
- (2) This is the list of offences mentioned in paragraph (1) –
  - (a) an offence under any of Articles 5, 6, 8(2) or 21(5) of this Law;
  - (b) an offence under Article 61 of the [Customs and Excise \(Jersey\) Law 1999](#) in connection with a prohibition on importation or exportation having effect by virtue of Article 4 of this Law.
- (3) In this Article and in Articles 11B and 11D, “Jersey ship” means a ship registered in Jersey.

**11B Use of ships for illicit traffic of drugs<sup>13</sup>**

- (1) It is an offence for a person, knowing or having reasonable grounds to suspect that a controlled drug is intended to be imported or has been exported contrary to Article 4 of this Law or the law of any other state or territory –
  - (a) to have in possession a controlled drug; or
  - (b) to be in any way knowingly concerned in the carrying or concealing of a controlled drug,on a ship to which this Article applies.
- (2) This Article applies to the following ships –
  - (a) a Jersey ship;
  - (b) a ship registered in the United Kingdom or an Overseas Territory of the United Kingdom, Guernsey, or the Isle of Man;
  - (c) a ship registered in a Convention state; and
  - (d) a ship not registered in any country or territory.
- (3) A certificate issued by or on behalf of the government of a state or territory other than Jersey to the effect that importation or exportation of a controlled drug is contrary to the law of that state or territory shall be evidence to that effect for the purposes of proceedings in Jersey.

**11C Jurisdiction in respect of offences on ships<sup>14</sup>**

- (1) Proceedings under Article 11A or 11B in respect of an offence on a ship may be taken, and the offence may be treated as having been committed, within Jersey.
- (2) The location of a ship is immaterial for the purpose of establishing whether an offence under Article 11B has been committed.
- (3) Section 3 of the Territorial Waters Jurisdiction Act 1878 of the United Kingdom shall not apply to any proceedings under Article 11A or 11B.
- (4) Enforcement powers shall not be exercised outside the territorial sea of Jersey in relation to a ship registered in a Convention state except with the authority of the Attorney General, which shall not be given unless, in relation to that ship, the Convention state has –

- (a) requested assistance from Jersey for the purpose mentioned in paragraph (1) of this Article; or
  - (b) authorized Jersey to act for that purpose.
- (5) In giving such authority, the Attorney General may impose such conditions or limitations on the exercise of enforcement powers as may be necessary to give effect to any conditions or limitations imposed by the Convention state.
- (6) Whether in response to a request from a Convention state or of the Attorney General's own motion, the Attorney General may authorize a Convention state to exercise, in relation to a Jersey ship, powers corresponding to the enforcement powers, subject to such conditions or limitations as the Attorney General may impose.
- (7) The enforcement powers shall not be exercised in the territorial sea of another country or territory except with the authority of the Attorney General, which shall not be given unless the country or territory concerned has agreed to such exercise of the powers.
- (8) The Attorney General may delegate to the Agent of the Impôts by instrument in writing all or any of the Attorney General's functions under this Article, subject to such conditions or limitations as may be specified in the instrument.
- (9) In this Article, "enforcement powers" means the powers conferred by Article 19A.

## **12 Authorization of activities otherwise unlawful under this Law**

- (1) The Minister may by Order –
  - (a) exempt from the provisions of Article 4(2)(a) or 8(1) such controlled drugs as may be specified in the Order;
  - (b) make such other provision as the Minister thinks fit for the purpose of making it lawful for persons to do things which under Article 5 or 8(1) it would otherwise be unlawful for them to do.
- (2) Without prejudice to the generality of paragraph (1)(b), any Order under this Article authorizing the doing of any such thing as is mentioned in that sub-paragraph may in particular provide for the doing of that thing to be lawful –
  - (a) if it is done in accordance with the terms of a licence granted by the Minister and in compliance with any conditions attached thereto; or
  - (b) if it is done in compliance with such conditions as may be prescribed.
- (3) Subject to the provisions of paragraph (4), the Minister shall exercise his or her power to make Orders under paragraph (1)(b) so as to secure –
  - (a) that it is not unlawful under Article 5 for a practitioner acting in the practitioner's capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a pharmacist or a person lawfully conducting a retail pharmacy business, acting in his or her capacity as such, to manufacture, compound or supply a controlled drug;
  - (b) that it is not unlawful under Article 8(1) for a practitioner, pharmacist or person lawfully conducting a retail pharmacy business to have a controlled drug in his or her possession for the purposes of acting in his or her capacity as such.

- (4) If in the case of any controlled drug the Minister is of the opinion that it is in the public interest –
- (a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or
  - (b) for it to be unlawful for practitioners, pharmacists and persons lawfully conducting retail pharmacy businesses to do in relation to that drug any of the things mentioned in paragraph (3) except under a licence or other authority granted by the Minister,
- the Minister may, by Order, designate that drug as a drug to which this paragraph applies and while there is in force an Order under this paragraph designating a controlled drug as one to which this paragraph applies, paragraph (3) shall not apply in relation to that drug.
- (5) In this Article references to a person's "doing" things include references to the person's having things in his or her possession.

### **13 Powers of Minister for preventing misuse of controlled drugs**

- (1) Subject to the provisions of this Law, the Minister may by Order make such provision as appears to him or her necessary or expedient for preventing the misuse of controlled drugs.
- (2) Without prejudice to the generality of paragraph (1), any Order under this Article may, in particular, make provision –
- (a) for requiring precautions to be taken for the safe custody of controlled drugs;
  - (b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;
  - (c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;
  - (d) for the inspection of any records kept in pursuance of any Order made under this Article;
  - (e) for regulating the packaging and labelling of controlled drugs;
  - (f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;
  - (g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the Medical Officer of Health such information relating to those prescriptions as may be specified;
  - (h) for requiring any doctor who attends a person whom the doctor considers, or has reasonable grounds to suspect, is addicted to such controlled drugs as may be prescribed to furnish to the Medical Officer of Health such particulars with respect to that person as may be specified;
  - (i) for prohibiting any doctor from administering, supplying, and authorizing the administration and supply of controlled drugs to persons so addicted, and from

prescribing for such persons such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Minister.

#### **14 Special precautions for safe custody of controlled drugs**

- (1) Without prejudice to any requirement imposed by an Order made under Article 13(2)(a), the Minister, or any person duly authorized in that behalf by the Minister, may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept, give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are kept or are proposed to be kept on those premises.
- (2) Any person who contravenes or who fails to comply with any direction given under this Article shall be guilty of an offence.

#### **15 Power to obtain information from practitioners, pharmacists etc.**

- (1) If it appears to the Minister that there exists in Jersey a social problem caused by the misuse of dangerous or otherwise harmful drugs, the Minister may, by notice in writing served on any practitioner or pharmacist or on any person lawfully conducting a retail pharmacy business, require that person to furnish to the Minister, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be specified relating to the quantities in which and the number and frequency of the occasions on which those drugs were prescribed, administered or supplied by the person, as the case may be.
- (2) A notice under this Article may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a pharmacist or person lawfully conducting a retail pharmacy business, may require the person to furnish the names and addresses of practitioners on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been administered or supplied.
- (3) A person commits an offence if without reasonable excuse, proof of which shall lie on him or her, the person fails to comply with any requirement imposed under this Article.
- (4) A person commits an offence if in purported compliance with a requirement imposed under this Article the person gives any information which he or she knows to be false in a material particular or recklessly gives any such false information.

#### **16 Directions prohibiting prescribing, supplying, etc. of controlled drugs by practitioners, etc. convicted of certain offences**

- (1) Where a practitioner or pharmacist has after the coming into force of this Law been convicted –
  - (a) of an offence under this Law or under the Dangerous Drugs (Jersey) Law 1954 or any enactment repealed by that Law; or

- (b) of an offence under Articles 33, 37 or 61 of the Customs and Excise (General Provisions) (Jersey) Law 1972, in connection with a prohibition or restriction on importation or exportation of a controlled drug having effect by virtue of Article 4 of this Law or which had effect by virtue of any provision contained in or repealed by the Dangerous Drugs (Jersey) Law 1954,

the Minister may give a direction under paragraph (2) of this Article in respect of that person.<sup>15</sup>

- (2) A direction under this Article shall –
  - (a) if that person is a practitioner, be a direction prohibiting the practitioner from having in his or her possession, prescribing, administering, manufacturing, compounding and supplying and from authorizing the administration and supply of such controlled drugs as may be specified in the direction;
  - (b) if that person is a pharmacist, be a direction prohibiting the pharmacist from having in his or her possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.
- (3) Where the Minister proposes to give a direction under this Article, the Minister shall cause notice to this effect to be served on the person to whom it applies.
- (4) Subject to Article 18(2) –
  - (a) a direction given under this Article shall take effect when a copy of it is served on the person to whom it applies; and
  - (b) the Minister shall cause notice of any direction given by him or her under this Article to be published in the Jersey Gazette.
- (5) The Minister may at any time, by notice in writing served on the person to whom it applies, cancel a direction given by the Minister under this Article, and the provisions of paragraph (4)(b) shall apply in the case of any such cancellation as they apply to a direction.
- (6) Any person who contravenes a direction given under this Article shall be guilty of an offence.

## **17 Directions prohibiting prescribing, supply, etc. of controlled drugs by practitioners in other cases**

- (1) The Minister may –
  - (a) in the event of a contravention by a doctor of any Order made under Article 13(2)(h) or (i), or of the terms of a licence issued by the Minister in pursuance of Article 13(2)(i);
  - (b) if it is of the opinion that a practitioner is or has been after the coming into force of this Law, prescribing, administering or supplying or authorizing the administration and supply of, any controlled drug in an irresponsible manner,subject to and in accordance with the following provisions of this Article, give a direction in respect of that person, prohibiting the person from prescribing, administering and supplying and from authorizing the administration and supply of such controlled drugs as may be specified in the direction.

- (2) Where the Minister considers that there are grounds for giving a direction under this Article, he or she shall forthwith request the Bailiff to constitute a Misuse of Drugs Tribunal (hereinafter referred to as ‘the Tribunal’) and the provisions of Schedule 3 shall have effect with respect to the constitution and procedure of the Tribunal, and with respect to the other matters there mentioned.
- (3) When the Tribunal has been duly constituted the Minister shall refer the matter to the Tribunal, and it shall be the duty of the Tribunal to inquire into the matter and to recommend to the Minister whether –
  - (a) no further proceedings should be taken in the matter; or
  - (b) a direction under this Article should be given in respect of the person concerned.
- (4) Where the Tribunal recommends the giving of a direction under this Article it shall state in its report the controlled drugs which it considers should be specified in the direction or may state that the direction should specify all controlled drugs.
- (5) Where the Minister, having considered the recommendation of the Tribunal, decides that no further proceedings should be taken in the matter, he or she shall cause to be served on the person concerned a notice to this effect.
- (6) Where the Minister, having considered the recommendation of the Tribunal, decides to give a direction under this Article, he or she shall cause notice to this effect to be served on the person to whom it applies.
- (7) The provisions of Article 16(4), (5) and (6) shall apply to a direction given under this Article, as they apply under that Article.
- (8) The States may, by Regulations, amend Schedule 3.

## **18 Right of appeal**

- (1) A person in respect of whom a direction has been given under Article 16 or 17 may, within 14 days of receipt of the notice, appeal to the Inferior Number of the Royal Court, either in term or in vacation, against the decision of the Minister on the grounds that, having regard to all the circumstances of the case, the decision of the Minister was unreasonable, and the decision of the Inferior Number of the Royal Court shall be final and without further appeal, but without prejudice to the right of the Inferior Number to refer the matter to the Superior Number of the Royal Court.
- (2) Where notice of appeal has been given under this Article, the provisions of Article 16(4) shall not apply until the hearing has been abandoned or determined, as the case may be.

## **19 Power to search and detain<sup>16</sup>**

- (1) Any person duly authorized in writing in that behalf by the Minister shall, for the purposes of this Law, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any material relating to dealings in any such drugs and to inspect any stocks of any such drugs.<sup>17</sup>
- (2) If it appears to the Bailiff on information on oath that there is reasonable cause to suspect that there is in the possession of a person on any premises –



- (a) a controlled drug, in contravention of this Law; or
- (b) material directly or indirectly relating to, or connected with, drug trafficking or any other transaction or dealing which was, or intended transaction or dealing which would if carried out be, an offence under this Law or (in the case of a transaction or dealing intended to be carried out in a place outside Jersey) under a corresponding law,

the Bailiff may make an order in accordance with paragraph (2A) or may issue a warrant in accordance with paragraph (2B), or both, as the Bailiff thinks fit.<sup>18</sup>

- (2A) An order under this paragraph may order any person who appears to the Bailiff to be in possession of material such as is mentioned in paragraph (2)(b) –

- (a) to produce the material to a police officer or an officer of the Impôts for the officer to take away;
- (b) to give access to the material (including, where the person subject to the order appears to the Bailiff to be entitled to grant such entry, access by entry to any premises) to a police officer or an officer of the Impôts,

within 7 days or such other period as may appear to the Bailiff to be appropriate; and provision may be made by Rules of Court as to the discharge and variation of, and proceedings relating to, orders under this paragraph.<sup>19</sup>

- (2B) A warrant under this paragraph may authorize any police officer or officer of the Impôts, together with any other person named in the warrant, at any time or times within one month from the date of the warrant –

- (a) to enter, if necessary by force, the premises specified in the warrant;
- (b) to search those premises and any persons found to be on the premises;
- (c) if there are reasonable grounds for suspecting that an offence under this Law has been committed in relation to any controlled drug found as a result of the search, to seize and detain the drug;
- (d) if there are reasonable grounds for suspecting that material found as a result of the search is material such as mentioned in paragraph (2)(b), to seize and detain the material.<sup>20</sup>

- (3) Subject to the following provisions of this Article, if a police officer has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Law, or of any Order made thereunder the officer may –

- (a) search that person and detain the person for the purpose of searching him or her;
- (b) search any vehicle or vessel in which the police officer suspects that the drug may be found, and for that purpose may require the person in control of the vehicle or vessel to stop it; and
- (c) seize and detain, for the purposes of proceedings under this Law, anything found in the course of the search which appears to the police officer to be evidence of an offence under this Law.<sup>21</sup>

- (4) An officer of the Impôts or (within the area of the officer's jurisdiction) a port control officer, may assist a police officer in the exercise of the police officer's powers under paragraph (3), but only under that police officer's direction.<sup>22</sup>

- (5) The police officer carrying out a search under paragraph (3)(a) and any officer of the Impôts or port control officer who assists the police officer shall be of the same sex as the person searched.<sup>23</sup>
- (6) Nothing in this Article shall prejudice any power of search or any power to seize or detain property which is exercisable by a police officer apart from this Article.
- (7) Any person who –
  - (a) intentionally obstructs a police officer or other person in the exercise of the police officer's or other person's powers under this Article;
  - (b) conceals from a police officer or other person exercising the police officer's or other person's powers under this Article, any such material, stocks or drugs as are mentioned in paragraph (1); or
  - (c) without reasonable excuse, proof of which shall lie on the person, fails to produce any material when requested so to do by a police officer or other person in the exercise of his or her powers under this Article,shall be guilty of an offence.<sup>24</sup>
- (8) In this Article –
  - (a) "material" includes, but is not limited to, books and documents; and
  - (b) "vessel" includes an aircraft, a hydrofoil and a hovercraft.<sup>25</sup>
- (9) Where material to which paragraphs (2), (2A) and (2B) of this Article relate consists of information contained in a computer –
  - (a) an order for production of or grant of access to the material under paragraph (2A)(a) shall have effect as an order that any person who appears to be in possession or control of the material shall produce it in a form in which it is visible and legible and can be taken away;
  - (b) a warrant authorizing seizure and detention of the material under paragraph (2B)(d) shall be taken also to authorize seizure and detention of the computer and any related hardware containing the information.<sup>26</sup>
- (10) An order under paragraph (2A) and a warrant under paragraph (2B) –
  - (a) shall not confer any right to production of, or access to, material subject to legal professional privilege;
  - (b) shall have effect despite any obligation to secrecy or other restriction upon the disclosure of information, whether imposed by statute or otherwise;
  - (c) may be made in relation to material in the possession of a States Department.<sup>27</sup>

### **19A Additional enforcement powers in respect of offences on ships<sup>28</sup>**

- (1) Powers conferred by this Article are exercisable by an officer in relation to a ship to which Article 11A or 11B applies ("the ship"), for the purpose of –
  - (a) investigating whether or not an offence under either of those Articles has been committed; or
  - (b) taking any action or proceeding in respect of such an offence.
- (2) In this Article and in Article 19B, "officer" means –

- (a) a police officer;
  - (b) such other person of a description specified for the purpose by an Order made by the Minister for Health and Social Services.
- (3) An officer exercising powers conferred by this Article may be accompanied by another person who may, under the officer's supervision, perform any of the officer's functions.
- (4) An officer may require a person in control of a ship –
  - (a) to stop the ship;
  - (b) to take the ship to a port in Jersey or, where the officer is exercising powers with the Attorney General's authority given under Article 11C(4), to a port in the Convention state in question or (if that state has so requested) in any other country or territory willing to accept it; and
  - (c) to take any other action as may be necessary for the fulfilment of a purpose described in sub-paragraph (a) or (b).
- (5) An officer may stop a ship, board it, search it and anyone and anything on it including its cargo, and (without prejudice to the generality of this power or the power in Article 19(3)(b)) in doing so may –
  - (a) open any containers;
  - (b) test or sample anything on the ship;
  - (c) require the production of documents or records relating to the ship or anything on it;
  - (d) make copies of anything of which production may be required under sub-paragraph (c).
- (6) An officer may detain a ship in port and in such a case the officer shall serve notice on the master in writing that the ship is detained until –
  - (a) a time specified in the notice; or
  - (b) such time as the notice is withdrawn by service of a further notice in writing signed by an enforcement officer.
- (7) An officer may arrest anyone whom the officer reasonably suspects is guilty of an offence under Article 11A or 11B, and may seize and detain anything which appears to the officer to be evidence of the offence (and the powers conferred by this paragraph shall be in addition to, and not in derogation of, any other powers conferred on a police officer).
- (8) An officer may use reasonable force in the exercise of powers or functions under this Article.
- (9) An officer exercising powers under this Article shall, if required, produce evidence of authority.
- (10) No liability in any civil or criminal proceedings shall attach to any act of an officer in the purported exercise of powers under this Article, if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (11) It is an offence for a person –
  - (a) intentionally to obstruct an officer in the exercise of powers under this Article;

- (b) to fail without reasonable excuse to comply with a requirement of an officer exercising such powers; or
- (c) in purporting to comply with such a requirement –
  - (i) to make a statement which the person knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
  - (ii) intentionally to fail to disclose any material particular.

### **19B Tipping off<sup>29</sup>**

- (1) It is an offence for a person, who knows or suspects that an officer is acting or proposing to act –
  - (a) in pursuance of an order under Article 19(2A) or a warrant under Article 19(2B); or
  - (b) in the exercise of powers under Article 19A,  
to disclose to any other person the knowledge or suspicion or any other matter or information relating to that action or proposed action.
- (2) The States may by Regulations specify cases in which a disclosure to which paragraph (1) would otherwise apply shall not amount to the commission of an offence.
- (3) Paragraph (1) does not make it an offence –
  - (a) for a professional legal adviser to disclose information or any other matter –
    - (i) to a client or a client's representative in connection with giving legal advice to the client, or
    - (ii) to any person for the purpose of actual or contemplated legal proceedings;
  - (b) for a person who is the client of a professional legal adviser to disclose information or any other matter to that adviser, for either of the purposes mentioned in sub-paragraph (a)(i) or (ii);
  - (c) for a person who is the client of an accountant to disclose information or any other matter to that accountant, for the purpose of enabling him or her to provide any of the services mentioned in paragraph 2(1) of Part B of Schedule 2 to the [Proceeds of Crime \(Jersey\) Law 1999](#),  
except where the information or other matter is disclosed with a view to furthering a criminal purpose.<sup>30</sup>
- (4) A person shall not be guilty of an offence under paragraph (1) in respect of anything done by the person in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Law.

## **20 Accessories and abettors**

Any person who knowingly and wilfully aids, abets, counsels, causes, procures, conspires in or commands the commission of an offence punishable under this Law shall be liable to be dealt with, tried and punished as a principal offender.<sup>31</sup>

## 21 Miscellaneous offences

- (1) It is an offence for a person to contravene or to fail to comply with any Order under this Law.<sup>32</sup>
- (2) It is an offence for a person to fail to comply with a condition or other term of a licence issued under Article 4.<sup>33</sup>
- (3) A person commits an offence if, in purported compliance with any obligation to give information to which the person is subject under or by virtue of any Order made under this Law, the person gives any information which he or she knows to be false in a material particular, or recklessly gives any such false information.
- (4) It is an offence for a person to attempt to commit an offence under any provision of this Law or to incite or attempt to incite another to commit such an offence.
- (5) A person commits an offence if in Jersey the person assists in or induces the commission in any place outside Jersey of an offence punishable under the provisions of a corresponding law in force in that place.
- (6) <sup>34</sup>
- (7) <sup>35</sup>

## 22 Offences by Corporations

Where any offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, the person as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.<sup>36</sup>

## 23 Further power to make Orders

The Minister may by Order make further provision for excluding in such cases as may be prescribed –

- (a) the application of any provision of this Law which creates an offence; or
- (b) the application of Articles 33, 37 and 61 of the Customs and Excise (General Provisions) (Jersey) Law 1972, insofar as they apply in relation to a prohibition or restriction on importation or exportation having effect by virtue of Article 4 of this Law.<sup>37</sup>

## 24 Defences in certain proceedings

- (1) This Article applies to offences under Article 5, Article 8(1) and (2), Article 9 and Article 11B(1).<sup>38</sup>
- (2) Subject to the provisions of paragraph (3), in any proceedings for an offence to which this Article applies it shall be a defence for the accused to prove that the accused neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if the accused is to be convicted of the offence charged.
- (3) Where in any proceedings for an offence to which this Article applies it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove

that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or produce in question was that controlled drug, the accused –

- (a) shall not be acquitted of the offence charged by reason only of proving that the accused neither knew nor suspected nor had reason to suspect that the substance or product in question was the particular controlled drug alleged; but
  - (b) shall be acquitted thereof –
    - (i) if the accused proves that he or she neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug, or
    - (ii) if the accused proves that he or she believed the substance or product in question to be a controlled drug, or a controlled drug of a description, such that, if it had in fact been that controlled drug or a controlled drug of that description, the accused would not at the material time have been committing any offence to which this Article applies.
- (4) Nothing in this Article shall prejudice any other defence which it is open to a person charged with an offence to which this Article applies to raise.

## **25 Service of documents**

- (1) Any notice or other document required or authorized by any provision of this Law to be served on any person may be served on the person either by delivering it to the person or by leaving it at the person's last known address or by sending it by post.
- (2) Any notice or other document so required or authorized to be served on a body corporate shall be duly served if it is served on the secretary or clerk of that body or on such other person as may be deemed appropriate, having regard to the constitution and functions of the body corporate.

## **26 Provisions as to licences**

A licence issued by the Minister for the purposes of this Law or of any Order made thereunder may be, to any degree, general or specific, issued on such terms and subject to such conditions, including the payment of such fee as may be prescribed, as the Minister thinks fit, and may be modified or revoked at any time.

## **27 General provisions as to Orders**

- (1) Any Order made by the Minister under any provision of this Law –
  - (a) may make different provision in relation to different controlled drugs, different classes of persons, different provisions of this Law or other different cases or circumstances;
  - (b) may make the opinion, consent or approval of such authority as may be prescribed, or of any person authorized in such manner as may be prescribed, material for the purposes of any provision of the Order;
  - (c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Minister.

- (2) No Order shall be made under this Law except after consultation with, or on the recommendation of, the Council.
- (3) The [Subordinate Legislation \(Jersey\) Law 1960](#) shall apply to Orders made under this Law.

## 28 Penalties

- (1) Schedule 4 shall have effect in accordance with the following provisions of this Article, with respect to penalties for offences under this Law.
- (2) In relation to an offence under a provision of this Law specified in the first column of Schedule 4, the general nature of the offence being described in the second column –
  - (a) the third, fourth and fifth columns show respectively the punishments which may be imposed on a person convicted of the offence, according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug; and
  - (b) the sixth column shows the punishments which may be imposed on a person convicted of an offence, whether or not the offence was committed in relation to a controlled drug and, if it was so committed, irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug.

## 29 Forfeiture

The Court before which a person is convicted of an offence under this Law may order anything shown to its satisfaction to relate to the offence, to be forfeited and either destroyed or dealt with in such manner as the Court may order.

## 30 Financial provisions

All expenses incurred in the carrying into effect of this Law shall be defrayed out of the Annual Income of the States.

## 31 Savings and transitional provisions

- (1) Any Order made under Article 3 or 9 of the Dangerous Drugs (Jersey) Law 1954, or Article 2 of the Drugs (Prevention of Misuse) (Jersey) Law 1964, and any licence issued, or other thing done under or by virtue of any provision of the said Articles, shall be deemed for the purposes of this Law to have been made, issued, or done, as the case may be, under the corresponding provisions of this Law.
- (2) As from the coming into force of Article 4 any licence granted for the purposes of Article 5 of the Drugs (Prevention of Misuse) (Jersey) Law 1964, or Article 1, 2 or 8 of the Dangerous Drugs (Jersey) Law 1954, shall have effect as if granted for the purposes of Article 4 of this Law.
- (3) Subject to the provisions of paragraphs (1) and (2), and without prejudice to the generality of Article 27(1)(c), any Order made by the Minister under any provision of this Law may include such provision as the Minister thinks fit for effecting the transition from any provision made by or by virtue of the enactments repealed by

this Law, and in particular may provide for the continuation in force, with or without modification, of any licence or other authority issued or having effect as if issued under or by virtue of any of those enactments.

- (4) For the purposes of the enforcement of the enactments repealed by this Law as regards anything done or omitted before their repeal, any powers of search, entry, inspection, seizure or detention conferred by those enactments shall continue to be exercisable as if those enactments were still in force.

## **32 Citation**

This Law may be cited as the Misuse of Drugs (Jersey) Law 1978.



## SCHEDULE 1

(Article 2)

### Constitution of Advisory Council on Misuse of Drugs

1. The members of the Council, of whom there shall be not less than 10, shall be appointed by the Bailiff after consultation with the Minister and such other bodies as the Bailiff considers appropriate, and shall include –
  - (a) the Attorney General and the Medical Officer of Health;
  - (b) in relation to each of the activities specified in paragraph 2, at least one person appearing to the Bailiff to have wide and recent experience of that activity; and
  - (c) persons appearing to the Bailiff to have wide and recent experience of social problems connected with the misuse of drugs.
2. The activities referred to in paragraph 1(b) are –
  - (a) the practice of medicine (other than veterinary medicine);
  - (b) the practice of dentistry;
  - (c) the practice of veterinary medicine;
  - (d) the practice of pharmacy;
  - (e) chemistry (other than pharmaceutical chemistry).
3. The Bailiff shall appoint one of the members of the Council to be chairman.
4. The Council may appoint sub-committees, which may consist in part of persons who are not members of the Council to consider and report to the Council on any matter referred to them by the Council.
5. At a meeting of the Council the quorum shall be 5.
6. Subject to the foregoing provisions of this Schedule the Council may determine its own procedure.

### Financial provisions

7. The Minister may pay to the members of the Council such remuneration as may be prescribed and defray such expenses of the Council as the Minister may determine, and may provide such accommodation for the Council as the Minister thinks fit.

**SCHEDULE 2**

(Article 3)

**CONTROLLED DRUGS****PART 1<sup>39</sup>****CLASS A DRUGS**

1. The following substances and products, namely –
  - (a) 1-Cyclohexyl-4-(1,2diphenylethyl)piperazine (MT-45)
  - 1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine
  - 1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine
  - 1-Methyl-4-phenylpiperidine-4-carboxylic acid
  - 2-(1,4-Dimethoxy-2-naphthyl)-1-methylethylamine
  - 2-(1,4-Dimethoxy-2-naphthyl)ethylamine
  - 2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)-1-methylethylamine
  - 2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)ethylamine
  - 2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)-1-methylethylamine
  - 2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)ethylamine
  - 2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine
  - 2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)-1-methylethylamine
  - 2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)ethylamine
  - 2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-methylethylamine
  - 2-(5-Methoxy-2-methyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-methylethylamine
  - 2-( $\alpha$ -Methyl-3,4-methylenedioxyphenethylamino)ethanol
  - 2, 5-Dimethoxy- $\alpha$ , 4-dimethylphenethylamine
  - 2,4-dimethylazetidinyll{ (6aR,9R)-7-methyl-4,6,6a,7,8,9-hexahydroindolo[4,3-fg]quinolin-9-yl} methanone (LSZ)
  - 2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol
  - 2-Amino-1-(3,4-dimethoxyphenyl)ethanol
  - 2-Methoxyethyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine
  - 2-Methyl-3-morpholino-1, 1-diphenylpropanecar-boxylic acid
  - 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (AH-7921)

4-Bromo-  $\beta$ ,2,5-trimethoxyphenethylamine  
4-Bromo-2, 5-dimethoxy- $\alpha$ -methylphenethylamine  
4-Cyano-2-dimethylamino-4, 4-diphenylbutane  
4-Cyano-1-methyl-4-phenylpiperidine  
4-Iodo-2,5-dimethoxy- $\alpha$ -methylphenethyl(dimethyl)amine  
4-Methyl-aminorex  
4-Methyl-5-(4methylphenyl)-4,5-dihydrooxazol-2-amine (4,4'-DMAR)  
4-Phenylpiperidine-4-carboxylic acid ethyl ester  
(6aR,9R)-4-acetyl-N,N-diethyl-7-methyl-4,6,6a,7,8,9-hexahydroindolo[4,3-fg]quinoline-9-carboxamide (ALD-52)  
(6aR,9R)-N,N-diethyl-7-allyl-4,6,6a,7,8,9-hexahydroindolo[4,3-fg]quinoline-9-carboxamide (AL-LAD)  
(6aR,9R)-N,N-diethyl-7-ethyl-4,6,6a,7,8,9-hexahydroindolo[4,3-fg]quinoline-9-carboxamide (ETH-LAD)  
(6aR,9R)-N,N-diethyl-7-propyl-4,6,6a,7,8,9-hexahydroindolo[4,3-fg]quinoline-9-carboxamide (PRO-LAD)  
Acetorphine  
Alfentanil  
Allyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine  
Allylprodine  
Alphacetylmethadol  
Alphameprodine  
Alphamethadol  
Alphaprodine  
Anileridine  
Benzethidine  
Benzyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine  
Benzylmorphine (3-benzylmorphine)  
Betacetylmethadol  
Betameprodine  
Betamethadol  
Betaprodine  
Bezitramide  
Bufotenine  
Cannabinol derivatives  
Cannabinol, except where contained in cannabis or cannabis resin  
Carfentanil

Clonitazene  
Coca Leaf  
Cocaine  
Cyclopropylmethyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine  
Desomorphine  
Dextromoramide  
Diamorphine  
Diampromide  
Diethylthiambutene  
Difenoxin (1-(3-cyano-3, 3-diphenylpropyl)-4(phenyl-piperidine-4-carboxylic acid)  
Dihydrocodeinone O-carboxymethyloxime  
Dihydroetorphine  
Dihydromorphine  
Dimenoxadole  
Dimepheptanol  
Dimethyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine  
Dimethylthiambutene  
Dioxaphetyl butyrate  
Diphenoxylate  
Dipipanone  
Drotebanol (3, 4-dimethoxy-17-methylmorphinan-6B, 14-diol)  
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine  
Ethylmethylthiambutene  
Eticyclidine  
Etonitazene  
Etorphine  
Etoxidine  
Etryptamine  
Fentanyl  
Furethidine  
Hydrocodone  
Hydromorphinol  
Hydromorphone  
Hydroxypethidine

Isomethadone  
Ketobemidone  
Levomethorphan  
Levomoramide  
Levophenacymorphan  
Levorphanol  
Lofentanil  
Lysergamide  
Lysergide and other N-alkyl derivatives of lysergamide  
Mescaline  
Metazocine  
Methadone  
Methadyl acetate  
Methylamphetamine  
Methyldesorphine  
Methyldihydromorphine (6-methyldihydromorphine)  
Metopon  
Morpheridine  
Morphine  
Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives  
Myrophine  
*N*-(2,5-Dimethoxy-4-propylthiophenethyl)hydroxylamine  
*N*-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine  
*N*-(4-*sec*-Butylthio-2,5-dimethoxyphenethyl)hydroxylamine  
N, N-Diethyltryptamine  
N, N-Dimethyltryptamine  
N-Hydroxy-tenamphetamine  
Nicomorphine (3, 6-dinicotinoylmorphine)  
*N*-Methyl-*N*-( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)hydroxylamine  
Noracymethadol  
Norlevorphanol  
Normethadone  
Normorphine  
Norpipanone  
*O*-Methyl-*N*-( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)hydroxylamine

Opium, whether raw, prepared or medicinal  
Oxycodone  
Oxymorphone  
Pethidine  
Phenadoxone  
Phenampromide  
Phenazocine  
Phencyclidine  
Phenomorphan  
Phenoperidine  
Piminodine  
Piritramide  
Poppy-straw and concentrate of poppy-straw  
Proheptazine  
Propерidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)  
Psilocin  
Racemethorphan  
Racemoramide  
Racemorphan  
Remifentanil  
Rolicyclidine  
Sufentanil  
Tapentadol  
Tenocyclidine  
Thebacon  
Thebaine  
Tilidate  
Trimeperidine  
 $\alpha$ ,  $\alpha$ -Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine  
 $\alpha$ ,  $\alpha$ -Dimethyl-3,4-methylenedioxyphenethylamine  
 $\alpha$ -Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine  
 $\alpha$ -Methyl-4-(methylthio)phenethylamine (also known as 4-Methylthioamphetamine);  
 $\beta$  -Methoxy-3,4-methylenedioxyphenethylamine  
 $\beta$ ,2,5-Trimethoxy-4-methylphenethylamine  
 $\beta$ ,3,4,5-Tetramethoxyphenethylamine

- (b) any compound (not being a compound for the time being specified in sub-paragraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by modification in any of the following ways, that is to say –
  - (i) by substitution at the nitrogen atom of the sidechain to any extent with alkyl or alkenyl substituents, or by inclusion of the nitrogen atom of the side chain (and no other atoms of the side chain) in a cyclic structure,
  - (ii) by substitution at the carbon atom adjacent to the nitrogen atom of the side chain with alkyl or alkenyl substituents,
  - (iii) by substitution in the 6-membered ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl, alkylenedioxy, or halide substituents,
  - (iv) by substitution at the 2-position of the tryptamine ring system with an alkyl substituent;
- (c) any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a) above) structurally derived from phenethylamine, an N-alkylphenethylamine,  $\alpha$ -methylphenethylamine, an N-alkyl- $\alpha$ -methylphenethylamine,  $\alpha$ -ethylphenethylamine, or an N-Alkyl- $\alpha$ -ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylenedioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents;
- (d) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from fentanyl by modification in any of the following ways, that is to say –
  - (i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle,
  - (ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups,
  - (iii) by substitution in the piperidine ring with alkyl or alkenyl groups,
  - (iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups,
  - (v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group,
  - (vi) by replacement of the N-propionyl group by another acyl group;
- (e) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from pethidine by modification in any of the following ways, that is to say –
  - (i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted,
  - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted,
  - (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups,
  - (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group,

- (v) by formation of an N-oxide or of a quaternary base;
  - (f) any compound (not being benzyl( $\alpha$ -methyl-3,4-methylenedioxyphenethyl)amine) structurally derived from mescaline, 4-bromo-2,5-dimethoxy- $\alpha$ -methylphenethylamine, 2, 5-dimethoxy- $\alpha$ ,4-dimethylphenethylamine, N-hydroxytenamphetamine, or a compound specified in sub-paragraph (a) or (c), by substitution at 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.
2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrorphan.
  3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2, not being a substance for the time being specified in Part 2 of this Schedule.
  4. Any salt of a substance for the time being specified in any of paragraphs 1 to 3.
  5. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4.
  6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part 2 of this Schedule.

**PART 2**<sup>40</sup>

## CLASS B DRUGS

1. The following substances and products, namely –
  - (a) Acetyldihydrocodeine
  - Amphetamine
  - Buprenorphine
  - Cannabis and cannabis resin
  - Codeine
  - 3,4-Dichloromethylphenidate (3,4-DCMP)
  - Dihydrocodeine
  - 2-((Dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol (also known as O-desmethyltramadol)
  - Ethylphenidate
  - Ethylmorphine
  - (3-ethylmorphine)
  - Ethylmorphine
  - Glutethimide
  - Isopropylphenidate (IPP or IPPD)
  - Ketamine
  - Lefetamine



- Lisdexamphetamine  
 Mecloqualone  
 Methaqualone  
 Methcathinone  
 4-methylmethylphenidate  
 Methylnaphthidate (HDMP-28)  
 Methylphenidate  
 Methylphenobarbitone  
 N-adamantyl-1-pentyl-1H-indazole-3-carboxamide (AKB-48)  
 N-adamantyl-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-AKB-48)  
 N-adamantyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide (STS-135)  
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-AB-PINACA)  
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA)  
 N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine or MPA)  
 Nabilone  
 Nicocodine  
 Nicodicodine  
 (6-nicotinoyldihydrocodeine)  
 Norcodeine  
 Pentazocine  
 Phenmetrazine  
 Pholcodine  
 Propiram  
 Propylphenidate  
 Quinolin-8-yl-1-(5-fluoropentyl)-1H-indole-3-carboxylate (5F-PB-22)  
 Quinolin-8-yl-1-(cyclohexylmethyl)-1H-indole-3-carboxylate (BB-22)  
 Quinolin-8-yl-1-pentyl-1H-indole-3-carboxylate (PB-22)  
 Zipeprol  
 $\alpha$ -Methylphenethylhydroxylamine (also known as N-Hydroxyamphetamine);  
 (b) any 5,5 disubstituted barbituric acid;  
 (c) the following substances –  
 [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1, 2, 3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone  
 3-Dimethylheptyl-11-hydroxyhexahydrocannabinol

[9-Hydroxy-6-methyl-3-[5-phenylpentan-2-yl] oxy-5, 6, 6a, 7, 8, 9, 10, 10a-octahydrophenanthridin-1-yl] acetate

9-(Hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol;

- (d) any compound structurally derived from 3-(1-naphthoyl)indole, 3-(2-naphthoyl) indole, 1H-indol-3-yl-(1-naphthyl)methane or 1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;
- (e) any compound structurally derived from 3-(1-naphthoyl)pyrrole or 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent;
- (f) any compound structurally derived from 1-(1-naphthylmethylene)indene or 1-(2-naphthylmethylene)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent;
- (g) any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;
- (ga) any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent;
- (gb) any compound structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;
- (gc) any compound structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent;
- (gd) any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl,

- cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent;
- (h) any compound (not being bupropion, cathinone, diethylpropion, pyrovalerone or a compound for the time being specified in sub-paragraph (a)) structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways, that is to say –
- (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents,
  - (ii) by substitution at the 3-position with an alkyl substituent,
  - (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure;
- (i) any compound structurally derived from 2-aminopropan-1-one by substitution at the 1-position with any monocyclic, or fused-polycyclic ring system (not being a phenyl ring or alkylendioxyphenyl ring system), whether or not the compound is further modified in any of the following ways, that is to say –
- (i) by substitution in the ring system to any extent with alkyl, alkoxy, haloalkyl or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents,
  - (ii) by substitution at the 3-position with an alkyl substituent,
  - (iii) by substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure;
- (j) any compound (not being a compound specified in paragraph 1(a) of Part 1) structurally derived from 1-benzofuran, 2, 3-dihydro-1-benzofuran, 1H-indole, indoline, 1H-indene, or indane by substitution in the 6-membered ring with a 2-ethylamino substituent whether or not further substituted in the ring system to any extent with alkyl, alkoxy, halide or haloalkyl substituents and whether or not substituted in the ethylamino sidechain with one or more alkyl substituents;
- (k) any compound (not being pipradrol) structurally derived from piperidine, pyrrolidine, azepane, morpholine or pyridine by substitution at a ring carbon atom with a diphenylmethyl group, whether or not the compound is further modified in any of the following ways, that is to say –
- (i) by substitution in any of the phenyl rings to any extent with alkyl, alkoxy, haloalkyl or halide groups,
  - (ii) by substitution at the methyl carbon atom with an alkyl, hydroxyalkyl or hydroxy group,
  - (iii) by substitution at the ring nitrogen atom with an alkyl, alkenyl, haloalkyl or hydroxyalkyl group;
- (l) 1-Phenylcyclohexylamine or any compound (not being ketamine, tiletamine or a compound for the time being specified in paragraph 1(a) of Part 1 of this Schedule) structurally derived from 1-Phenylcyclohexylamine or 2-Amino-2-

phenylcyclohexanone by modification in any of the following ways, that is to say –

- (i) by substitution at the nitrogen atom to any extent by alkyl, alkenyl or hydroxyalkyl groups, or replacement of the amino group with a 1-piperidyl, 1-pyrrolidyl or 1-azepyl group, whether or not the nitrogen containing ring is further substituted by one or more alkyl groups,
  - (ii) by substitution in the phenyl ring to any extent by amino, alkyl, hydroxy, alkoxy or halide substituents, whether or not further substituted in the phenyl ring to any extent,
  - (iii) by substitution in the cyclohexyl or cyclohexanone ring by one or more alkyl substituents,
  - (iv) by replacement of the phenyl ring with a thienyl ring;
- (m) any compound (not being clonitazene, etonitazene, nabilone, zafirlukast, or a compound for the time being specified in sub-paragraphs (c) to (gd)) structurally related to 1-pentyl-3-(1-naphthoyl)indole (JWH-018), in that the four sub-structures, that is to say the indole ring, the pentyl substituent, the methanone linking group and the naphthyl ring, are linked together in a similar manner, whether or not any of the sub-structures have been modified, and whether or not substituted in any of the linked sub-structures with one or more univalent substituents and where the modifications of the sub-structures are limited to any the following, that is to say –
- (i) replacement of the indole ring with indane, indene, indazole, pyrrole, pyrazole, imidazole, benzimidazole, or pyrazolo(3,4-b)pyridine,
  - (ii) replacement of the pentyl substituent with alkyl, alkenyl, benzyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, 2-(4-morpholinyl)ethyl, or (tetrahydropyran-4-yl)methyl,
  - (iii) replacement of the methanone linking group with an ethanone, carboxamide, carboxylate, methylene bridge or methine group,
  - (iv) replacement of the 1-naphthyl ring with 2-naphthyl, phenyl, benzyl, adamantyl, cycloalkyl, cycloalkylmethyl, cycloalkylethyl, bicyclo[2.2.1]heptanyl, 1,2,3,4-tetrahydronaphthyl, quinolinyl, isoquinolinyl, 1 amino-1-oxopropan-2-yl, 1-hydroxy-1-oxopropan-2-yl, or piperazinyl.
- 2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part.
  - 3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part.
  - 4. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3 of this Part, not being a preparation falling within paragraph 6 of Part 1 of this Schedule.

### PART 3<sup>41</sup>

#### CLASS C DRUGS

- 1. The following substances, namely –

- (a) Alprazolam  
Amineptine  
Aminorex  
Benzphetamine  
Bromazepam  
7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one;  
Brotizolam  
1-4 butanediol  
Camazepam  
Cathine  
Cathinone  
Chlordiazepoxide  
Chlorphentermine  
Clobazam  
Clonazepam  
Clorazepic acid  
Clotiazepam  
Cloxazolam  
Delorazepam  
Dextropropoxyphene  
Diazepam  
Diethylpropion  
Estazolam  
Ethchlorvynol  
Ethinamate  
Ethyl loflazepate  
Etizolam  
Fencamfamin  
Fenethylamine  
Fenproporex  
Fludiazepam  
Flunitrazepam  
Flurazepam  
Gamma-butyrolactone;  
Halazepam  
Haloxazolam

4-hydroxybutanoic acid (4-hydroxy-n-butyric acid; gamma-hydroxybutyric acid)  
Ketazolam  
Khat  
Loprazolam  
Lorazepam  
Lormetazepam  
Mazindol  
Medazepam  
Mefenorex  
Mephentermine  
Meprobamate  
Mesocarb  
Methypylone  
Midazolam  
Nimetazepam  
Nitrazepam  
Nordazepam  
Oripavine  
Oxazepam  
Oxazolam  
Pemoline  
Phendimetrazine  
Phentermine  
Pinazepam  
Prazepam  
Propylhexedrine  
Pyrovalerone  
Temazepam  
Tetrazepam  
Tramadol ((±)-trans-2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol)  
Triazolam  
Zaleplon  
Zolpidem  
Zopiclone

- N-Ethylamphetamine;
  - (b) 1-benzylpiperazine;
  - (c) any compound structurally derived from 1-benzylpiperazine or 1-phenylpiperazine by modification in either of the following ways –
    - (i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl substituents,
    - (ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylendioxy, halide or haloalkyl substituents.
2. The following substances –
- Androst-4-ene-3, 17-diol
  - 5 $\alpha$ -Androstane-3, 17-diol
  - 4-Androstene-3, 17-dione
  - 5-Androstene-3, 17-diol
  - 1-Androstenediol
  - 1-Androstenedione
  - 5-Androstenedione
  - Atamestane
  - Bolandioli
  - Bolasterone
  - Bolazine
  - Boldenone
  - Boldione
  - Bolenol
  - Bolmantalate
  - 1,4-butanediol
  - Calusterone
  - 4-Chloromethandienone
  - Clostebol
  - Danazol
  - Desoxymethyltestosterone
  - Drostanolone
  - Enestebol
  - Epitiostanol
  - Ethyloestrenol
  - Fluoxymesterone
  - Formebolone
  - Furazabol

Gestrinone  
3-Hydroxy-5 $\alpha$ -androstan-17-one  
Mebolazine  
Mepitiostane  
Mesbolone  
Mestanolone  
Mesterolone  
Methandienone  
Methandriol  
Methenolone  
Methyltestosterone  
Metribolone  
Mibolerone  
Nandrolone  
19-Nor-4-Androstene-3, 17-dione  
19-Nor-5-Androstene-3, 17-diol.  
19-Norandrostenedione  
19-Norandrosterone  
Norboletone  
Norclostebol  
Norethandrolone  
19-Noretiocholanolone  
Ovandrotone  
Oxabolone  
Oxandrolone  
Oxymesterone  
Oxymetholone  
Pipradrol  
Prasterone  
Prostanozol  
Propetandrol  
Quinbolone  
Roxibolone  
Silandrone  
Stanolone  
Stanozolol



- Stenbolone  
Testosterone  
Tetrahydrogestrinone  
Thiomesterone  
Trenbolone.
3. Any compound (not being Trilostane or a compound for the time being specified in paragraph 2) structurally derived from 17 hydroxyandrostane-3-one or from 17-hydroxy-estran-3-one by modification in any of the following ways –
- (a) by further substitution at position 17 by a methyl or ethyl group;
  - (b) by substitution to any extent at one or more positions 1, 2, 4, 6, 7, 9, 11 or 16, but at no other position;
  - (c) by unsaturation in the carbocyclic ring system to any extent, provided that there are no more than 2 ethylenic bonds in any one carbocyclic ring;
  - (d) by fusion of ring A with a heterocyclic system.
4. Any substance which is an ester or ether (or, where more than one hydroxyl function is available, both an ester and an ether) of a substance specified in paragraph 2 or described in paragraph 3.
5. Chorionic Gonadotrophin (HCG)  
Non-human chorionic gonadotrophin  
Somatotropin  
Somatrem  
Somatropin  
Zeranol  
Zilpaterol.
6. Clenbuterol.
7. Any stereoisomeric form of a substance for the time being specified in any of paragraphs 1 to 6 of this Part not being phenylpropanolamine.
8. Any salt of a substance for the time being specified in any of paragraphs 1 to 7 of this Part.
9. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 8 of this Part.

## **PART 4<sup>42</sup>**

### **MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE**

For the purposes of this Schedule the following expressions have the meanings hereby assigned to them respectively, that is to say –

“cannabinol derivatives” means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

“coca leaf” means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

“Khat” means the leaves, stems or shoots of the plant of the species *Catha edulis*;

“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, 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;

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

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

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

## **SCHEDULE 3**

(Article 17)

### **Constitution of Tribunal**

1. The Tribunal shall consist of –
  - (a) an advocate or solicitor of the Royal Court of not less than 5 years standing, appointed by the Bailiff to be the chairman of the Tribunal; and
  - (b) at least 2 members of the respondent's profession, appointed by the Bailiff, after consultation with the Minister and such other bodies as the Bailiff considers appropriate.

### **Procedure**

2. Upon receiving a reference from the Minister the Tribunal shall cause to be served on the respondent a notice setting out the details of the matter which has been referred to it, and appointing a time and place for the hearing.
3. The respondent shall be entitled to appear before and be heard by the Tribunal either in person or through the respondent's advocate or solicitor.
4. Proceedings before the Tribunal shall be held in private unless the respondent requests otherwise and the Tribunal accedes to the request.
5. Following the decision of the Minister whether or not to give a direction under Article 17, the Tribunal shall be discharged of its duties.
6. Subject to the foregoing provisions of this Schedule, the Tribunal may regulate its own procedure.

### **Financial provisions**

7. The Minister may pay to the members of the Tribunal such remuneration as may be prescribed and defray such expenses of the Tribunal as the Minister may determine, and may provide such accommodation for the Tribunal as the Minister thinks fit.
8. If the Tribunal recommends to the Minister that the whole or part of the expenses properly incurred by the respondent for the purposes of proceedings before the Tribunal should be defrayed out of public funds, the Minister may, if he or she thinks fit, make to the respondent such payments in respect of those expenses as he or she considers appropriate.

### **Interpretation**

9. In this Schedule "respondent" means the practitioner in respect of whom the reference has been made to the Tribunal.

**SCHEDULE 4<sup>43</sup>**

(Article 28)

**Penalties**

<b>First column</b>	<b>Second column</b>	<b>Third column</b>	<b>Fourth column</b>	<b>Fifth column</b>	<b>Sixth column</b>
Article Creating Offence	General Nature of Offence	Punishment			
		Class A drug involved	Class B drug involved	Class C drug involved	General
Article 5	Producing, supplying or being concerned in the production, supplying or offering to supply a controlled drug	Life or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Article 6(1)	Manufacture or supply of scheduled substances	—	—	—	14 years or a fine, or both
Article 7(4)	Failure to comply with Orders as to scheduled substances	—	—	—	2 years or a fine, or both
Article 8(1)	Having possession of a controlled drug	7 years or a fine, or both	5 years or a fine, or both	2 years or a fine, or both	
Article 8(2)	Having possession of a controlled drug with intent to supply it to another	Life or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Article 9	Offences relating to opium				14 years or a fine, or both
Article 10	Having possession of utensils for the purposes of committing an offence				14 years or a fine, or both
Article 11	Being the occupier, or concerned in the management, of premises and permitting certain	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	

First column	Second column	Third column	Fourth column	Fifth column	Sixth column
	activities to take place there				
Article 11A	Offence committed on a Jersey ship				The same penalty as that for the offence in question if it had been committed on land in Jersey
Article 11B	Having possession of a controlled drug or being concerned in the carrying or concealing of a controlled drug on a ship	Life or a fine, or both	14 years or a fine, or both		5 years or a fine, or both
Article 14	Contravention of directions relating to safe custody of controlled drugs				2 years or a fine, or both
Article 15(3)	Failure to comply with notice requiring information relating to prescribing supply, etc. of drugs				a fine
Article 15(4)	Giving false information				2 years or a fine, or both
Articles 16(6), 17(7)	Contravention of direction prohibiting practitioner or pharmacist from possessing, supplying, controlled drugs	14 years or a fine, or both	14 years or a fine, or both	5 years or a fine, or both	
Articles 19(7) and 19A(11)(a)	Obstructing exercise of powers of search etc. or concealing books, drugs, etc.				2 years or a fine, or both
Article 19A(11)(b) and (c)	Failing, or wrongfully purporting, to				2 years or a fine, or both

First column	Second column	Third column	Fourth column	Fifth column	Sixth column
	comply with a requirement of an officer exercising enforcement powers				
Article 19B(1)	Tipping off				5 years or a fine, or both
Article 21(1), (2) and (3)	Miscellaneous offences				2 years or a fine, or both
Article 21(4)	Attempting to commit or inciting or attempting to incite another to commit an offence under any provision of this Law				The same penalty as that for the offence to which the attempt to commit or incitement or attempt to incite relates
Article 21(5)	Assisting in or inducing commission of an offence outside Jersey				14 years or a fine, or both

**SCHEDULE 5<sup>44</sup>**

(Articles 6 and 7)

**Substances Useful for Manufacturing Controlled Drugs**

TABLE 1

N-Acetylanthranilic acid  
Ephedrine  
Ergometrine  
Ergotamine  
Isosafrole  
Lysergic acid  
3, 4-Methylenedioxyphenyl-2-propanone  
1-phenyl-2-propanone  
Piperonal  
Pseudoephedrine  
Safrole

The salts of the substances listed in this Table whenever the existence of such salts is possible.

TABLE 2

Acetic anhydride  
Acetone  
Anthranilic acid  
Ethyl ether  
Hydrochloric acid  
Methyl ethyl ketone (also referred to as  
2 Butanone or M.E.K.)  
Phenylacetic acid  
Piperidine  
Potassium permanganate  
Sulphuric acid  
Toluene

The salts of the substances listed in this Table except hydrochloric acid and sulphuric acid whenever the existence of such salts is possible.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Misuse of Drugs (Jersey) Law 1978	<a href="#">L.10/1978</a>	1 May 1980 ( <a href="#">R&amp;O.6797</a> ); (Articles 2 and 30 and Schedule 1 in force 1 January 1979 ( <a href="#">R&amp;O.6603</a> ))
Misuse of Drugs (Modification) (Jersey) Order 1980	<a href="#">R&amp;O.6779</a>	1 May 1980
Misuse of Drugs (Amendment) (Jersey) Law 1983	<a href="#">L.14/1983</a>	19 August 1983
Misuse of Drugs (Modification) (Jersey) Order 1985	<a href="#">R&amp;O.7458</a>	1 April 1986
Drug Trafficking Offences (Jersey) Law 1988	<a href="#">L.1/1989</a>	27 January 1989
Misuse of Drugs (Modification) (Jersey) Order 1989	<a href="#">R&amp;O.7866</a>	1 March 1989
Misuse of Drugs (Modification) (Jersey) Order 1990	<a href="#">R&amp;O.8067</a>	12 June 1990
Misuse of Drugs (Modification) (Jersey) Order 1991	<a href="#">R&amp;O.8245</a>	1 September 1991
Drug Trafficking (Miscellaneous Provisions) (Jersey) Law 1996	<a href="#">L.36/1996</a>	15 October 1997 ( <a href="#">R&amp;O.9147</a> )
Misuse of Drugs (Modification) (Jersey) Order 1999	<a href="#">R&amp;O.9377</a>	1 June 1999
Criminal Procedure (Prescription of Offences) (Jersey) Law 1999	<a href="#">L.23/1999</a>	23 July 1999
Customs and Excise (Jersey) Law 1999	<a href="#">L.33/1999</a>	1 November 2000 (with exceptions not relevant to this Law) ( <a href="#">R&amp;O.92/2000</a> )
Misuse of Drugs (Amendment No. 2) (Jersey) Law 2000	<a href="#">L.36/2000</a>	27 October 2000
Misuse of Drugs (Modification) (Jersey) Order 2002	<a href="#">R&amp;O.54/2002</a>	13 June 2002
Misuse of Drugs (Modification) (Jersey) Order 2003	<a href="#">R&amp;O.7/2003</a>	1 March 2003
Misuse of Drugs (Amendment No. 3) (Jersey) Law 2003	<a href="#">L.12/2003</a>	28 March 2003
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	<a href="#">R&amp;O.45/2005</a>	9 December 2005
Misuse of Drugs (Amendment) (Jersey) Order 2006	<a href="#">R&amp;O.56/2006</a>	14 July 2006



Legislation	Year and No	Commencement
Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	<a href="#">L.11/2008</a>	29 February 2008
Misuse of Drugs (Amendment of Schedule 2 to Law) (Jersey) Order 2008	<a href="#">R&amp;O.67/2008</a>	6 June 2008
Misuse of Drugs (Amendment of Schedule 2 to Law) (Jersey) Order 2009	<a href="#">R&amp;O.116/2009</a>	23 November 2009
Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	<a href="#">L.6/2010</a>	16 May 2010
Misuse of Drugs (Amendment of Schedule 2 to Law) (Jersey) Order 2010	<a href="#">R&amp;O.53/2010</a>	2 June 2010
Misuse of Drugs (Miscellaneous Amendments) (Jersey) Order 2010	<a href="#">R&amp;O.94/2010</a>	17 September 2010
Misuse of Drugs (Miscellaneous Amendments) (No. 2) (Jersey) Order 2012	<a href="#">R&amp;O.106/2012</a>	21 September 2012
Misuse of Drugs (Miscellaneous Amendments) (No. 3) (Jersey) Order 2013	<a href="#">R&amp;O.75/2013</a>	17 June 2013
Misuse of Drugs (Miscellaneous Amendments) (No. 4) (Jersey) Order 2013	<a href="#">R&amp;O.166/2013</a>	20 December 2013 - as to amendments made by Article 1(a) 1 April 2014 – as to amendment made by Article 1(b)
Misuse of Drugs (Miscellaneous Amendments) (No. 5) (Jersey) Order 2014	<a href="#">R&amp;O.93/2014</a>	9 July 2014
Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014	<a href="#">L.7/2014</a>	4 August 2014 ( <a href="#">R&amp;O.102/2014</a> )
Proceeds of Crime and Terrorism (Tipping Off – Exceptions) (Jersey) Regulations 2014	<a href="#">R&amp;O.101/2014</a>	4 August 2014
Misuse of Drugs (Miscellaneous Amendments) (No. 6) (Jersey) Order 2016	<a href="#">R&amp;O.20/2016</a>	24 February 2016
Dentistry (Jersey) Law 2015	<a href="#">L.17/2015</a>	24 February 2016 ( <a href="#">R&amp;O.22/2016</a> )
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )

### Table of Renumbered Provisions

Original	Current
5A	6
5B	7
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Original	Current
8	10
9	11
10	12
11	13
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24	26
25	27
26	28
27	substituted by <a href="#">L.36/1996</a> and repealed by <a href="#">L.33/1999</a>
28	repealed by <a href="#">L.23/1999</a>
29	29
30	30
31	31
32	spent, omitted
33	32
Schedule 2, Part III paragraph 7A	Schedule 2, Part 3 paragraph 8
Paragraph 8	Paragraph 9
Paragraph 9	Paragraph 10
Paragraph 10	Paragraph 11

### Table of Endnote References

- <sup>1</sup> *This Law 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*
- <sup>2</sup> *Article 1(1) amended by L.36/1996, L.33/1999, L.36/2000, L.6/2010, L.7/2014, L.17/2015*
- <sup>3</sup> *Article 1(5) added by L.7/2014*
- <sup>4</sup> *Article 1(6) added by L.7/2014*
- <sup>5</sup> *Article 1(7) added by L.7/2014*
- <sup>6</sup> *Article 6 inserted by L.36/1996*

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- <sup>7</sup> Article 6(5) *deleted by L.7/2014*
- <sup>8</sup> Article 7 *inserted by L.36/1996*
- <sup>9</sup> Article 7(2) *amended by L.36/2000, L.12/2003*
- <sup>10</sup> Article 7(5) *substituted by L.11/2008, amended by L.7/2014*
- <sup>11</sup> Article 10A *inserted by L.7/2014*
- <sup>12</sup> Article 11A *inserted by L.7/2014*
- <sup>13</sup> Article 11B *inserted by L.7/2014*
- <sup>14</sup> Article 11C *inserted by L.7/2014*
- <sup>15</sup> Article 16(1) *amended by L.12/2003*
- <sup>16</sup> Article 19 *heading substituted by L.7/2014*
- <sup>17</sup> Article 19(1) *amended by L.7/2014*
- <sup>18</sup> Article 19(2) *amended by L.14/1983, L.36/1996, L.7/2014*
- <sup>19</sup> Article 19(2A) *inserted by L.7/2014*
- <sup>20</sup> Article 19(2B) *inserted by L.7/2014*
- <sup>21</sup> Article 19(3) *substituted by L.36/1996, amended by L.7/2014*
- <sup>22</sup> Article 19(4) *inserted by L.36/1996*
- <sup>23</sup> Article 19(5) *inserted by L.36/1996*
- <sup>24</sup> Article 19(7) *amended by L.7/2014*
- <sup>25</sup> Article 19(8) *substituted by L.7/2014*
- <sup>26</sup> Article 19(9) *added by L.7/2014*
- <sup>27</sup> Article 19(10) *added by L.7/2014*
- <sup>28</sup> Article 19A *inserted by L.7/2014*
- <sup>29</sup> Article 19B *inserted by L.7/2014*
- <sup>30</sup> Article 19B(3) *substituted by R&O.101/2014*
- <sup>31</sup> Article 20 *amended by L.7/2014*
- <sup>32</sup> Article 21(1) *amended by L.36/2000*
- <sup>33</sup> Article 21(2) *amended by L.36/2000*
- <sup>34</sup> Article 21(6) *deleted by L.7/2014*
- <sup>35</sup> Article 21(7) *deleted by L.7/2014*
- <sup>36</sup> Article 22 *amended by L.36/1996, L.7/2014*
- <sup>37</sup> Article 23 *amended by L.12/2003*
- <sup>38</sup> Article 24(1) *amended by L.36/1996, L.7/2014*
- <sup>39</sup> Schedule 2, Part 1 *amended by L.14/1983, R&O.6779, R&O.7458, R&O.7866, R&O.8245, R&O.9377, R&O.7/2003, R&O.67/2008 R&O.106/2012, R&O.93/2014, R&O.20/2016*
- <sup>40</sup> Schedule 2, Part 2 *amended by R&O.7458, R&O.7866, R&O.9377, R&O.7/2003, R&O.67/2008, R&O.116/2009, R&O.53/2010, R&O.94/2010, R&O.106/2012, R&O.75/2013, R&O.166/2013, R&O.93/2014, R&O.20/2016*
- <sup>41</sup> Schedule 2, Part 3 *substituted by R&O.106/2012, amended by R&O.75/2013, R&O.166/2013, R&O.93/2014*
- <sup>42</sup> Schedule 2, Part 4 *amended by R&O.93/2014*
- <sup>43</sup> Schedule 4 *amended by L.1/1989, L.36/1996, L.36/2000, L.7/2014, L.1/2016*
- <sup>44</sup> Schedule 5 *inserted by L.36/1996*