



Jersey

MISUSE OF DRUGS (JERSEY) LAW 1978

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MISUSE OF DRUGS (JERSEY) LAW 1978

Arrangement

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Jersey

MISUSE OF DRUGS (JERSEY) LAW 1978¹

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

Commencement [[see endnotes](#)]

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;

“corresponding law” has the meaning assigned thereto by Article 21(6);²

“Customs and Excise Law” means the Customs and Excise (Jersey) Law 1999;³

“dentist” means a person registered as a dentist under the Dentists (Registration) (Jersey) Law 1961;⁴

“doctor” means a registered person within the meaning of the Medical Practitioners (Registration) (Jersey) Law 1960;⁵

“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;⁶

“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;⁷

“pharmacist” means a person registered as a pharmacist under the Pharmacy and Poisons (Jersey) Law 1952;⁸

“police officer” means a member of the Honorary Police or the States of Jersey Police Force;⁹

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

“premises” includes a vessel;

“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);¹⁰

“supplying” includes distributing;

“veterinary surgeon” means a recognized veterinary surgeon under the Veterinary Surgeons (Jersey) Law 1999.¹¹

- (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.

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 substances¹²

- (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) In this Article “the 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.

7 Orders about scheduled substances¹³

- (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.¹⁴
- (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 the provisions of the Drug Trafficking Offences (Jersey) Law 1988¹⁵ relating to the confiscation of the proceeds of drug trafficking.

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.

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.

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 1954¹⁶ 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 1972,¹⁷ 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.¹⁸
- (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 for controlled drugs

- (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 books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.
- (2) If it appears to the Bailiff on information on oath that there is reasonable cause to suspect that –
 - (a) a controlled drug is, in contravention of this Law, in the possession of a person in any premises; or
 - (b) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would, if carried out be, an offence under this Law, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside Jersey, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises,

the Bailiff may issue a warrant authorizing 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, to enter if necessary by force, the premises specified in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence under this Law has been committed in relation to any controlled drugs found on the premises or in possession of any such persons, or that a document so found is such a document as is mentioned in sub-paragraph (b), to seize and detain those drugs or that document, as the case may be.¹⁹

- (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 person 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.²⁰
 - (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.²¹
 - (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.²²
 - (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 books, documents, 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 books or documents 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.
 - (8) In this Article "vessel" includes an aircraft, hydrofoil and hovercraft.

20 Accessories and abettors

Any person who knowingly and wilfully aids, abets, counsels, causes, procures 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.

21 Miscellaneous offences

- (1) It is an offence for a person to contravene or to fail to comply with any Order under this Law.²³
- (2) It is an offence for a person to fail to comply with a condition or other term of a licence issued under Article 4.²⁴

- (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) In this Article and in Article 19(2)(b) “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 to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961, or a law providing for the control and regulation in that country of the production, supply, use, export and 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.
- (7) A statement in any such certificate as is mentioned in paragraph (6) to the effect that any facts constitute an offence against the law mentioned in the certificate shall be evidence of the matters stated.

22 Offences by Corporations

Where any offence under this Law or Article 46 of, or the Schedule to, the Drug Trafficking Offences (Jersey) Law 1988²⁵ 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.²⁶

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.²⁷

24 Defences in certain proceedings

- (1) This Article applies to offences under Articles 5, 8(1) and (2) and 9.²⁸
- (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 1960²⁹ 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 1954³⁰, or Article 2 of the Drugs (Prevention of Misuse) (Jersey) Law 1964,³¹ 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****CLASS A DRUGS**

- 1.³² The following substances and products, namely –
- (a) 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-(α -Methyl-3,4-methylenedioxyphenethylamino)ethanol
2, 5-Dimethoxy- α , 4-dimethylphenethylamine
2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol
2-Amino-1-(3,4-dimethoxyphenyl)ethanol
2-Methoxyethyl(α -methyl-3,4-methylenedioxyphenethyl)amine
2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
4-Bromo- β ,2,5-trimethoxyphenethylamine
4-Bromo-2, 5-dimethoxy- α -methylphenethylamine
4-Cyano-2-dimethylamino-4, 4-diphenylbutane

4-Cyano-1-methyl-4-phenylpiperidine
4-Iodo-2,5-dimethoxy- α -methylphenethyl(dimethyl)amine
4-Methyl-aminorex
4-Phenylpiperidine-4-carboxylic acid ethyl ester
Acetorphine
Alfentanil
Allyl(α -methyl-3,4-methylenedioxyphenethyl)amine
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzethidine
Benzyl(α -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(α -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(α -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
Etoxeridine
Etryptamine
Fentanyl
Furethidine
Hydrocodone
Hydromorhinol
Hydromorphone
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levophenacylmorphin
Levorphanol
Lofentanil
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mescaline
Metazocine
Methadone
Methadyl acetate
Methyldesorphine
Methyldihydromorphone (6-methyldihydromorphone)
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*-(α -methyl-3,4-methylenedioxyphenethyl)hydroxylamine
Noracymethadol
Norlevorphanol
Normethadone
Normorphine
Norpipanone
O-Methyl-*N*-(α -methyl-3,4-methylenedioxyphenethyl)hydroxylamine
Opium, whether raw, prepared or medicinal
Oxycodone
Oxymorphone
Pethidine
Phenadoxone
Phenampromide
Phenazocine
Phencyclidine
Phenomorphane
Phenoperidine
Piminodine
Piritramide
Poppy-straw and concentrate of poppy-straw
Proheptazine
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Psilocin
Racemethorphan
Racemoramide
Racemorphan

Remifentanil
Rolicyclidine
Sufentanil
Tenocyclidine
Thebacon
Thebaine
Tilidate
Trimeperidine
 α , α -Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine
 α , α -Dimethyl-3,4-methylenedioxyphenethylamine
 α -Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine
 α -Methyl-4-(methylthio)phenethylamine (also known as 4-Methylthioamphetamine);
 β -Methoxy-3,4-methylenedioxyphenethylamine
 β ,2,5-Trimethoxy-4-methylphenethylamine
 β ,3,4,5-Tetramethoxyphenethylamine

- (b) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other 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, α -methylphenethylamine, an N-alkyl- α -methylphenethylamine, α -ethylphenethylamine, or an N-Alkyl- α -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 alkoxy carbonyl 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 alkoxy carbonyl or any alkoxyalkyl or acyloxy group,
 - (v) by formation of an N-oxide or of a quaternary base.
- 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

CLASS B DRUGS

- 1.³³ The following substances and products, namely –
 - (a) Acetyldihydrocodeine
 - Amphetamine
 - Cannabis and cannabis resin
 - Codeine
 - Dihydrocodeine
 - Ethylmorphine
 - (3-ethylmorphine)

Glutethimide
Lefetamine
Mecloqualone
Methaqualone
Methcathinone
Methylamphetamine
Methylphenidate
Methylphenobarbitone
Nicocodine
Nicodicodine
(6-nicotinoyldihydrocodeine)
Norcodeine
Pentazocine
Phenmetrazine
Pholcodine
Propiram
Zipeprol
 α -Methylphenethylhydroxylamine (also known as N-Hydroxyamphetamine).

- (b) any 5,5 disubstituted barbituric acid.
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

CLASS C DRUGS

- 1.³⁴ The following substances, namely –
 - Alprazolam
 - Aminorex
 - Benzphetamine
 - Bromazepam
 - Brotizolam
 - Buprenorphine
 - Camazepam

Cathine
Cathinone
Chlordiazepoxide
Chlorphentermine
Clobazam
Clonazepam
Clorazepic acid
Clotiazepam
Cloxazolam
Delorazepam
Dextropropoxyphene
Diazepam
Diethylpropion
Estazolam
Ethchlorvynol
Ethinamate
Ethyl loflazepate
Fencamfamin
Fenethylamine
Fenproporex
Fludiazepam
Flunitrazepam
Flurazepam
Halazepam
Haloxazolam
Ketazolam
Loprazolam
Lorazepam
Lormetazepam
Mazindol
Medazepam
Mefenorex
Mephentermine
Meprobamate
Mesocarb
Methyprylone
Midazolam
Nimetazepam
Nitrazepam

Nordazepam
 Oxazepam
 Oxazolam
 Pemoline
 Phendimetrazine
 Phentermine
 Pinazepam
 Pipadrol
 Prazepam
 Propylhexedrine
 Pyrovalerone
 Temazepam
 Tetrazepam
 Triazolam
 Zolpidem
 N-Ethylamphetamine.

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part not being phenylpropanolamine.³⁵
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 for the time being specified in any of paragraphs 1 to 3 of this Part.
- 5.³⁶ The following substances:

Atamestane	Methenolone
Bolandiol	Methyltestosterone
Bolasterone	Metribolone
Bolazine	Mibolerone
Boldenone	Nandrolone
Bolenol	Norboletone
Bolmantalate	Norclostebol
Calusterone	Norethandrolone
4-Chloromethandienone	Ovandrotonone
Clostebol	Oxabolone
Drostanolone	Oxandrolone
Enestebol	Oxymesterone

Epitiostanol	Oxymetholone
Ethyloestrenol	Prasterone
Fluoxymesterone	Propetandrol
Formebolone	Quinbolone
Furazabol	Roxibolone
Mebolazine	Silandrone
Mepitiostane	Stanolone
Mesbolone	Stanozolol
Mestanolone	Stenbolone
Mesterolone	Testosterone
Methandienone	Thiomesterone
Methandriol	Trenbolone.

6.³⁷ Any compound (not being Trilostane or a compound for the time being specified in paragraph 5 above) structurally derived from 17 hydroxyandrostan-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.

7.³⁸ 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 5 above or described in paragraph 6.

8.³⁹ 4-Androstene-3, 17-Dione;
19-Nor-4-Androstene-3, 17-Dione;
5-Androstene-3, 17-Diol; and
19-Nor-5- Androstene-3, 17-Diol.

9.⁴⁰ Chorionic Gonadotrophin (HCG)
Non-human chorionic gonadotrophin
Somatotropin
Somatrem
Somatropin.

10.⁴¹ Clenbuterol.

11.⁴² Gammahydroxybutyrate

PART 4

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;

“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

(Article 28)

Penalties⁴³

First column	Second column	Third column	Fourth column	Fifth column	Sixth column
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 activities to take place there	14 years 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				2 years or a fine, or both

First column	Second column	Third column	Fourth column	Fifth column	Sixth column
	safe custody of controlled drugs				
Article 15(3)	Failure to comply with notice requiring information relating to prescribing supply etc. of drugs				£200
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	
Article 19(7)	Obstructing exercise of powers of search etc. or concealing books, drugs, etc.				2 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 5⁴⁴

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

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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

- ¹ *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*
- ² *Article 1(1) definition “corresponding law” inserted by L.36/1996*
- ³ *chapter 24.660*
- Article 1(1) definition “Customs and Excise Law” substituted by L.33/1999*
- ⁴ *chapter 20.100*
- ⁵ *chapter 20.600*
- ⁶ *chapter 20.875*
- ⁷ *chapter 20.625*
- Article 1(1) definition “person lawfully conducting a retail pharmacy business” substituted by L.36/2000*
- ⁸ *chapter 20.775*
- Article 1(1) definition “pharmacist” substituted by L.36/2000*
- ⁹ *Article 1(1) definition “police officer” inserted by L.36/1996*
- ¹⁰ *Article 1(1) definition “scheduled substance” inserted by L.36/1996*
- ¹¹ *chapter 02.900*
- ¹² *Article 6 inserted by L.36/1996*
- ¹³ *Article 7 inserted by L.36/1996*
- ¹⁴ *Article 7(2) amended by L.36/2000, L.12/2003*
- ¹⁵ *chapter 08.580*
- ¹⁶ *L.5/1954*
- ¹⁷ *L.31/1972*
- ¹⁸ *Article 16(1) amended by L.12/2003*
- ¹⁹ *Article 19(2) amended by L.14/1983, L.36/1996*
- ²⁰ *Article 19(3) substituted by L.36/1996*
- ²¹ *Article 19(4) inserted by L.36/1996*
- ²² *Article 19(5) inserted by L.36/1996*
- ²³ *Article 21(1) amended by L.36/2000*
- ²⁴ *Article 21(2) amended by L.36/2000*
- ²⁵ *chapter 08.580*
- ²⁶ *Article 22 amended by L.36/1996*
- ²⁷ *Article 23 amended by L.12/2003*
- ²⁸ *Article 24(1) amended by L.36/1996*
- ²⁹ *chapter 15.720*
- ³⁰ *L.5/1954*
- ³¹ *L.24/1964*
- ³² *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*
- ³³ *Schedule 2, Part 2 paragraph 1 substituted by, R&O.7866, amended by R&O.9377, R&O.7/2003; former paragraph amended by R&O.7458*
- ³⁴ *Schedule 2, Part 3 paragraph 1 substituted by R&O.7866, amended by R&O.8067, R&O.8245, R&O. 9377, R&O.7/2003; former paragraph amended by R&O.7458*
- ³⁵ *Schedule 2, Part 3 paragraph 2 amended by R&O.7866*
- ³⁶ *Schedule 2, Part 3 paragraph 5 inserted by R&O.9377; former paragraph deleted by R&O.7458*
- ³⁷ *Schedule 2, Part 3 paragraph 6 inserted by R&O.9377*
- ³⁸ *Schedule 2, Part 3 paragraph 7 inserted by R&O.9377*
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³⁹ *Schedule 2, Part 3, paragraph 8 inserted by R&O.7/2003*

⁴⁰ *Schedule 2, Part 3 paragraph 9 inserted by R&O.9377*

⁴¹ *Schedule 2, Part 3 paragraph 10 inserted by R&O.9377*

⁴² *Schedule 2, Part 3 paragraph 11 inserted by R&O.54/2002*

⁴³ *Schedule 4 amended by L.1/1989, L.36/1996, L.36/2000*

⁴⁴ *Schedule 5 inserted by L.36/1996*