

**Jersey Law 5/1954**

**DANGEROUS DRUGS (JERSEY) LAW, 1954**

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## ARRANGEMENT OF ARTICLES.

*PART I.*

## RAW OPIUM, COCA LEAVES, INDIAN HEMP, ETC.

## Article

1. Restriction on importation of drugs to which Part I applies
2. Restriction on exportation of drugs to which Part I applies
3. Power to control production, sale, etc., of drugs to which Part I applies
4. Drugs to which Part I applies

*PART II.*

## PREPARED OPIUM.

5. Prohibition on importation and exportation of prepared opium
6. Penalty for manufacturing, selling, using, etc., prepared opium
7. Meaning of "prepared opium"

*PART III.*MEDICINAL OPIUM, COCAINE, OPIUM MORPHINE,  
ETC.

8. Restriction on importation and exportation of drugs to which Part III applies
9. Power to control manufacture, sale, etc., of drugs to which Part III applies
10. Drugs to which Part III applies

*PART IV.*

## CONTROL OF TRADE IN NEW DRUGS.

11. Prohibition of trade, etc., in new drugs
12. Power to apply Part III of this Law to new drugs

*PART V.*

## GENERAL.

13. Entry and search of premises, etc., to obtain evidence of offences
14. Offences and penalties
15. Attempts, etc., to commit offences
16. Offences by companies
17. Legal proceedings
18. Licences and authorities
19. Provisions as to orders
20. Interpretation
21. Repeal and savings
22. Short title and commencement

*Jersey Law 5/1954*

*Dangerous Drugs (Jersey) Law, 1954*

**DANGEROUS DRUGS (JERSEY) LAW, 1954.**

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**A LAW** to regulate the importation, exportation, manufacture, sale, distribution, possession and use of dangerous drugs, sanctioned by Order of the

**13th day of APRIL, 1954,**

of the Counsellors of State in Council on behalf of Her Majesty, being authorised thereto by Letters Patent dated the 20th day of November, 1953.

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*(Registered on the 15th day of May, 1954).*

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**STATES OF JERSEY.**

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The 28th day of January, 1954.

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

*PART I*

RAW OPIUM, COCA LEAVES, INDIAN HEMP, ETC

ARTICLE I

**RESTRICTION ON IMPORTATION OF DRUGS TO WHICH  
PART I APPLIES**

If any person imports or brings into the Island a drug to which this Part of this Law applies except under a licence granted by the Committee and at the Port of Saint Helier or Saint Peter's Airport, he shall be guilty of an offence against this Law.

## ARTICLE 2

**RESTRICTION ON EXPORTATION OF DRUGS TO WHICH  
PART I APPLIES**

(1) If any person exports from the Island a drug to which this Part of this Law applies except under a licence granted by the Committee and from the Port of Saint Helier or Saint Peter's Airport, he shall be guilty of an offence against this Law.

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

## ARTICLE 3

**POWER TO CONTROL PRODUCTION, SALE, ETC., OF DRUGS  
TO WHICH PART I APPLIES**

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

## ARTICLE 4

**DRUGS TO WHICH PART I APPLIES**

(1) The drugs to which this Part of this Law applies are raw opium, coca leaves, Indian hemp, and resins obtained from Indian hemp and all preparations of which such resins form the base.

(2) In this Article –

- (a) “raw opium” includes powdered or granulated opium, but does not include medicinal opium;
- (b) “medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British 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;
- (c) “coca leaves” means the leaves of any plant of the genus of the erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation;
- (d) “Indian hemp” means the dried flowering or fruiting tops of the pistillate plant known as *cannabis sativa* from which the resin has not been extracted, by whatever name such tops are called.

**PART II****PREPARED OPIUM****ARTICLE 5****PROHIBITION OF IMPORTATION AND EXPORTATION OF  
PREPARED OPIUM**

If any person imports or brings into, or exports from, the Island, any prepared opium, he shall be guilty of an offence against this Law.

**ARTICLE 6****PENALTY FOR MANUFACTURING, SELLING, USING, ETC.,  
PREPARED OPIUM**

If a person –

- (a) manufactures, sells or otherwise deals in prepared opium ;  
or
- (b) has in his possession any prepared opium ; or
- (c) being the occupier of any premises, permits those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium ; or
- (d) is concerned in the management of any premises used for any such purpose as aforesaid ; or
- (e) has in his possession any pipes or other utensils for use in connexion with the smoking of opium or any utensils used in connexion with the preparation of opium for smoking ;  
or
- (f) smokes or otherwise uses prepared opium or frequents a place used for the purpose of opium smoking ;

he shall be guilty of an offence against this Law.

#### ARTICLE 7

#### **MEANING OF “PREPARED OPIUM”**

In this Part of this Law, “prepared opium” means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked.

#### *PART III*

#### MEDICINAL OPIUM, COCAINE, MORPHINE, ETC

#### ARTICLE 8

#### **RESTRICTION ON IMPORTATION AND EXPORTATION OF DRUGS TO WHICH PART III APPLIES**

If any person imports or brings into, or exports from, the Island, a drug to which this Part of this Law applies except under a licence granted by the Committee, he shall be guilty of an offence against this Law.

#### ARTICLE 9

#### **POWER TO CONTROL MANUFACTURE, SALE, ETC., OF DRUGS TO WHICH PART III APPLIES**

(1) For the purpose of preventing the improper use of the drugs to which this Part of this Law applies, the Committee may by order provide for controlling the manufacture, sale, possession and distribution of those drugs, and in particular but without prejudice to the generality of the foregoing power, for –

- (a) prohibiting the manufacture of a drug to which this Part of this Law applies except on premises licensed for the purpose by the Committee and subject to any conditions specified in the licence ;



- (b) prohibiting the manufacture, sale or distribution of any such drug except by persons licensed or otherwise authorized under the order by the Committee and subject to any conditions specified in the licence or authority ;
- (c) regulating the issue by medical practitioners of prescriptions containing any such drug and the dispensing of any such prescriptions ; and
- (d) requiring persons engaged in the manufacture, sale or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed by the order.

(2) Provision shall be made by order under this Article for authorizing a person lawfully carrying on business in accordance with the provisions of the Pharmacy, Poisons and Medicines (Jersey) Law, 1952,<sup>1</sup> as an authorized seller of poisons –

- (a) in the ordinary course of his retail business to manufacture, at any premises duly registered under Part II of that Law, any preparation, admixture or extract of a drug to which this Part of this Law applies ; or
- (b) to carry on at any such premises as aforesaid the business of retailing, dispensing or compounding any such drug ;

subject to the power of the Committee to withdraw the authorization in the case of a person who has been convicted of an offence against this Law or the Law repealed by this Law, and who cannot, in the opinion of the Committee, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug :

Provided that the Committee shall, before withdrawing the authorization in the case of any such person, consult the registered

<sup>1</sup> Tome 1951–1953, page 321

pharmacists for the time being nominated in pursuance of Article 24 of the Pharmacy, Poisons and Medicines (Jersey) Law, 1952.<sup>2</sup>

(3) Nothing in any order made under this Article shall be taken to authorize the sale by retail of poisons by a person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy, Poisons and Medicines (Jersey) Law, 1952,<sup>3</sup> or to be in derogation of the provisions of that Law for prohibiting, restricting or regulating the sale of poisons.

## ARTICLE 10

### **DRUGS TO WHICH PART III APPLIES**

(1) Subject to the following provisions of this Article, and to the provisions of Part IV of this Law, the drugs to which this Part of this Law applies are –

- (a) medicinal opium ;
- (b) any extract or tincture of Indian hemp ;
- (c) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts ;
- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts ;
- (e) any solution or dilution of morphine or cocaine or their salts in an inert substance, whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine ;

<sup>2</sup> Tome 1951–1953, page 355.

<sup>3</sup> Tome 1951–1953, page 321.

- (f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine ;
- (g) dihydrohydroxycodine, dihydrocodeinone, dihydromorphine, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives ;
- (h) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts ;
- (j) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in sub-paragraph (g) or in sub-paragraph (h) of this paragraph.

For the purposes of this paragraph –

- (i) “ecgonine” means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially ;
- (ii) “medicinal opium” has the meaning assigned to it by paragraph (2) of Article 4 of this Law ;

and percentages, in the case of morphine, shall be calculated as in respect of anhydrous morphine and, in the case of liquid preparations, shall, unless other provision in that behalf is made by order made by the Committee, be calculated on the basis that a preparation containing one per cent. of a substance means a preparation in which one gramme of the substance, if a solid or one millilitre of the substance, if a liquid is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or lesser percentage.

(2) Where the Committee is of the opinion that a new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind –

- (a) is, or is likely to be, productive, if improperly used, of ill effects substantially of the same character or nature as, or analagous to, those produced by morphine or cocaine ; or
- (b) is capable of being converted into a substance which is, or is likely to be, productive, if improperly used, of such effects ;

the Committee may by order declare that this Part of this Law shall apply to that new derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in paragraph (1) of this Article.

(3) 2The Committee may by order apply this Part of this Law, with such modifications as may be specified in the order, to any of the following drugs, that is to say methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts.

(4) Where Her Majesty in Council, in pursuance of subsection (4) of section ten of the Dangerous Drugs Act, 1951, has declared that a finding with respect to a preparation containing any of the drugs to which this Part of this Law applies has, in pursuance of Article 8 of the Geneva Convention (No. i), been communicated by the Economic and Social Council of the United Nations to the parties to the said Convention, the Committee may by order declare that the provisions of this Part of this Law shall, as from such date as may be specified in the order, cease to apply to the preparation specified therein.

*PART IV*

## CONTROL OF TRADE IN NEW DRUGS

## ARTICLE II

**PROHIBITION OF TRADE, ETC., IN NEW DRUGS**

(1) If any person in the Island trades in, or manufactures for the purpose of trade, any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was, on the thirteenth day of July, nineteen hundred and thirty-one, being used for medical or scientific purposes, he shall be guilty of an offence against the Law :

Provided that the Committee, if at any time satisfied as respects any such product that it is of medical or scientific value, may by order direct that this paragraph shall cease to apply to that product.

(2) If a person acts in contravention of paragraph (1) of this Article, he shall be guilty of an offence against this Law.

## ARTICLE 12

**POWER TO APPLY PART III OF THIS LAW TO NEW DRUGS**

Where a decision with respect to any such product as is mentioned in paragraph (1) of Article 11 of this Law has, in pursuance of Article 11 of the Geneva Convention (No. 2), been communicated by the Secretary-General of the United Nations to the parties to the said Convention, and Her Majesty in Council, in pursuance of section 12 of the Dangerous Drugs Act, 1951, has given effect to that decision, the Committee by order may, as the case requires, either declare that the provisions of Part III of this Law shall apply to that product in the same manner as they apply to the drugs mentioned in paragraph (1) of Article 11 of this Law or apply the said Part III to that product with such modifications as may be specified in the order.

*Jersey Law 5/1954*

*Dangerous Drugs (Jersey) Law, 1954*

*PART V*

GENERAL

ARTICLE 13

**ENTRY AND SEARCH OF PREMISES, ETC., TO OBTAIN  
EVIDENCE OF OFFENCES**

(1) Any officer of the Committee, generally or specially authorized in writing in that behalf, shall, for the purposes of the execution of Parts I, II and III of this Law, have power to enter the premises of a person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which Part I, II or III of this Law applies, 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 the Bailiff is satisfied by information on oath that there is reasonable ground for suspecting –

- (a) that any drugs to which Part I, II or III of this Law applies are, in contravention of the provisions of this Law or any order made thereunder, in the possession or under the control of a person in any premises; or
- (b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence against this Law, or, in the case of a transaction or dealing carried out or intended to be carried out in a place outside the Island, an offence against the provisions of a corresponding law in force in that place, is in the possession or under the control of a person in any premises;

he may grant a search warrant authorizing any officer of police, whether honorary or paid, named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the

premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence against this Law has been committed in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that a document which may be so found is such a document as is mentioned in sub-paragraph (b) of this paragraph, to seize and detain those drugs or that document, as the case may be.

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

#### ARTICLE 14

#### **OFFENCES AND PENALTIES**

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

shall be guilty of an offence against this Law.

(2) Every person guilty of an offence against this Law shall, in respect of each offence, be liable to a fine not exceeding one thousand pounds sterling, or to imprisonment for a period not exceeding ten years, or to both such fine and imprisonment, and shall, in every case, on conviction for the offence, forfeit to Her Majesty all articles in respect of which the offence was committed:

Provided that no person shall, on conviction for an offence against this Law consisting of a contravention or failure to comply with the provisions of an order made under this Law relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Law applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds sterling, if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission or intended commission of any other offence against this Law.

(3) The court before which a person is convicted for an offence against this Law may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

## ARTICLE 15

### **ATTEMPTS, ETC., TO COMMIT OFFENCES**

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



## ARTICLE 16

**OFFENCES BY COMPANIES**

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

## ARTICLE 17

**LEGAL PROCEEDINGS**

(1) Notwithstanding any enactment or rule of law to the contrary, any proceedings which may be taken against any person under this Law may be taken at any time within the period of twelve months next after the date of the commission of the alleged offence or within the period of three months next after the date on which evidence, sufficient in the opinion of the Committee to justify the proceedings, comes to the knowledge of the Committee, or, where the person in question was outside the Island at that date, within the period of twelve months from the date on which he first lands in the Island thereafter, whichever of the said periods last expires.

(2) For the purposes of paragraph (1) of this Article, a certificate purporting to be signed on behalf of the Committee as to the date on which such evidence as aforesaid came to the knowledge of the Committee shall be sufficient evidence thereof.

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

## ARTICLE 18

**LICENCES AND AUTHORITIES**

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

## ARTICLE 19

**PROVISION AS TO ORDERS**

- (1) Every order made under this Law –
- (a) shall come into force on the date prescribed thereby;
  - (b) may be amended or revoked by a subsequent order;
  - (c) shall remain in force until revoked; and
  - (d) shall be laid before the States as soon as may be after it is made, and if the States, within the period of twenty-one days beginning with the day on which any such order is laid before them, resolve that it be annulled, it shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new order.

(2) The Greffier of the States shall cause every order made under this Law to be printed and shall cause to be published in two newspapers circulating in the Island, one being a publication in French and the other a publication in English, a notice stating that the order has been made, the date of the coming into force thereof and the place at which printed copies thereof may be purchased.

## ARTICLE 20

**INTERPRETATION**

(1) In this Law –

“the Committee” means the Public Health Committee;

“British Pharmacopoeia” means the book published by that name in pursuance of section twenty-three of the Medical Act, 1950 (14 Geo. 6, c. 29).

(2) 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 the Island to be a law providing for the control and regulation in that country of the manufacture, sale, use, export and import of drugs in accordance with the provisions of the Hague Convention, the Geneva Convention (No. 1) and the Geneva Convention (No. 2), and a statement in any such certificate as to the effect of the law mentioned in the certificate or a statement in any such certificate that any facts constitute an offence against that law shall be conclusive.

(3) In this Law –

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

(b) “the Geneva Convention (No. 1)” means the International Opium Convention signed at Geneva on the nineteenth day of February, nineteen hundred and twenty five; and

(c) “the Geneva Convention (No. 2)” means the Convention for the purpose of supplementing the provisions of the Conventions aforesaid which was signed at Geneva on the thirteenth day of July, nineteen hundred and thirty-one;

and any reference in the provisions of this Law (other than those of this paragraph) to any of the said Conventions shall be construed as a

reference to that Convention as amended by the Protocol on Narcotic Drugs signed at Lake Success, New York, on the eleventh day of December, nineteen hundred and forty-six.

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

## ARTICLE 21

### **REPEAL AND SAVINGS**

(1) The “Loi sur les Drogues Dangereuses”, passed by the States on the first day of October, 1923, and confirmed by Order of His Majesty in Council of the nineteenth day of December, 1923,<sup>4</sup> and Article 29 of the Pharmacy, Poisons and Medicines (Jersey) Law, 1952,<sup>5</sup> are hereby repealed.

(2) Nothing in this Law shall affect any licence issued, authority or warrant granted or any other thing done under the Law repealed by this Law, but any such licence, authority, warrant or thing which is in force at the commencement of this Law shall continue in force and, so far as it could have been issued, granted or done under the corresponding provision of this Law, shall have effect as if it had been issued, granted or done under that corresponding provision.

(3) Any document referring to the Law repealed by this Law shall be construed as referring to the corresponding provision of this Law.

<sup>4</sup> Tome VI, page 300.

<sup>5</sup> Tome 1951–1953, page 360.

*Jersey Law 5/1954*

*Dangerous Drugs (Jersey) Law, 1954*

ARTICLE 22

**SHORT TITLE AND COMMENCEMENT**

(1) This Law may be cited as the Dangerous Drugs (Jersey) Law, 1954.

(2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be fixed for different purposes and different provisions of this Law.

To be printed, published and posted.

**F. DE L. BOIS,**

*Greffier of the States.*