

DRAFT MISUSE OF DRUGS (AMENDMENT No. 3) (JERSEY) LAW 200

**Lodged au Greffe on 24th September 2002
by the Health and Social Services Committee**



STATES OF JERSEY

STATES GREFFE

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European Convention on Human Rights

The President of the Health and Social Services Committee has made the following statement -

In the view of the Health and Social Services Committee the provisions of the Draft Misuse of Drugs (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator S. Syvret**

REPORT

The purpose of this draft Law is to update, in the Misuse of Drugs (Jersey) Law 1978, as amended, cross references to offences formerly in the Customs and Excise (General Provisions) (Jersey) Law 1972 and now re-enacted in the Customs and Excise (Jersey) Law 1999, as amended.

The numbering of Articles in the 1999 Customs and Excise Law differs from those in the 1972 Law making these consequential amendments necessary in the Misuse of Drugs Law.

This draft Amendment to the principle Law has no manpower or revenue implications.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 7th August 2002 the Health and Social Services Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Health and Social Services Committee the provisions of the Draft Misuse of Drugs (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

The purpose of this draft Law is to update, in the Misuse of Drugs (Jersey) Law 1978, cross references to offences formerly in the Customs and Excise (General Provisions) (Jersey) Law 1972 and now re-enacted in the Customs and Excise (Jersey) Law 1999.

Article 1 provides for “principal Law” to mean the Misuse of Drugs (Jersey) Law 1978, as amended.

Article 2 amends Article 5B(2) of the principal Law so that the export of scheduled substances without the requisite notification constitutes an offence under Article 37 of the 1999 Law instead of an offence under Article 30 of the 1972 Law.

Article 3 amends Article 14 of the principal Law with the effect that a direction may be given prohibiting a practitioner or pharmacist working with controlled drugs, if that person has been convicted of certain offences of importing or exporting a controlled drug under the 1999 Law, in lieu of the equivalent offences under the 1972 Law.

Article 4 amends Article 21 of the principal Law so that an Order may be made excluding the application of certain offences under the 1999 Law, in lieu of the equivalent offences under the 1972 Law, which would otherwise apply to the importation and exportation of controlled drugs.

Article 5 is the citation and commencement provision.

MISUSE OF DRUGS (AMENDMENT No. 3) (JERSEY) LAW 200-

A LAW to amend further the Misuse of Drugs (Jersey) Law 1978; sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 200-)

STATES OF JERSEY

The day of 200-

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

ARTICLE 1

In this Law, “principal Law” means the Misuse of Drugs (Jersey) Law 1978,^[1] as amended.^[2]

ARTICLE 2

In Article 5B(2) of the principal Law,^[3] for the words “Article 30 of the Customs and Excise Law (offences in relation to exportation of prohibited or restricted goods)” there shall be substituted the words “Article 37 of the Customs and Excise Law”.

ARTICLE 3

In Article 14(1)(b) of the principal Law,^[4] for the words “Articles 23, 30 or 77” there shall be substituted the words “Articles 33, 37 or 61”.

ARTICLE 4

In Article 21(b) of the principal Law,^[5] for the words “Articles 23, 30 and 77” there shall be substituted the words “Articles 33, 37 and 61”.

ARTICLE 5

This Law may be cited as the Misuse of Drugs (Amendment No. 3) (Jersey) Law 200 and shall come into force on the seventh day following its registration.

^[1] Volume 1975-1978, page 449.

^[2] Volume 1982-1983, page 157, Volume 1988-1989, page 292, Volume 1996-1997, page 423, Volume 1999, pages 419, 623 and 627, Volume 2000, page 847 and R & Os 6779, 7458, 7866, 8067, 8245, 9377 and 54/2002.

^[3] Volume 1975-1978, page 453, Volume 1996-1997, page 424 and Volume 2000, page 848.

^[4] Volume 1975-1978, page 459.

^[5] Volume 1975-1978, page 464.