

## **STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 77 of 2019

### **THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT) (AMENDMENT NO. 3) REGULATIONS, 2019**

In pursuance of sections 10 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 2<sup>nd</sup> July, 2019 are laid before the States.

#### EXPLANATORY NOTE

These Regulations add a number of drugs to the list of drugs that may be prescribed as pharmaceutical benefit.

These Regulations come into force on the 3<sup>rd</sup> July, 2019.

No. 78 of 2019

### **THE MISUSE OF DRUGS (MODIFICATION NO. 2) ORDER, 2019**

In pursuance of section 30(3) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974, as amended, "The Misuse of Drugs (Modification No. 2) Order, 2019" made by the Committee *for* Health & Social Care on the 3<sup>rd</sup> July, 2019 is laid before the States.

#### EXPLANATORY NOTE

This Order amends the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974 ("the Law") and the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 ("the Ordinance").

Article 1 of this Order amends Part III of the First Schedule to the Law by inserting Gabapentin and Pregabalin in paragraph 1(a) of that part. This amendment makes Gabapentin and Pregabalin Class C controlled drugs under the Law.

Article 2 of this Order introduces the amendments to the Ordinance made by articles 3, 4 and 5 of this Order.

Article 3 of this Order repeals subsection (4) of section 14A of the Ordinance, which exempts from the restrictions in section 14 of the Ordinance cannabis-based product for medicinal use in humans administered to animals for research purposes.

Article 4 of this Order inserts Gabapentin and Pregabalin into Schedule 3 to the Ordinance. This allows certain medical and healthcare professionals and other persons to prescribe, produce, supply, offer to supply, administer or possess these drugs, subject to record-keeping requirements prescribed in the Ordinance.

Article 5 of this Order replaces paragraph 10 of Schedule 5 to the Ordinance (which exempts certain cannabidiol preparations from prohibitions relating to import, export, and supply) with a revised paragraph.

The revised paragraph 10 retains the existing requirements for these cannabidiol preparation to have clearly labelled ingredients, not to contain any plant material visible to the naked eye and not to contain any other drug other than cannabiniol or cannabiniol derivatives.

However, the revised paragraph 10 provides an alternative threshold for the maximum allowable content of cannabiniol and cannabiniol derivatives. Currently, a cannabidiol preparation is only allowed to contain not more than 3% cannabiniol and cannabiniol derivatives in aggregate relative to the total weight of its cannabidiol content. The revised paragraph 10 provides an alternative content threshold that applies where a preparation contains not more than 2.5% cannabidiol relative to its total weight. In this case, the preparation is allowed to contain up to 0.1% cannabiniol and cannabiniol derivatives in aggregate relative to the total weight of the preparation, as this level of content is considered to be relatively harmless.

In addition, the revised paragraph 10 would require attestation as to the content threshold by an official certificate or a statement by the States Analyst only where the preparation is imported, supplied or offered to be supplied in the course of a business. In the case of importation other than in the course of a business, the preparation needs to satisfy the Chief Revenue Officer or the Chief Pharmacist (whether by attestation or otherwise) that the preparation meets the content threshold.

Lastly, the revised paragraph 10 requires attestation by an official certificate of analysis to be demonstrably and clearly linked to a particular preparation by batch or lot number or otherwise.

Articles 6 and 7 are the citation and commencement provisions respectively.

This Order came into force on the 4<sup>th</sup> July, 2019.

No. 80 of 2019

**THE TERRORISM AND CRIME (BAILIWICK OF GUERNSEY)  
(INFORMATION) REGULATIONS, 2019**

In pursuance of Sections 15D and 82 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, the Disclosure (Bailiwick of Guernsey) (Information) Regulations, 2019 made by the Committee *for* Home Affairs on 22nd July 2019, is laid before the States.

EXPLANATORY NOTE

These Regulations govern the obtaining of information by the Financial Intelligence Service where a report has been made by a party listed in section 15D of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and as a result, the Financial

Intelligence Service reasonably believes that a person within the Bailiwick possesses or controls information which is necessary or expedient for the proper discharge by the Financial Intelligence Service of its functions.

Where the Regulations apply, a prescribed police officer, by notice in writing served upon the relevant person, may require that person to provide the officer (or any other specified police officer) with such information relating to the report as may be specified in writing within such period which, in usual circumstances shall not be less than 7 days, and in such form and manner, as may be specified.

These Regulations come into force on the day on which they are made.

No. 81 of 2019

**THE DISCLOSURE (BAILIWICK OF GUERNSEY) (INFORMATION)  
REGULATIONS, 2019**

In pursuance of Sections 11A and 16 of the Disclosure (Bailiwick of Guernsey) Law, 2007, the Disclosure (Bailiwick of Guernsey) (Information) Regulations, 2019 made by the Committee *for* Home Affairs on 22nd July 2019, is laid before the States.

EXPLANATORY NOTE

These Regulations govern the obtaining of information by the Financial Intelligence Service where a report has been made by a party listed in section 11A of the Disclosure (Bailiwick of Guernsey) Law, 2007 and as a result, the Financial Intelligence Service reasonably believes that a person within the Bailiwick possesses or controls information which is necessary or expedient for the proper discharge by the Financial Intelligence Service of its functions.

Where the Regulations apply, a prescribed police officer, by notice in writing served upon the relevant person, may require that person to provide the officer (or any other specified police officer) with such information relating to the report as may be specified in writing within such period which, in usual circumstances shall not be less than 7 days, and in such form and manner, as may be specified.

These Regulations come into force on the day that they are made

No. 82 of 2019

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL BENEFIT)  
(AMENDMENT NO. 4) REGULATIONS, 2019**

In pursuance of sections 10 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 23<sup>rd</sup> July, 2019 are laid before the States.

EXPLANATORY NOTE

These Regulations add a number of drugs to the list of drugs that may be prescribed as pharmaceutical benefit and substitute one drug on that list with another form of the same drug.

These Regulations come into force on the 24<sup>th</sup> July, 2019.

No. 83 of 2019

**WASTE DISPOSAL AND RECOVERY CHARGES REGULATIONS, 2019**

In pursuance of Section 32(3)(c) and (4) and section 72 of the Environmental Pollution (Guernsey) Law, 2004 and all other powers enabling it in that behalf, the Waste Disposal and Recovery Charges Regulations, 2019, made by the Waste Disposal Authority on 25<sup>th</sup> July 2019, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges, or rates of charge, payable from 1st August 2019 as a pre-condition of the acceptance of waste of particular descriptions by the Waste Disposal Authority for disposal or recovery at specified public waste management sites (see Table 1 in Schedule 1). They also set out charges in 2019 for the reloading of waste which is not accepted at specified public waste management sites (see Table 2 in Schedule 1).

The main changes from the previous Waste Disposal and Recovery Charges (No. 2) Regulations, 2018 are to Schedule 1, Table 1, which sets out amended rates of charge as a pre-condition of the acceptance of certain wastes at Mont Cuet (namely road sweepings, gully sludges, and water treatment sludges), and the addition of food waste as a description of recyclable waste in Schedule 2.

Schedule 2 lists descriptions of recyclable waste for which higher charges are payable, by reason of falling within the definition of "contaminant" in regulation 3(1), when delivered to a waste site as part of a mixed load rather than segregated for recycling. The higher charge is that in category D2 of Table 1 of Schedule 1. There are also some minor consequential amendments including to the definition of "contaminant" in regulation 3(1) and to Schedule 2.

These Regulations came into force on 1st August, 2019.

No. 84 of 2019

**THE INCOME TAX (SUBSTANCE REQUIREMENTS)  
(IMPLEMENTATION) (AMENDMENT) REGULATIONS, 2019**

In pursuance of section 203A of the Income Tax (Guernsey) Law, 1975, as amended, "The Income Tax (Substance Requirements) (Implementation) (Amendment) Regulations, 2019" made by the Policy & Resources Committee on 29 July 2019, are laid before the States.

**EXPLANATORY MEMORANDUM**

These Regulations amend the Income Tax (Substance Requirements) (Implementation) Regulations, 2018, which implement and enable the administration and enforcement in domestic law of substance requirements in respect of companies which are tax resident, by clarifying the core income generating activities required for an IP company; amending the definitions in respect of a high risk IP company, and an IP asset; specifying the types of information required to satisfy the Director that the presumption that a high risk IP company fails the substance requirements is rebutted; extending the substance requirements to companies granted exemption from tax that are not collective investment vehicles; and by making all necessary consequential changes.

The full text of the legislation can be found at:

<http://www.guernseylegalresources.gg/article/90621/Statutory-Instruments>