



TRANSFER OF FUNCTIONS (CANNABIS) ORDER 2020

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Statutory Document No. 2020/0547



Government Departments Act 1987 and the Statutory Boards Act 1987

TRANSFER OF FUNCTIONS (CANNABIS) ORDER 2020

Approved by Tynwald:

Coming into Operation: in accordance with article 2

The Governor in Council makes the following Order under Schedule 2 to the Government Departments Act 1987 and section 5 of the Statutory Boards Act 1987.

1 Title

This Order is the Transfer of Functions (Cannabis) Order 2020.

2 Commencement

If approved by Tynwald, this Order comes into operation on the day after this Order is approved by Tynwald¹.

3 Interpretation

In this Order—

“**the 1976 Act**” means the Misuse of Drugs Act 1976;

“**the 2010 Act**” means the Gambling Supervision Act 2010;

“**the 2001 Regulations**” means the Misuse of Drugs Regulations 2001² as applied to the Island and as amended from time to time;

“**the Advisory Council**”, “**cannabis**”, “**cannabis resin**”, and “**controlled drug**” have the same meanings as in the 1976 Act;

“**cannabinol derivatives**” has the same meaning as in Part IV of Schedule 2 (controlled drugs) to the Misuse of Drugs Act 1971 (an Act of Parliament);

“**cannabis-based product for medicinal use in humans**” has the meaning given in the 2001 Regulations;

“**Commission**” means the Isle of Man Gambling Supervision Commission;

¹ By paragraph 4(4) of Schedule 2 to the Government Departments Act 1987, an order under paragraph 1 or 2 of that Schedule shall not have effect unless it is approved by Tynwald.

² SI 2001/3998, as applied to the Island by the Misuse of Drugs (Miscellaneous Enactments) (Application) Order 2013 (SD 0310/13).

“**Department**” means the Department of Health and Social Care.

4 Transfer of functions

(1) The functions of the Department specified in any row in column 1 of the table in Schedule 1 are transferred from the Department to the Commission in relation to the controlled drugs specified in column 3 of the same row in the table.

(2) The functions of the Department under—

- (a) any regulations or order made under any provision of the 1976 Act;
or
- (b) any regulations or order for the time being in force applied to the Island by an order made under section 33 of the 1976 Act,

in so far as they relate to a function that is transferred to the Commission by Schedule 1 or to cannabinol, cannabinol derivatives, cannabis and cannabis resin, are also transferred to the Commission.

5 Consequential amendments

(1) Schedule 2 has effect in consequence of article 4.

(2) The amendments specified in Schedule 2 have effect only insofar as functions of the Department are transferred to the Commission under this Order and in relation to those transferred functions.

(3) Reference in—

- (a) any regulations or order made under any provision of the 1976 Act;
or
- (b) any regulations or order for the time being in force applied to the Island by an order made under section 33 of that Act,

to the Department in relation to a function which has been transferred to the Commission under this Order is to be taken as a reference to the Commission.

MADE 30 NOVEMBER 2020

W GREENHOW
Chief Secretary

SCHEDULE 1

[Article 4]

FUNCTIONS TRANSFERRED

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Function	Provision under which the function exists	Controlled drugs in relation to which the function is transferred
The power of the Department to issue a licence under section 3(2)(b) of the 1976 Act to disapply the prohibition of the importation or exportation of a controlled drug under section 3(1) of the 1976 Act if the importation or exportation of the controlled drug is under and in accordance with the terms of a licence issued and in compliance with any conditions attached to the licence	Section 3(2)(b) of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function
The power of the Department by regulations to except from section 3(1)(a) or (b) (restriction of importation, exportation etc of controlled drugs) of the 1976 Act such controlled drugs as may be specified in the regulations	Section 7(1)(a) of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function
The power of the Department by regulations to make such provision other than that specified in section 7(1)(a) of the 1976 Act as the Department thinks fit for the purpose of making it lawful for persons to do things which under any of sections 4(1), 5(1) and 6(1) of that Act it would otherwise be unlawful for them to do and in particular providing for the doing of that thing to be lawful — (a) if it is done under and in accordance with the terms of a licence or other authority issued by the Department and in compliance with any conditions attached to the licence or authority; or	Section 7(1)(b) and (2) of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function

<p>(b) if it is done in compliance with such conditions as may be prescribed</p>		
<p>The power of the Department by an order or under any relevant legislation to designate a controlled drug as a drug to which section 7(4) of the 1976 Act applies</p>	<p>Section 7(4) of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function</p>
<p>The power of the Department by regulations to make such provision as appears to the Department necessary or expedient for preventing the misuse of controlled drugs</p>	<p>Section 10(1) of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function</p>
<p>The power of the Department, by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept, to 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 on those premises, without prejudice to any requirement imposed by –</p> <p>(a) regulations made in pursuance of section 10(2)(a) of the 1976 Act; or</p> <p>(b) regulations for the time being in force made in pursuance of section 10(2)(a) of the Misuse of Drugs Act 1971 and applied to the Island by an order made under section 33 of the 1976 Act</p>	<p>Section 11(1) of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function</p>
<p>The power of the Department by regulations to make provision –</p> <p>(a) for excluding in such cases as may be prescribed –</p> <p>(i) the application of any provision of the 1976 Act which creates an offence; or</p> <p>(ii) the application of any of sections 47(1) to (4),</p>	<p>Section 22 of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function</p>



<p>69(2) and (3) and 178 of the Customs and Excise Management Act 1986 in so far as they apply in relation to a prohibition or restriction on importation or exportation of controlled drugs having effect by virtue of section 3 of the 1976 Act;</p> <p>(b) for the application of any of the provisions of the 1976 Act or regulations or orders under it to servants or agents of the Crown, in right of the Government of the United Kingdom or of the Government of the Island, subject to any prescribed exceptions, adaptations and modifications</p>		
<p>The power of the Department to authorise a person other than a constable, for the purposes of the execution of the 1976 Act, to 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 controlled drugs and to inspect any stocks of any such drugs</p>	<p>Section 23(1) and (3A) of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin</p>
<p>The power of the Department to specify the terms on which and the conditions subject to which a licence or other authority may be issued (including, in the case of a licence, the payment of a prescribed fee)</p>	<p>Section 30 of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function</p>
<p>The power of the Department to prescribe the fee on which the issue of a licence is payable</p>	<p>Section 30 of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin</p>
<p>The power of the Department to modify or revoke a licence at any time</p>	<p>Section 30 of the 1976 Act</p>	<p>Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for</p>

		medicinal use in humans, in so far as the Department consents to the Commission exercising that function
<p>The power of the Department to make regulations under any provision of the 1976 Act to—</p> <p>(a) make different provision in relation to different controlled drugs, different classes of persons, different provisions of the 1976 Act or other different cases or circumstances;</p> <p>(b) make the opinion, consent or approval of a prescribed authority or of any person authorised in a prescribed manner material for purposes of any provision of the regulations; and</p> <p>(c) contain such supplementary, incidental and transitional provisions as appears expedient to the Department</p>	Section 31 of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function
The requirement of the Department to consult the Advisory Council before it makes any order or regulations under the 1976 Act	Section 31(2), 32(3) and 33(4) of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin
The power of the Department by order, to amend vary or repeal any provision of the 1976 Act for the purpose of making it correspond (subject to any modifications or adaptations) with the like enactments from time to time operating in the United Kingdom	Section 32(1) of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function
The power of the Department, by order, to apply to the Island the provisions of any order or regulations made under any like enactments to the 1976 Act from time to time in force in the United Kingdom	Section 33(1) of the 1976 Act	Cannabinol, cannabinol derivatives, cannabis and cannabis resin; and cannabis-based products for medicinal use in humans, in so far as the Department consents to the Commission exercising that function

SCHEDULE 2

[Article 5]

CONSEQUENTIAL AMENDMENTS

1. Amendments to the 1976 Act

- (1) The 1976 Act is amended as follows.
- (2) In section 1(4) (the Advisory Council on the Misuse of Drugs), after “the Department,”, insert **22** the Commission, **22**.
- (3) In section 3 (restrictions of importation, exportation etc of controlled drugs)
 - (a) for paragraph (b), substitute —

22 (b) to the importation or exportation of —	
(i) cannabinol, cannabinol derivatives, cannabis or cannabis resin (including a cannabis-based product for medicinal use in humans) under and in accordance with the terms of a licence issued by the Commission and in compliance with any conditions attached thereto; or	
(ii) a cannabis-based product for medicinal use in humans or any controlled drug under and in accordance with the terms of a licence issued by the Department and in compliance with any conditions attached thereto. 22 .	
 - (b) after subsection 2 insert —

22 (2A) The Commission shall not issue a licence under subsection (2)(b) in respect of a cannabis-based product for medicinal use in humans without the consent of the Department. 22 .	
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- (4) In section 7 (authorisation of activities otherwise unlawful under foregoing provisions) —
 - (a) in subsection (1) for “The Department” insert **22** Subject to subsection (1A), the Department **22**;
 - (b) after subsection (1), insert —

22 (1A) The Department must not make regulations under subsection (1) above in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans.	
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 - (1B) The Commission may, by regulations —

- (a) except from section 3(1)(a) or (b), (4)(1)(a) or (b) or 5(1) of this Act cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans;
 - (b) make such provision as it thinks fit for the purpose of making it lawful for persons to do things which under any of the following provisions of this Act, that is to say, sections 4(1), 5(1) and 6(1), it would otherwise be unlawful for them to do in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans; and
 - (c) with the consent of the Department, make regulations for a purpose described in paragraphs (a) or (b) in respect of a cannabis-based product for medicinal use in humans. **22**;
- (c) for subsection (2), substitute —
- 22**(2A) Without prejudice to the generality of subsections (1)(b) and (1B)(b) above, regulations under either of those subsections authorising the doing of any such thing as is mentioned in those subsections may in particular provide for the doing of that thing to be lawful —
- (a) if it is done under and in accordance with the terms of a licence or other authority issued by the Department or the Commission, as the case may be, and in compliance with any conditions attached thereto; or
 - (b) if it is done in compliance with any conditions as may be prescribed. **22**;
- (d) in subsection (3) after “subsection (1) above” insert **22**, and the Commission shall so exercise its power to make regulations under subsection (1B) above, **22**;
- (e) in subsection (4) —
- (i) after “the Department” where it first appears insert **22** or the Commission **22**;
 - (ii) in paragraph (b), after “the Department” insert **22** or the Commission, as the case may be **22**;
- (f) in subsection (5) for “The Department shall not” substitute **22** Neither the Department nor the Commission shall **22**;
- (g) after subsection (5) insert —
- 22**(5A) The Department shall not make regulations under subsection (3), or an order under subsection (4), in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans.
- (5B) The Commission shall not make regulations under subsection (3), or an order under subsection (4) —

- (a) except in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin; and
- (b) in the case of a cannabis-based product for medicinal use in humans, except with the consent of the Department. **22**.
- (5) In the italic cross-heading immediately before section 10, after “Department”, insert **23** and Commission **24**.
- (6) In section 10 (powers to make regulations for preventing misuse of controlled drugs) —
- (a) in subsection (1) after “the Department” insert **23** and the Commission **24**;
- (b) after subsection (1), insert —
- 23**(1A) The Department shall not make regulations under subsection (1) in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans.
- (1B) The Commission may make regulations under subsection (1) in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin, provided that the Commission —
- (a) shall not make such regulations in relation to a cannabis-based product for medicinal use in humans, without the consent of the Department; and
- (b) shall not make regulations that make provision for the matters described in subsection (2)(g), (h) or (i). **22**.
- (7) In section 11 (power to direct special precautions for safe custody of controlled drugs to be taken at certain premises) —
- (a) in subsection (1) —
- (i) For “Without” substitute **23** Subject to subsections (1A) and (1B), and without **22**;
- (ii) after “the Department” insert **23** or the Commission **24**;
- (b) after subsection (1), insert —
- 23**(1A) The Department shall not give a direction under subsection (1) in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans.
- (1B) The Commission —
- (a) may only give a direction under subsection (1) in respect of cannabinol, cannabinol derivatives, cannabis or cannabis resin; and
- (b) shall not give a direction in relation to a cannabis-based product for medicinal use in humans without the consent of the Department. **22**.

- (8) In section 22 (further powers to make regulations) —
- (a) renumber the existing text as subsection (1);
 - (b) in section 22(1) (as renumbered) for “the Department” substitute “Subject to subsections (2) and (3), the Department or the Commission ²²”;
 - (c) after section 22(1) (as renumbered), insert —
 - ²²(2) The Department shall not make regulations under subsection (1) in respect of cannabino, cannabino derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans.
 - (3) The Commission may make regulations under subsection (1) in respect of cannabino, cannabino derivatives, cannabis or cannabis resin, provided that the Commission shall not make such regulations in relation to a cannabis-based product for medicinal use in humans without the consent of the Department. ²².
- (9) In section 23 (powers to search and obtain evidence) —
- (a) after subsection (1), insert —
 - ²²(1A) A person authorised by the Commission shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of cannabino, cannabino derivatives, cannabis or cannabis resin 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. ²²; and
 - (b) in subsection (4)(b), after “(1)”, insert ²²or (1A) ²².
- (10) In section 29 (service of documents), in subsection (3), after “the Department”, insert ²²or the Commission (as the case may be) ²².
- (11) For section 30 (licences and authorities) substitute —

²²30 Licences and authorities

- (1) A licence or other authority issued by the Department for the purposes of this Act, of regulations made under this Act or of any regulations for the time being in force applied to the Island by an order made under section 33 of this Act may be, to any degree, general or specific, issued on such terms and subject to such conditions (including, in the case of a licence, the payment of a prescribed fee) as the Department thinks proper, and may be modified or revoked by it at any time.
- (2) A licence issued by the Commission for the purposes of this Act, of regulations made under this Act or of any regulations for the time being in force applied to the Island by an order made under section

- 33 of this Act may be, to any degree, general or specific, issued on such terms and subject to such conditions (including, the payment of a prescribed fee to the Treasury) as the Commission thinks proper, and may be modified or revoked by it at any time. **22**.
- (12) In section 31 (general provisions as to regulations) —
- (a) in subsection (1) —
- (i) for “the Department”, where those words occur for the first time, substitute **23** or the Commission **22**; and
- (ii) for “the Department”, where those words occur for the second time, substitute **23** or the Commission, as the case may be **22**; and
- (b) for subsection (2) substitute —
- 23**(2) Neither the Department nor the Commission shall make any regulations under this Act except after consultation with the Advisory Council. **22**.
- (13) In section 32 (power to amend Act by order) —
- (a) in subsection (1), after “the Department”, in both places where it appears, insert **23** or the Commission, as the case may be **22**; and
- (b) for subsection (3) substitute —
- 23**(3) Neither the Department nor the Commission shall make an order under subsection (1) above except after consultation with the Advisory Council. **22**.
- (14) In section 33 (application of UK orders, regulations and directions) —
- (a) in subsection (1) —
- (i) for “the Department”, where those words occur for the first time, substitute **23** or the Commission **22**; and
- (ii) for “the Department”, where those words occur for the second time, substitute **23** or the Commission (as the case may be) **22**; and
- (b) for subsection (4), substitute —
- 23**(4) Neither the Department nor the Commission shall make any order under subsection (1) above except after consultation with the Advisory Council. **22**.
- (15) In section 36 (financial provisions), after “any Department”, insert **23** or the Commission **22**.
- (16) In section 38(1) (interpretation) —
- (a) After the definition of “cannabis resin” insert —
- 23** “cannabinol derivatives” has the same meaning as in Part IV of Schedule 2 (controlled drugs) to the UK Act;

“**the Commission**” means the Isle of Man Gambling Supervision Commission;²²

- (b) in the definition of “prescribed”, after “the Department”, insert ²³or the Commission²².

2 Amendments to the 2010 Act

- (1) The 2010 Act is amended as follows.
- (2) In section 3 (interpretation) —
- (a) immediately before the definition of “**the Commission**”, insert —
- ²⁴“**the Advisory Council**”, “**cannabis**”, “**cannabis resin**” and “**controlled drug**” have the meanings given to them in the Misuse of Drugs Act 1976;
- “**cannabinol derivatives**” has the same meaning as in Part IV of Schedule 2 (controlled drugs) to the Misuse of Drugs Act 1971 (an Act of Parliament);
- “**cannabis-based product for medicinal use in humans**” has the meaning given in the Misuse of Drugs Regulations 2001³ (as they are applied to the Island)⁴; ²⁵
- (b) in the definition of “the regulatory objectives”, after “5 (2)”, insert ²⁶and (2A);²²; and
- (c) after the definition of “the regulatory objectives”, insert —
- ²⁶“**transferred function**” means a function transferred to the Commission under the Transfer of Functions (Cannabis) Order 2020⁵ ²².
- (3) In section 5 (regulatory objectives) —
- (a) in subsection (1)(a), for “subsection (2)”, substitute ²⁷subsections (2) and (2A)²²;
- (b) in subsection (2), after “objectives”, insert ²⁸, in relation to the Commission’s functions relating to gambling,²²
- (c) after subsection (2) insert —
- ²⁸(2A) The regulatory objective, in relation to the Commission’s transferred functions, is preventing the misuse of cannabinol, cannabinol derivatives, cannabis or cannabis resin. ²²;
- (d) in subsection (3), after “functions”, insert ²⁹relating to gambling²²;
- (e) after subsection (3) insert —

³ SI 2001/3998.

⁴ See SD 0310/13.

⁵ SD 2020/0547.

- (3A) Subject to subsection (1), in discharging its transferred functions the Commission must have regard to any advice or recommendation given to it under the Misuse of Drugs Act 1976 by the Advisory Council. (2);
- (f) in subsection (4)(a), after “functions”, insert (3) relating to gambling (2); and
- (g) in subsection (5)(b), after “objectives”, insert (3) set out in subsection (2) (2).
- (4) In section 6 (mutual assistance) —
- (a) in subsection (1) —
- (i) after “(2),”, insert (3) in relation to its functions relating to gambling, (2); and
- (ii) for “regulatory authority” substitute (3) gambling regulatory authority (2);
- (b) after subsection (1) insert —
- (1A) In relation to its transferred functions, the Commission may enter into an agreement with a cannabis regulatory authority for the purpose of preventing the misuse of drugs. (2);
- (c) in subsection (2), for “regulatory authority”, substitute (3) gambling regulatory authority (2);
- (d) in subsection (3), for “(1) and (2)”, substitute (3) (1) to (2) (2); and
- (e) in subsection (4) —
- (i) immediately before the definition of “gambling”, insert —
- (3) “cannabis regulatory authority” means any person or body, whether of a public or private nature, and whether established in the Island or elsewhere, which —
- (a) regulates, supervises or controls the use of cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans, or
- (b) regulates or supervises any trade or business relating to cannabinol, cannabinol derivatives, cannabis or cannabis resin other than a cannabis-based product for medicinal use in humans; (2); and
- (ii) in the definition of “regulatory authority”, for ““regulatory authority””, substitute (3) “gambling regulatory authority” (2).
- (5) In section 8(1) (liability for exercise of functions) —
- (a) for paragraph (a), substitute —
- (3)(a) in the exercise, or purported exercise, of —

- (i) the functions conferred by or under any of the gambling Acts; or
 - (ii) any transferred function; or ~~22~~; and
 - (b) in paragraph (b), after “6(1)”, insert ~~22~~ or (1A) ~~22~~.
- (6) In Schedule 1 (the Commission) —
 - (a) in paragraph 6(1)(a), after sub-paragraph (iii), insert —
 - ~~22~~(iv) pharmacology,
 - (v) chemistry or chemical analysis,
 - (vi) physical security,
 - (vii) horticulture or bio-security, ~~22~~; and
 - (b) in paragraph 7(2)(b), after “5(3)”, insert ~~22~~ or (3A) ~~22~~.
- (7) In Schedule 2 —
 - (a) in paragraph 1(2) —
 - (i) after “gambling Acts”, insert ~~22~~ or under the Misuse of Drugs Act 1976 or under any regulations or order under, or applied to the Island by an order made under, the Misuse of Drugs Act 1976 ~~22~~; and
 - (ii) after “those Acts”, insert ~~22~~, regulations or orders ~~22~~; and
 - (b) in paragraph 2(1) —
 - (i) in paragraph (e), at the end of the paragraph, omit “or”;
 - (ii) after paragraph (f), insert —
 - ~~22~~(g) for the purpose of enabling the Advisory Council to discharge its functions under the Misuse of Drugs Act 1976;
 - (h) for the purposes of satisfying obligations created by a memorandum of understanding to which the Commission or any Department is party;
 - (i) for the purposes of enabling the Department for Enterprise to understand any economic problems experienced by any person to whom a licence has been issued by the Commission under the Misuse of Drugs Act 1976 or under any regulations or order under, or applied to the Island by an order made under, that Act ~~22~~.

3 Amendments to the Misuse of Drugs (Miscellaneous Enactments (Application) Order 2013

- (1) Article 8 (other modifications of the 2001 Regulations) of the Misuse of Drugs (Miscellaneous Enactments (Application) Order 2013 is amended so as to further modify the 2001 Regulations as follows.
- (2) In Article 8(3) (which modifies regulation 2(1) (interpretation) —

- (a) after sub-paragraph (b) insert —
- (ba) after the definition of “clinical trial” insert —
- “the Commission” means the Isle of Man Gambling Supervision Commission; **22**; **22**
- (b) after sub-paragraph (d) insert —
- (da) in the definition of “register”, after “Department” insert **66** or the Commission **22** **22**.
- (3) In Article 8(4) (which inserts regulation 4C (removal of drugs to or from United Kingdom), in inserted regulation 4C(1), after “Department” insert **66** or the Commission **22**, **22**.
- (4) After Article 8(5) insert —
- (5A) In regulation 5, after “Department” insert **66** or the Commission **22**.
- (5B) In regulation 8(2)(f) and 8(4) after “Department” insert **66** or the Commission **22**.
- (5C) In regulation 9(1)(c) and (4)(a) after “Department” insert **66** or the Commission **22**.
- (5D) In regulation 10(4)(a) after “Department” insert **66** or the Commission **22** **22**.
- (5) After Article 8(6) insert —
- (6A) Omit regulation 12.
- (6B) In regulation 14(2)(a)(v) after “Department” insert **66** or the Commission **22** **22**.
- (6) For Article 8(10) (which modifies regulation 20(d) (requirements as to registers), substitute —
- (10) In regulation 20 —
- (a) in paragraph (d), for “under section 2 of the National Health Service 1977.” substitute **66** or the Commission. **22**;
- (b) in paragraph (f), after “Department” insert **66** or the Commission **22** **22**.
- (7) For Article 8(13), substitute —
- (13) In regulation 24A, for “under section 2 of the National Health Service 1977.” substitute **66** or the Commission. **22**, **22**.
- (8) After Article 8(13) insert —
- (13A) In regulation 26(1) and (1A), after “Department” in each place where it appears insert **66** or the Commission **22**, **22**.
- (9) In Article 8(14) (which modifies regulation 27 (destruction of controlled drugs), for sub-paragraph (a) substitute —
- (a) in paragraph (1) —

- (i) omit “or, subject to paragraph (1A), an accountable officer”; and
- (ii) after “Department” insert “or the Commission”.



EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers from the Department of Health and Social Care (“the Department”) to the Isle of Man Gambling Supervision Commission (“the Commission”) its functions under the Misuse of Drugs Act 1976 (“1976 Act”) and under regulations or orders made under that Act or applied to the Island by an order made under that Act, in so far as they are functions to control Cannabinol, cannabinol derivatives, cannabis and cannabis resin. However, the transferred functions, in so far as they relate to cannabis-based products for medicinal use in humans, may only be exercised by the Commission with the consent of the Department.

This Order makes consequential amendments to the 1976 Act and to the Misuse of Drugs (Miscellaneous Enactments) (Application) Order 2013, in so far as it applies the Misuse of Drugs Regulations 2001 to the Island, which are necessary as a result of the transfer of functions. The amendments to the 1976 Act make provision to the effect that the Department does not have any functions in relation to cannabinol, cannabinol derivatives, cannabis and cannabis resin, except cannabis-based products for medicinal use in humans, and that the Commission cannot exercise its powers in relation cannabis-based products for medicinal use in humans unless it has the consent of the Department to do so.

This Order also makes consequential amendments to the Gambling Supervision Act 2010 to enable the Commission to carry out the transferred functions. In particular, its regulatory objectives are extended to preventing the misuse of cannabinol, cannabinol derivatives, cannabis or cannabis resin; and it is required to have regard to any advice given to it under the 1976 Act by the Advisory Council on the Misuse of Drugs.