

**REPLY BY THE PRESIDENT OF THE COMMITTEE FOR HEALTH & SOCIAL CARE
TO A QUESTION POSED BY DEPUTY GAVIN ST PIER PURSUANT TO RULE 14 OF
THE RULES OF PROCEDURE.**

- 1. Will the Committee publish in full or in part the Memorandum of Understanding signed with the UK's Home Office in relation to the cultivation of cannabis?**

The Memorandum of Understanding includes a provision that requires consent to be given from both sides before the document can be published. The Committee *for* Health & Social Care has provided this consent and understands that the UK Home Office is going through its own procedures and due process to consider whether it wishes to do so. The Committee *for* Health & Social Care has no control over the timing of this.

- 2. If the Memorandum of Understanding will not be published in full, could the Committee explain:**

a. Why this is the case?

Please see the answer to question 1, above.

b. Without transparency, how are members of the industry expected to develop practices that ensure they comply with the standards expected or implicit in the MoU?

As set out on the States of Guernsey website¹, the focus of the Memorandum of Understanding is an agreement with the Home Office to meet the requirements of the United Nations' 1961 Single Convention on Narcotic Drugs² and how both sides will work together to ensure these are met. The document does not and is not intended to provide specific detail on any operational practices required to achieve a cannabis cultivation licence. The Bailiwick of Guernsey Cannabis Agency (BGCA) has received several applications to cultivate cannabis and has granted a licence to one of those applicants, so the Committee *for* Health & Social Care wishes to emphasise that unachievable standards are not being set.

The BGCA provide further information to prospective applicants relating to the requirements for making an application and the site inspection process on the cannabis licensing website.³

- 3. Why do the States of Guernsey, via the Bailiwick of Guernsey Cannabis Agency, require an 'export licence' for companies to export CBD products to jurisdictions where there is no restriction on the import of CBD products and, in any event, the receiving jurisdiction is responsible for regulating compliance with its own laws and any international agreements? For example, the UK imports many CBD products from jurisdictions such as the US, Canada and elsewhere, yet the Guernsey CBD industry is prevented from exporting to the UK without a licence.**

¹ [Cannabis Licensing Gov.gg](https://www.gov.gg/cannabis-licensing)

² [1961 Single Convention on Narcotic Drugs](https://www.un.org/en/conferences/international-law/1961-single-convention-on-narcotic-drugs)

³ [Cultivation of cannabis - States of Guernsey \(gov.gg\)](https://www.gov.gg/cannabis-licensing)

The Misuse of Drugs (Modification) Order, 2018⁴ requires an export licence issued by the Committee *for* Health & Social Care for any commercial cannabidiol (CBD) export from the Bailiwick of Guernsey.

The Committee *for* Health & Social Care is aware that the requirements for CBD imports differ by jurisdiction and confirmation that these have been met is gained prior to issuing an export licence. For example, CBD products are generally considered a controlled drug within the UK as identified by the Home Office⁵ and the UK request that the appropriate import licence is sourced from the Home Office. Imports of controlled drugs to the UK undertaken without a licence issued under the Misuse of Drugs Act 1971 would be unlawful.

4. What is the basis of the authority of the Bailiwick of Guernsey Cannabis Agency? It appears to have no statutory basis, so has it been established by resolution of the Committee delegating specific functions and powers? If so, is the Agency politically overseen by and accountable to the Committee? Or are any of the officers constituting the Agency acting in any statutory capacity?

The 1961 Single Convention on Narcotic Drugs, of which Guernsey is a signatory, signed 20 June 1978⁶, requires that a government permitting the cultivation of cannabis must establish and maintain a government agency for cannabis. The BGCA was created to fulfil this requirement.

It was established by the Committee *for* Health & Social Care in June 2021. The Committee for Health & Social Care liaised with the Committee *for* Economic Development, the Committee *for* Home Affairs and the Policy & Resources Committee about the formation of the BGCA and continue to communicate with these committees.

Its membership includes officers from Health & Social Care, Economic Development and Law Enforcement, and the responsibility for issuing a cannabis cultivation licence under the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 has been delegated by the Committee *for* Health & Social Care to an officer within the BGCA namely, the Director of Environmental Health & Pollution Regulation.

Officers from the BGCA report back to the Committee *for* Health & Social Care on regular basis.

⁴ [The Misuse of Drugs \(Modification\) Order, 2018](#)

⁵ [Cannabidiol \(CBD\) and its control status \(Home Office Factsheet\)](#)

⁶ [Microsoft Word - treaty_adherence_convention_1961.rtf \(unodc.org\)](#)