

THE DANGEROUS DRUGS ACT

REGULATIONS
(under section 9)

THE DANGEROUS DRUGS REGULATIONS, 1948

(Made by the Governor in Executive Council on the 22nd day of
March, 1948)

L.N. 28/48
Amend:
L.N. 21/58

1. These Regulations may be cited as the Dangerous Drugs Regulations, 1948.

2. In these Regulations, unless the context otherwise requires—
“authority” means—

- (a) any licence issued by the Chief Medical Officer under section 19 of the Act;
- (b) any authority granted by the Chief Medical Officer under regulations made under that section;
- (c) any general authorization conferred by these Regulations; and the expression “authorized” shall be construed accordingly;

“authorized veterinary surgeon” means a veterinary surgeon to whom an authority has been granted by the Chief Medical Officer;

“chemist and druggist” means a person who is registered as a pharmacist under the provisions of the Pharmacy Act;

“drug” means any drug, not being a preparation within the meaning of these Regulations to which Part IV of the Act applies;

“preparation” means any preparation, admixture, extract, or other substance, containing such a proportion of a drug as is sufficient to make the preparation, admixture, extract or substance, a drug to which Part IV of the Act applies;

“register” means a bound book and does not include any form of loose leaf register or card index.

3.—(1) A person shall not, unless he is duly authorized so to do or otherwise than in accordance with the terms and conditions of his authority, supply or procure or offer to supply or procure, to or for

any person (including himself), whether in the Island or elsewhere, or advertise for sale a drug or preparation.

(2) Subject as hereinafter provided, a person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in the Island, unless that latter person is authorized to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the terms and conditions of that person's authority:

Provided that for the purpose of this paragraph the administration of a drug or preparation by, or under the direct personal supervision and in the presence of, a duly registered medical practitioner, or by, or under the direct personal supervision and in the presence of a duly registered dentist in the course of dental treatment, shall not be deemed to be the supplying of a drug or preparation.

4.—(1) A person shall not be in possession of a drug or preparation unless he is duly so authorized.

(2) For the purposes of these Regulations—

(a) a person to whom a drug or preparation is lawfully supplied—

(i) by a duly registered medical practitioner or authorized veterinary surgeon who dispenses his own medicines;

(ii) on a prescription lawfully given by a duly registered medical practitioner, a duly registered dentist or a duly authorized veterinary surgeon,

shall be deemed to be a person authorized to be in possession of the drug or preparation so supplied:

Provided that a person supplied with a drug or preparation by, or on a prescription given by a registered medical practitioner, shall not be deemed to be a person authorized to be in possession of the drug or preparation if he was then being supplied with a drug or preparation by, or on a prescription given by, another registered medical practitioner in the course of treatment and did not disclose the fact to the first-mentioned medical practitioner before the supply by him or on his prescription;

(b) a person shall be deemed to be in possession of a drug or preparation if it is in his actual custody or is held by any other person subject to his control or for him or on his behalf.

5.—(1) Where a drug or preparation is to be lawfully supplied to any person (hereinafter referred to as the "recipient") otherwise than by, or on prescription given by, a duly registered medical practitioner, the person supplying the drug or preparation (hereinafter referred to as "the supplier") shall not deliver it to a person who purports to be sent by or on behalf of the recipient, unless that person either—

- (a) is a person authorized under these Regulations to be in possession of that drug or preparation; or
- (b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorized by the recipient to receive the drug or preparation in question on behalf of the recipient and the supplier is reasonably satisfied that the document is a genuine document.

(2) A person to whom a drug or preparation is lawfully delivered in the circumstances mentioned in sub-paragraph (b) of paragraph 1 shall be deemed to be a person authorized to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable the delivery to the recipient to be effected.

6.—(1) The following persons, that is to say—

- (a) duly registered medical practitioners;
- (b) registered dentists;
- (c) persons in charge of laboratories used for the purposes of research or instruction and attached to institutions, schools, or colleges, approved for the purpose of this regulation by the Chief Medical Officer;
- (d) analysts designated for the purpose of section 17 of the Food and Drugs Act;
- (e) Government dispensers who are employed or engaged in dispensing medicines at a public institution;
- (f) the Island Chemist, the Government Chemist and the Government Pathologist; and
- (g) an authorized veterinary surgeon,

are hereby authorized, so far as may be necessary for the practice or exercise of their respective professions or employments in their capacity

as members of their respective classes, to be in possession of drugs or preparations.

(2) Persons who are members of the classes designated at (a), (e), and (g) of paragraph (1) are hereby authorized, so far as may be necessary for the practice or exercise of their respective professions or employments in their capacity as members of their respective classes, to supply drugs or preparations.

(3) In this regulation the expression "public institution" means a public hospital, public dispensary, prison, poor-house or industrial school.

7.—(1) Subject to the proviso hereinafter contained, persons lawfully keeping open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Act are hereby authorized—

- (a) to manufacture at the shop in the ordinary course of their retail business any preparation; and
- (b) subject to the provisions of these Regulations, to carry on at the shop the business of retailing, dispensing or compounding drugs or preparations:

Provided that such persons have been granted an authority by the Chief Medical Officer under the Dangerous Drugs (Authorization Conditions) Regulations, 1948, and notice thereof given in the *Gazette*.

(2) Every drug or preparation in the actual custody of a person authorized by virtue of this regulation shall be kept in a locked receptacle which can be opened only by him or by some assistant of his being a chemist and druggist.

8.—(1) If any person, being an authorized person within the meaning of these Regulations is convicted of an offence against the Act, or of an offence against the Pharmacy Act or the Food and Drugs Act, the Minister may, if he is of opinion that that person ought not to be allowed to remain an authorized person, by notice in the *Gazette* withdraw the authority of that person:

Provided that nothing in this paragraph shall be taken to prejudice any power otherwise vested in the Chief Medical Officer of withdrawing any authority granted by him.

(2) Where the person whose authority is withdrawn under paragraph (1) is a duly registered medical practitioner, a registered dentist or an authorized veterinary surgeon, the Minister may by notice given in

like manner, direct that it shall not be lawful for that person to give prescriptions for the purposes of these Regulations.

9.—(1) For the purposes of these Regulations a prescription means a prescription directing the supply of a drug or preparation and given either by a duly registered medical practitioner for the purposes of medical treatment, or by a registered dentist for the purposes of dental treatment or by an authorized veterinary surgeon for the purposes of animal treatment.

(2) A person by whom a prescription is given shall comply with the following requirements:

The prescription shall—

- (a) be in writing and signed by the person giving it with his usual signature and dated by him;
- (b) specify the address of the person giving it;
- (c) specify the name and address of the person for whose treatment it is given or, if it is given by a veterinary surgeon, of the person to whom the article prescribed is to be delivered;
- (d) have written thereon, if given by a dentist, the words "For local dental treatment only", and, if given by a veterinary surgeon, the words "For animal treatment only";
- (e) specify, if it prescribes a preparation contained or compound of preparations all of which are contained in the British Pharmacopoeia of the British Pharmaceutical Codex, the total amount of the preparation or of each preparation, as the case may be, and in any other case the total amount of the drug to be supplied;
- (f) specify whether it is intended for internal or external use, and be restricted to not more than would be sufficient for fourteen days use.

10.—(1) A person shall not supply a drug or preparation on a prescription—

- (a) unless the prescription complies with the provisions of these Regulations relating to prescriptions; and
- (b) unless he either—
 - (i) is acquainted with the signature of the person by whom it purports to have been given and has no reason to suppose that it is not genuine; or

- (ii) has taken reasonably sufficient steps to satisfy himself that it is genuine.

(2) If a prescription expressly states that it may, subject to the lapse of a specified interval or of specified intervals, be dispensed a second or third time, the drug or preparation thereby prescribed may, as the case may be, be supplied a second or a third time after the specified interval or intervals, and no more, but subject as aforesaid, a prescription shall not, for the purposes of these Regulations be taken to authorize the drug or preparation prescribed to be supplied more than once.

(3) The person dispensing a prescription shall, at the time of dispensing it, mark thereon the date on which it is dispensed, and, in the case of a prescription which may be dispensed a second or a third time, the date of each occasion on which it is dispensed, and shall retain it and keep it on the premises where it is dispensed and so that it may be available at all times for inspection.

11.—(1) Subject to the provisions of this regulation, no person shall—

- (a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein; or
- (b) supply a preparation, unless the package or bottle in which it is contained is plainly marked—
- (i) in the case of a powder, solution, or ointment, with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution, or ointment; or
- (ii) in the case of tablets or other similar articles, with the amount of the drug in each article and the number of the articles in the package or bottle.

(2) This regulation shall not apply in a case where a preparation is lawfully supplied in accordance with these Regulations by, or on a prescription lawfully given by, a duly registered medical practitioner

12.—(1) Every person authorized to supply drugs or preparations shall comply with the following provisions—

- (a) he shall, in accordance with the provisions of this regulation, keep a register in the form set out in the First Schedule and enter therein true particulars with respect to every quantity

of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him, whether to persons within or to persons outside the Island;

- (b) he shall use a separate register or separate part of the register for entries made with respect to each of the classes of drugs and preparations specified in the Third Schedule, and for this purpose such drug shall be deemed to comprise its salts and any preparation, admixture, extract or other substance containing it or its salts; Third
Schedule.
- (c) the required entry shall be made on the day on which the drug or preparation is received or on which the transaction with respect to the supply by him of the drug or preparation takes place, or if that is not reasonably practicable, on the day next following the said day;
- (d) a separate register shall be kept in respect of each set of premises at which the authorized person carries on business, and for each department of the business carried on by him;
- (e) no cancellation, obliteration or alteration shall be made of an entry in the register, and any correction of an entry must be made by way of a marginal note or footnote which must specify the date on which the correction is made;
- (f) the authorized person shall, on demand by the Chief Medical Officer by any person empowered in that behalf by order in writing by the Chief Medical Officer furnish to the Chief Medical Officer or that person, as the case may be, such particulars as the Chief Medical Officer or that person may require with respect to the obtaining or supplying by the authorized person of any drug or preparation or with respect to any stocks of drugs or preparations in the possession of the authorized person;
- (g) the register may be used for the purpose of the entries required to be made under regulation 16 of the Pharmacy Regulations, 1975, but save as aforesaid shall not be used for any purpose other than the purposes of these Regulations;
- (h) the authorized person shall once in every three months balance his register by totalling the last columns of Parts I and II and by subtracting the total of Part II from that of Part I and by bringing down the balance in Part I as the stock on hand.

(2) So much of this regulation as requires a person to enter in the register particulars with respect to drugs or preparations supplied by him shall not apply to—

- (a) a duly registered medical practitioner who enters in a day book particulars of every drug or preparation supplied by him to any person, together with the name and address of that person and the date of the supply, and enters in a separate book kept for the purposes of this regulation a proper reference to each entry in the day book which relates to the supply of any drug or preparation; or
- (b) a person lawfully keeping open shop for the sale of drugs and poisons within the meaning of the Pharmacy Act, who enters in a separate book kept for the purposes of this regulation a proper reference to each entry in a prescription book which relates to the supply of any drug or preparation.

(3) References in the separate book must be made in chronological order and the book must be kept in separate parts relating respectively to each of the several classes of drugs and preparations specified in paragraph (1), and must not be used for any purpose other than the purposes of paragraph (2).

(4) The entry in the day book or in the separate book must be made on the day on which, but for paragraph (2), an entry would have been required to be made in the register, and sub-paragraph (e) of paragraph (1) shall apply as respects any such entry.

(5) Every register, every separate book kept under the provisions of paragraph (2), every day book in which any entry with respect to the supply of a drug or preparation is made and every prescription book containing an entry which is referred to in the separate book shall be kept on the premises to which the register or book relates or where the prescription was dispensed, as the case may be, and so as to be at all times available for inspection.

(6) Every entry required to be made under this regulation and every correction of such an entry must be made in ink or otherwise so as to be indelible.

(7) For the purposes of this regulation "a proper reference" means a reference which is entered in the separate book under the same date as that on which the entry in the day book or in the prescription book was made and is otherwise such as to enable that entry to be easily identified.

13.—(1) Any medical practitioner carried as part of the complement of a ship in a port of the Island or, if there is no such practitioner, the master of that ship is hereby authorized—

- (a) so far as is necessary for the purpose of compliance with the United Kingdom Acts relating to merchant shipping, to purchase and be in possession of drugs and preparations; and
- (b) subject to and in accordance with any instructions issued by the Board of Trade, to supply drugs and preparations to members of the crew.

(2) The master of a foreign ship which is in a port in the Island is hereby authorized to purchase and to be in possession of such quantity of drugs and preparations as may be certified by the Chief Medical Officer to be necessary for the equipment of the ship until it next reaches its home port.

(3) No drug or preparation shall be supplied to any master of any ship except on a written order signed by him and countersigned by the Chief Medical Officer.

(4) Any person who supplies a drug or preparation in accordance with the provisions of this regulation shall retain the written order and mark it with the date on which the drug or preparation was supplied and keep it on his premises so as to be at all times available for inspection.

(5) Where a drug or preparation is supplied to a member of the crew of a ship, an entry in the official log book of the medical treatment shall, notwithstanding anything in these Regulations, be a sufficient record of the supply, if that entry specifies the drug or preparation supplied.

14.—(1) All registers, records, books, prescriptions and other documents which are kept, issued or made in pursuance of the requirements or for the purposes of these Regulations shall be preserved in the case of a register, book or other like record, for a period of two years from the date on which the last entry is made therein, and in the case of any other document for a period of two years from the date on which it is issued or made.

(2) Every signed order given by an authorized person for a drug or preparation shall be preserved for a period of two years from the date on which the last delivery under the order was made.

15. The Minister may, subject to such conditions as he may prescribe, exempt any hospital or other public institution from any provision of these Regulations.

16. Nothing in these Regulations shall apply to—

Second
Schedule.

- (a) any of the drugs or preparations mentioned in the Second Schedule or to a drug or preparation which has been denatured in manner approved by the Chief Medical Officer;
- (b) any prescription issued to an officer carrying out duties in connection with sampling for the purposes of the Food and Drugs Act or the Pharmacy Act.

THE DANGEROUS DRUGS REGULATIONS, 1948

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FIRST SCHEDULE

(Regulation 12)

Form of Register

PART I

Entries to be made in case of drugs or preparations obtained

(The class of drugs and preparations to which the entries relate to be specified at the head of each page in the Register).

Stock on hand	Date on which supply received	Name	Address	Form in which obtained	Amount obtained	Total of stock and amount obtained
		of person or firm from whom obtained				

PART II

Entries to be made in case of drugs or preparations supplied

(The class of drugs and preparations to which the entries relate to be specified at the head of each page in the Register).

Date on which the transaction was effected	Name	Address	Authority of person or firm supplied to be in possession	Form in which supplied	Amount supplied
	of persons to whom supplied				

[The inclusion of this page is authorized by L.N. 4/1976]

SECOND SCHEDULE

(Regulation 16)

Drugs and Preparations exempted from these Regulations

Pasta Arsenicalis, B.P.C. 1934
 Pil. Ipecac. c. Scilla, B.P.C. 1934
 Pil. Dig. talis et Opii Co., B.P.C. 1923
 Pil. Hydrarg. c. Cret. et Opii, B.P.C. 1934
 Pulv. Cretae Aromat. c. Opii, B.P. 1932
 Pulv. Ipecac. et Opii, B.P. 1932
 Suppos. Plumbi c. Opii, B.P. 1932
 Tabellae Plumbi c. Opii, B.P.C. 1934
 Elixir Diamorphinae et Terpini c. Apomorphina, B.P.C. 1934
 Linctus Diamorphinae Camphoratus, B.P.C. 1923 and 1934
 Linctus Diamorphinae c. Ipecacuanha, B.P.C. 1934
 Linctus Diamorphinae et Scillae, B.P.C. 1923 and 1934
 Linctus Diamorphinae et Thymi, B.P.C. 1923 and 1934
 Mixtures of Pulv. Ipecac. et Opii, B.P. 1932 with any of the following—
 Hydrarg. c. Cret., B.P. 1914 and 1932
 Acetylsalicylic Acid
 Phenacetin
 Quinine and its Salts
 Sodium Bi-carbonate

Cocaine Eyedrops—a preparation consisting of an admixture of cocaine in castor oil with mercuric chloride in a proportion of not more than one part in 200 of cocaine and not less than one part in 3,000 of mercuric chloride.

THIRD SCHEDULE

(Regulation 12)

- (1) Medicinal opium;
- (2) Any extract or tincture of cannabis (Indian hemp) and any preparation, not being a preparation capable of external use only, made from extract or tincture of cannabis;
- (3) Morphine and its salts, and any solution or dilution of morphine or its salts in an inert substance whether liquid or solid containing any proportion of morphine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth of one per cent of morphine (calculated in respect of anhydrous morphine);
- (4) Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and any solution or dilution of cocaine or its salts in an inert substance, whether liquid or solid, containing any proportion of cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-tenth of one per cent of cocaine or any proportion of ecgonine;
- (5) Acetyldihydrocodeine;
- (6) Acetyldihydrocodeinone;
- (7) Alphameprodine;
- (8) Alphaprodine;
- (9) Benzylmorphine;
- (10) Betameprodine;
- (11) Beta prodine;
- (12) Diacetylmorphine (also known as diamorphine or heroin);
- (13) Diethylthiambutene;
- (14) Dihydrodesoxymorphine (also known as desomorphine);
- (15) Dihydromorphine;
- (16) 1:3-Dimethyl-4-phenyl-4-propionyloxyhexamethyle-neimine;
- (17) Dimethylthiambutene;
- (18) Dioxaphetyl butyrate (4-morpholino-2:2-diphenyl ethyl butyrate);
- (19) Dipipanone;
- (20) Ethylmethylthiambutene;

- (21) Hydrocodone (also known as dihydrocodeinone or dicodide);
- (22) Hydromorphone (also known as dihydromorphinone or dilaudide);
- (23) Hydroxypethidine;
- (24) Isomethadone (also known as isoamidone);
- (25) Ketobemidone;
- (26) Levomethorphan;
- (27) Levorphanol;
- (28) Methadol;
- (29) Methadone (also known as amidone);
- (30) Methadyl acetate;
- (31) Methyldesomorphine (6-methyl- Δ 6-desoxymorphine);
- (32) 1-Methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester;
- (33) Metopon (also known as methylhydromorphinone);
- (34) Morphine-N-oxide (also known as genomorphine);
- (35) Normethadone;
- (36) Oxycodone (also known as dihydrohydroxycodeinone or eucodal);
- (37) Pethidine;
- (38) Phenadoxone;
- (39) Phenomorphan (3-hydroxy-N-phenethylmorphinan);
- (40) Propoxyphene (4-dimethylamino-1 : 2-diphenyl-3-methyl-2-propionloxy-butane);
- (41) Racemethorphan;
- (42) Racemorphan;
- (43) Thebaine;
- (44) The esters of morphine (other than diacetylmorphine), ecgonine, oxycodone, hydrocodone, hydromorphone, acetyldihydrocodeinone and dihydromorphine; the ethers of morphine (other than benzylmorphine, codeine, ethylmorphine and pholcodine); the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives.