

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
Amended:
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