

**DANGEROUS DRUGS****Safe Custody Regulations**

REGULATIONS, DATED 8TH JUNE 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 10(2)(a) AND SECTION 31 OF THE MISUSE OF DRUGS ACT 1971.

The Ministry of Home Affairs on behalf of the Secretary of State and in exercise of the powers conferred on it by section 10(2)(a) and section 31 of the Misuse of Drugs Act 1971(a) and of every other power enabling it in that behalf and after consultation with the Advisory Council hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973 and shall come into operation on 1st July 1973 with the exception of Regulations 3 and 4 and Schedule 2 which shall come into operation on 1st October 1974.

*Interpretation*

2.—(1) In these Regulations, unless the context otherwise requires, the expression—

“the Act” means the Misuse of Drugs Act 1971;

“authorised person” means a person authorised by the Ministry of Home Affairs under section 23 of the Act;

“retail dealer” means a person lawfully conducting a retail pharmacy business or a pharmacist engaged in supplying drugs to the public at a health centre within the meaning of the Medicines Act 1968(b).

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

3.—(1) This Regulation applies to the following premises, that is to say—

(a) any premises occupied by a retail dealer for the purposes of his business;

(b) any nursing home registered under the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(d);

(c) any private hospital within the meaning of the Mental Health Act (Northern Ireland) 1961(e).

(2) Subject to paragraph (4) of this Regulation the occupier and every person concerned in the management of any premises to which this Regulation applies shall ensure that all controlled drugs (other than those specified in Schedule 1 to these Regulations) on the premises are so far as circumstances permit kept in a locked safe, cabinet or room which is so constructed and maintained as to prevent unauthorised access to the drugs.

(a) 1971. c. 38.

(b) 1968. c. 67.

(c) 1954. c. 33.

(d) 1971. c. 32 (N.I.).

(e) 1961. c. 15.

(3) Subject to Regulation 4 of these Regulations the relevant requirements of Schedule 2 to these Regulations shall be complied with in relation to every safe, cabinet or room in which controlled drugs are kept in pursuance of paragraph (2) of this Regulation.

(4) It shall not be necessary to comply with the requirements of paragraph (2) of this Regulation in respect of any controlled drug which is for the time being under the direct personal supervision of—

(a) in the case of any premises falling within paragraph 1(a) of this Regulation, a pharmacist in respect of whom no direction under section 12(2) of the Act is for the time being in force; or

(b) in the case of premises falling within paragraph 1(b) and (c) of this Regulation, the person in charge of the premises or any member of his staff designated by him for the purpose.

4.—(1) Paragraph (3) of Regulation 3 of these Regulations shall not have effect in relation to a safe, cabinet or room situated on any premises occupied for the purposes of his business by a person lawfully conducting a retail pharmacy business (hereafter in this Regulation referred to as "the occupier") if a certificate has been issued in pursuance of paragraph (2) of this Regulation (hereafter in this Regulation referred to as a "certificate") in respect of that safe, cabinet or room and the certificate is for the time being in force.

(2) On receiving written application in that behalf from the occupier, the authorised person may—

(a) cause the said premises and, in particular, any safe, cabinet or room in which controlled drugs are to be kept, to be inspected; and

(b) if satisfied that, in all the circumstances of the case, the safes, cabinets or rooms in which controlled drugs (other than those specified in Schedule 1 to these Regulations) are to be kept provide an adequate degree of security, issue a certificate in respect of those safes, cabinets or rooms.

(3) Every certificate shall specify—

(a) every safe, cabinet or room to which the certificate relates; and

(b) any conditions necessary to be observed if the safes, cabinets or rooms to which the certificate relates are to provide an adequate degree of security.

(4) Where a certificate is in force in respect of any safe, cabinet or room on any premises, the authorised person may cause the premises to be inspected at any reasonable time for the purpose of ascertaining whether any conditions specified in the certificate are being observed and whether as a result of any change of circumstances the safes, cabinets or rooms to which the certificate relates has ceased to provide an adequate degree of security.

(5) A certificate may be cancelled by the authorised person if it appears to him that—

(a) there has been a breach of any condition specified in the certificate; or

(b) as a result of any change of circumstances, the safes, cabinets or rooms to which the certificate relates no longer provide an adequate degree of security; or

(c) the occupier has refused entry to any authorised person acting in pursuance of paragraph (4) of this Regulation.

(6) A certificate shall, unless previously cancelled in pursuance of paragraph (5) of this Regulation, remain in force for a period of one year from the date of issue thereof, but may from time to time be renewed for a further period of one year.

5.—(1) Where any controlled drug (other than a drug specified in Schedule 1 to these Regulations) is kept otherwise than in a locked safe, cabinet or room which is so constructed and maintained as to prevent unauthorised access to the drug, any person to whom this Regulation applies having possession of the drug shall ensure that, so far as circumstances permit, it is kept in a locked receptacle which can be opened only by him or by a person authorised by him.

(2) Paragraph (1) of this Regulation applies to any person other than—

- (a) a person to whom the drug has been supplied by or on prescription of a practitioner for his own treatment or that of another person or an animal; or
- (b) a person engaged in the business of a carrier when acting in the course of that business; or
- (c) a person engaged in the business of the Post Office acting in the course of that business.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 8th day of June 1973.

(L.S.)

*W. A. Willis,*  
Assistant Secretary.

## SCHEDULE 1

Regulation 3(2) and 5

## Exempted drugs

1. Any controlled drug specified in Schedule 1 to the Misuse of Drugs (Northern Ireland) Regulations 1973(f).

2. Any liquid preparation designed for administration otherwise than by injection which contains any of the following substances and products, that is to say—

- (a) Amphetamine, dexamphetamine, levamphetamine
- (b) Benzphetamine
- (c) Chlorphentermine
- (d) Mephentermine
- (e) Methaqualone
- (f) Methylamphetamine
- (g) Methylphenidate
- (h) Phendimetrazine
- (i) Phemetrazine
- (j) Pipradrol
- (k) Any stereoisomeric form of a substance specified in any of paragraphs (b) to (j) above.
- (l) Any salt of a substance specified in any of the paragraphs (a) to (k) above.

## SCHEDULE 2

Regulation 3(3)

**Structural requirements in relation to safes, cabinets and rooms  
used for keeping drugs****1. In this Schedule, the expression—**

- "external wall" in relation to any room, means a wall which forms part of the outside of the building in which the room is situated;
- "party wall" in relation to any room, means a wall dividing the premises in which the room is situated from other premises under different occupation;
- "sheet steel" means mild steel sheet being not lighter than 16 gauge;
- "the Standard of 1963" means the British Standard Specification for Thief Resistant Locks for Hinged Doors B.S. 3621: 1963, as published on 6th May 1963;
- "two-leaf door" means a door having two leaves which either close on to each other or on to a central pillar, and the two leaves of any such door shall be treated for the purposes of this Schedule as a single door.

**Safes and cabinets****2.—(1) A safe or cabinet shall be constructed of—**

- (a) pressed and welded sheet steel; or
- (b) pressed and welded steel mesh; or
- (c) sheet steel or steel mesh welded upon an angle-iron frame of at least 25 millimetres (1 inch) by 25 millimetres (1 inch) section and of at least 5 millimetres ( $\frac{1}{4}$  inch) thickness.

(2) The clearance between the door and jamb or, in the case of a two-leaf door, between the two leaves or each leaf and a central pillar shall not be greater than 3 millimetres ( $\frac{1}{8}$  inch).

**(3) Each door shall be fitted with an effective lock—**

- (a) having at least 5 differing levers or, in the case of a pin and tumbler mechanism, at least 6 pins;
- (b) designed to permit at least 1000 effective key-differs independent of wards or any other fixed obstruction to the movement of the key; and
- (c) provided with a dead-bolt which is either of mild steel of at least 19 millimetres ( $\frac{3}{4}$  inch) by 8 millimetres ( $\frac{1}{4}$  inch) section or incorporates a suitable anti-cutting device and which has a total throw of at least 12 millimetres ( $\frac{1}{2}$  inch).

(4) If the length of the vertical closing edge of a door exceeds 914 millimetres (3 feet) and the length of the horizontal edge exceeds 457 millimetres (18 inches) the door shall be fitted with two such locks as are specified in sub-paragraph (3) above, one situated at not more than one-third of the length of the vertical closing edge from the top and the other at not more than one-third from the bottom, but otherwise the lock required by sub-paragraph (3) above shall be situated in the centre of the vertical closing edge.

**(5) If a safe or cabinet is fitted with a two-leaf door, either—**

- (a) the lock or locks required by sub-paragraphs (3) and (4) above shall be fitted with an integrated espagnolette bolt which is of at least 19 millimetres ( $\frac{3}{4}$  inch) by 8 millimetres ( $\frac{1}{4}$  inch) section and which has a total throw, at both the top and bottom, of at least 12 millimetres ( $\frac{1}{2}$  inch); or