1965. No. 30 **[C]**

DANGEROUS DRUGS

ARRANGEMENT OF REGULATIONS

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REGULATIONS, DATED 5TH FEBRUARY, 1965, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 3 AND 9 OF THE DANGEROUS DRUGS ACT 1951, AS AMENDED BY THE DANGEROUS DRUGS ACT 1964.

The Ministry of Home Affairs (hereinafter referred to as "the Ministry") in exercise of the powers conferred on it by section 3 of the Dangerous Drugs Act 1951(a), and section 9 of that Act, as amended by section 1(2) of the Dangerous Drugs Act 1964(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

PART I—CONTROL OF RAW OPIUM, ETC.

Application to drugs to which Part I of the Dangerous Drugs Act 1951 applies

1. This Part of these Regulations shall apply to any drug, resin or preparation, other than poppy straw and extract or tincture of cannabis, to which Part I of the Dangerous Drugs Act 1951, as amended by the Dangerous Drugs Act 1964, applies, and hereafter in this Part of these Regulations the expression "drug" means any such drug, resin or preparation as aforesaid.

Supply, procuring and advertising of drugs

2.—(1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in Northern Ireland or elsewhere, or advertise for sale, a drug, unless he is generally authorised, or, under this Regulation, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) (*a*) A person shall not supply or procure, or offer to supply or procure, a drug to or for any person in Northern Ireland unless that person is generally authorised, or, under Regulation 3 of these Regulations, licensed or authorised as a member of a group to be in possession of the drug and the drug is to be supplied or procured in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(*b*) A person shall not in Northern Ireland supply or procure, or offer to supply or procure, a drug to or for any person in Great Britain or the Isle of Man unless that person is entitled to be in possession of the drug and the drug is to be supplied or procured in accordance with the terms and conditions of that person's entitlement.

In this sub-paragraph "entitled" means entitled under any permission (by whatever name called) issued by, as the case may be, the Secretary of State

(a) 14 & 15 Geo. 6. c. 48. (b) 1964. c. 36.

or the Lieutenant-Governor of the Isle of Man, or entitled under any provision relating to the drug and in force in, as the case may be, Great Britain or the Isle of Man and "entitlement" shall be construed accordingly.

Possession of drugs

3. A person shall not be in possession of a drug unless he is generally so authorised or, under this Regulation, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

General authority for certain classes of persons to possess and supply drugs

4.—(1) Subject to the provisions of these Regulations a person who is a member of any of the following classes, that is to say:—

(*a*) duly qualified medical practitioners;

(*b*) registered veterinary surgeons and registered veterinary practitioners;

(*c*) authorised sellers of poisons;

(*d*) registered pharmaceutical chemists who are employed or engaged at a hospital, infirmary, health centre or dispensary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions and whose duties in that employment or engagement include the dispensing or supply of medicines for that or any other such institution;

(*e*) persons who are in charge of a laboratory used for the purposes of research or instruction and attached to—

(i) a university, university college or such a hospital or infirmary as aforesaid,

(ii) any other institution approved for the purposes of this Regulation by the Ministry;

(*f*) persons duly appointed by a local authority as analysts of articles of food and drugs under the Food and Drugs Act (Northern Ireland) 1958(**a**);

(*g*) persons acting as sampling officers under and within the meaning of the said Act;

(*h*) the inspectors appointed under section 8 of the Pharmacy and Poisons Act (Northern Ireland) 1925(**b**);

shall be authorised, so far as may be necessary for the practice or exercise of his said profession, function or employment, and in his capacity as a member of his said class, to be in possession of and to supply drugs.

(2) Every drug in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof shall, except when the necessities of the practice of the profession, function or employment, by virtue of which that person is authorised as aforesaid otherwise require, be kept in a locked receptacle which can be opened only by him or by some other person authorised by virtue of this Regulation to be in possession of the drug.

Keeping of register

5. Every person generally authorised or licensed or authorised as a member of a group to supply any drugs shall comply with the following provisions, that is to say:—

(**a**) 1958. c. 27. (**b**) 15 & 16 Geo. 5. c. 8 (N.I.).

(*a*) he shall, in accordance with the provisions of this Regulation and Regulation 25 of these Regulations, keep a register and enter therein in chronological sequence in the form specified in, as the case may be, Part I or Part II of the First Schedule to these Regulations true particulars with respect to every quantity of any drug obtained by him and with respect to every quantity of any drug supplied by him whether to persons within or to persons outside Northern Ireland;

(*b*) he shall use a separate register or separate part of the register with respect to each of the following classes of drugs, that is to say:—

(i) raw opium,

(ii) coca leaves,

(iii) cannabis and cannabis resin and all preparations (other than extract and tincture of cannabis) of which cannabis resin forms the base.

PART II—CONTROL OF SUBSTANCES FALLING WITHIN PART I OF SCHEDULE I TO THE DANGEROUS DRUGS ACT 1964

Application to substances falling within Part I of Schedule I to the Dangerous Drugs Act 1964

6.—(1) This Part of these Regulations shall apply to any substance for the time being falling within Part I of Schedule I to the Dangerous Drugs Act 1964.

(2) In the following provisions of this Part of these Regulations the expression "drug" means any substance to which this Part of these Regulations applies other than a preparation as defined for the purpose of this Part of these Regulations in paragraph (3) of this Regulation.

(3) In this Part of these Regulations the expression "preparation" means any preparation, admixture, extract or other substance containing such a proportion of a substance to which this Part of these Regulations applies.

Manufacture of drugs

7. A person shall not manufacture, or carry on any process in the manufacture of, a drug—

(*a*) unless he is generally authorised, or licensed under this Regulation, so to do;

(*b*) except on premises on which he is permitted by his general authority so to do, or on premises licensed for the purpose under this Regulation; nor

(*c*) otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed, with the terms and conditions of his licence.

Supply, procuring and advertising of drugs and preparations

8.—(1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in Northern Ireland or elsewhere, or advertise for sale, a drug or preparation, unless he is generally authorised, or, under this Regulation, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) (*a*) A person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in Northern Ireland unless that person is generally authorised, or, under Regulation 9 of these Regulations, licensed or authorised as a member of a group to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority:

Provided that for the purposes of this sub-paragraph the administration of a drug or preparation—

(i) by or under the direct personal supervision of, and in the presence of, a duly qualified medical pracititioner,

(ii) by or under the direct personal supervision of, and in the presence of, a registered dental practitioner in the course of dental treatment,

(iii) by a sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions acting on the instructions of a duly qualified medical practitioner to a patient of that ward, theatre or department,

(iv) by a certified midwife under and in accordance with Regulation 13(4) of these Regulations, or

(v) by a person authorised as a member of a group to supply that drug or preparation acting under or in accordance with the terms and conditions of his group authority,

shall be deemed not to be the supplying of the drug or preparation.

(*b*) A person shall not in Northern Ireland supply or procure, or offer to supply or procure, a drug or preparation to or for any person in Great Britain or the Isle of Man unless that person is entitled 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 entitlement.

In this sub-paragraph "entitled" means entitled under any permission (by whatever name called) issued by, as the case may be, the Secretary of State or the Lieutenant-Governor of the Isle of Man or entitled under any provision relating to the drug or preparation, and in force in, as the case may be, Great Britain or the Isle of Man, and "entitlement" shall be construed accordingly.

Possession of drugs and preparations

9.—(1) A person shall not be in possession of a drug or preparation unless he is generally so authorised, or, under this Regulation, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) For the purposes of these Regulations—

(*a*) a person to whom a drug or preparation is lawfully supplied by a duly qualified medical practitioner or registered veterinary surgeon or registered veterinary practitioner,

(*b*) a person to whom a drug or preparation is lawfully supplied on a prescription given by a duly qualified medical practitioner, a registered dental pracitioner, a registered veterinary surgeon or registered veterinary practitioner,