

Island of  Guernsey

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1967

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**The Dangerous Drugs (Guernsey)
Ordinance, 1967**

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The Dangerous Drugs (Guernsey) Ordinance, 1967

THE STATES, in exercise of the powers conferred on them by section four and section twelve of the Dangerous Drugs (Guernsey) Law, 1966(a), and of all other powers thereunto them enabling, hereby order:—

PART I

Interpretation

Interpreta-
tion.

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“authorised as a member of a group” means authorised by virtue of being a member of a class as respects which the Board has granted an authority under and for the purposes of section three, section four, section nine or section ten of this Ordinance which is in force, “group authority” means such an authority so granted, and “his group authority”, in relation to a person who is a member of such a class, means the authority so granted to that class;

“authorised medical practitioner”, “authorised dentist”, “authorised veterinary surgeon” and “authorised pharmacist” mean respectively—

(a) as respects the Islands of Guernsey, Herm and Jethou, a person authorised to practise in those Islands as a medical practitioner, dentist, veterinary surgeon or pharmacist according to the law for the time being in force;

(a) Ordre en Conseil No. V of 1966.

- (b) as respects the Islands of Alderney and Sark, a person practising in any of those Islands as a medical practitioner, dentist, veterinary surgeon or pharmacist and approved by the Board;
- “the Board” means the States Board of Administration;
- “the Dangerous Drugs Law of 1931” has the meaning assigned to it by section one of the Law;
- “generally authorised”, in relation to any person, means authorised by, as the case may be, section five, section eleven, section thirteen or section fourteen of this Ordinance by virtue of being a member of a class specified in that section, or of being a person of a description so specified, and “general authority” means the authority possessed by a person as aforesaid;
- “hospital” includes an infirmary or other medical institution;
- “the Law” means the Dangerous Drugs (Guernsey) Law, 1966;
- “licensed” means duly licensed by a licence issued by the Board to the person named therein, or, as the case may be, in respect of premises named therein, under and for the purposes of section three, section four, section eight, section nine, section ten or section twenty-three of this Ordinance, and “licence” and “licensed premises” shall be construed accordingly;
- “officer of police” has the meaning assigned to it by section one of the Law;
- “prescription” means a prescription for a single individual given by an authorised medical

practitioner for the purposes of medical treatment, by an authorised dentist for the purposes of dental treatment or by an authorised veterinary surgeon for the purposes of animal treatment;

“public analyst” means a person employed by the States of Guernsey or by the States of Alderney and approved by the Board as an analyst of drugs;

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

“registered midwife” means—

(a) as respects the Islands of Guernsey, Alderney, Herm and Jethou, a person for the time being registered as a midwife according to the law for the time being in force;

(b) as respects the Island of Sark, a person practising as a midwife in that Island and approved by the Board;

“retail business” means the business of retailing, dispensing or compounding drugs carried on at a shop;

“retail dealer” means a person who carries on a retail business;

“wholesale dealer” means a person who carries on the business of selling drugs to persons who buy to sell again, and “wholesale dealing” shall be construed accordingly.

(2) The Interpretation (Guernsey) Law, 1948(b), shall apply to the interpretation of this Ordinance throughout the Bailiwick.

(3) Except where the context otherwise requires, any reference in this Ordinance to any other enact-

(b) Ordres en Conseil Vol. XIII, p. 355.

ment shall be construed as a reference to that enactment as repealed, replaced, amended, extended or applied by or under any other enactment.

PART II

Control of raw opium, etc.

2. This Part of this Ordinance shall apply to any drug, resin or preparation, other than poppy-straw and extract or tincture of cannabis, to which Part II of the Law applies, and hereafter in this Part of this Ordinance the expression "drug" means any such drug, resin or preparation as aforesaid.

Application to drugs to which Part II of the Law applies.

3. (1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in the Bailiwick or elsewhere, or advertise for sale, a drug unless he is generally authorised, or, under this section, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of this Ordinance 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.

Supply, procuring and advertising of drugs.

(2) A person shall not supply or procure, or offer to supply or procure, a drug to or for any person in the Bailiwick unless that person is generally authorised, or, under the next succeeding section, 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 this Ordinance 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.

Possession of
drugs.

4. A person shall not be in possession of a drug unless he is generally so authorised or, under this section, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of this Ordinance 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.

5. (1) Subject to the provisions of this Ordinance, a person who is a member of any of the following classes, that is to say:—

- (a) authorised medical practitioners;
- (b) authorised veterinary surgeons;
- (c) authorised pharmacists;
- (d) public analysts;

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 section 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 section to be in possession of the drug.

Keeping of
register.

6. 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) he shall, in accordance with the provisions of this section and section twenty-four of this Ordinance, 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 this Ordinance, 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 the Bailiwick;
- (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 III

Control of substances falling within Part I of the Schedule to the Law

7. (1) This Part of this Ordinance shall apply to any substance for the time being falling within Part I of the Schedule to the Law.

(2) In the following provisions of this Part of this Ordinance the expression "drug" means any substance to which this Part of this Ordinance applies other than a preparation as defined for the purpose of this Part of this Ordinance in the next succeeding subsection.

Application to substances falling within Part I of the Schedule to the Law.

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

Manufacture
of drugs.

8. 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 section, 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 section;
- (c) otherwise than in accordance with the provisions of this Ordinance and, in the case of a person licensed, with the terms and conditions of his licence.

Supply,
procuring
and adver-
tising of
drugs and
preparations.

9. (1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in the Bailiwick or elsewhere, or advertise for sale, a drug or preparation, unless he is generally authorised, or, under this section, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of this Ordinance 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 person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in the Bailiwick unless that person is generally authorised, or, under the next succeeding section, licensed or authorised as a member of a group to be in possession of the drug or pre-

paration and the drug or preparation is to be supplied or procured in accordance with the provisions of this Ordinance 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 subsection the administration of a drug or preparation—

- (i) by or under the direct personal supervision of, and in the presence of, an authorised medical practitioner;
- (ii) by or under the direct personal supervision of, and in the presence of, an authorised dentist 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 wholly or mainly maintained by the States of Guernsey, by the States of Alderney, by a charity or by voluntary subscriptions acting on the instructions of an authorised medical practitioner to a patient of that ward, theatre or department;
- (iv) by a registered midwife under and in accordance with subsection (4) of section fourteen of this Ordinance; 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.

Possession
of drugs and
preparations.

10. (1) A person shall not be in possession of a drug or preparation unless he is generally so authorised, or, under this section, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of this Ordinance 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 this Ordinance—

- (a) a person to whom a drug or preparation is lawfully supplied by an authorised medical practitioner or authorised veterinary surgeon;
- (b) a person to whom a drug or preparation is lawfully supplied on a prescription given by an authorised medical practitioner, an authorised dentist or an authorised veterinary surgeon;
- (c) a person to whom a drug or preparation falling within the Second Schedule to this Ordinance is lawfully supplied by an authorised pharmacist;

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

Provided that a person supplied with a drug or preparation by, or upon a prescription given by, an authorised medical practitioner shall be deemed not to be a person generally authorised to be in possession of the drug or preparation if—

- (i) he was then being supplied with a drug or preparation by, or on a prescription given by, another authorised medical practitioner in the course of treatment, and did not disclose the fact to the

first-mentioned authorised medical practitioner before the supply by him or on his prescription; or

- (ii) he or any other person on his behalf made a declaration or statement for the purpose of obtaining the supply or prescription, and the declaration or statement was false in any particular.

11. (1) Subject to the provisions of this Ordinance, a person who is a member of any of the following classes, that is to say:—

- (a) authorised medical practitioners;
 (b) authorised dentists;
 (c) authorised veterinary surgeons;
 (d) authorised pharmacists who are employed or engaged in a hospital wholly or mainly maintained by the States of Guernsey, by the States of Alderney, by a charity or by voluntary subscriptions and whose duties in that employment or engagement include the dispensing or supply of medicines for that hospital;
 (e) sisters or acting sisters for the time being in charge of a ward, theatre or other department in such a hospital as aforesaid;
 (f) public analysts;

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

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 and preparations:

Provided that nothing in this subsection shall—

- (i) authorise an authorised dentist to supply drugs or preparations unless the drugs or preparations are administered

by him, or under his direct supervision and in his presence, to persons receiving treatment by him; or

- (ii) authorise a sister or acting sister in charge of a ward, theatre or other department in a hospital to procure a drug or preparation except from a person employed or engaged in dispensing medicines at the hospital and except upon a written order therefor signed by her, or to supply a drug or preparation except in accordance with the directions of an authorised medical practitioner in charge of any patients in the ward, theatre or other department, as the case may be.

(2) The matron, acting matron, sister or acting sister for the time being in charge of a hospital wholly or mainly maintained by the States of Guernsey, by the States of Alderney, by a charity or by voluntary subscriptions in which no authorised pharmacist is employed or engaged in dispensing medicines, is hereby authorised, so far as may be necessary for the purposes of the hospital, and in her capacity as matron, acting matron, sister or acting sister in charge thereof, to be in possession of, and to supply drugs and preparations:

Provided that nothing in this subsection shall authorise a matron, acting matron, sister or acting sister in charge of a hospital to procure a drug or preparation except on an order signed by an authorised medical practitioner employed or engaged in the hospital.

(3) Every drug or preparation, other than a preparation for the time being falling within Part II of the Schedule to the Law, in the actual custody of a person authorised by virtue of this section 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 section to be in possession of the drug or preparation.

(4) A written order signed by a sister or acting sister in a hospital in accordance with the requirements of paragraph (ii) of the proviso to subsection (1) of this section upon which she procures a drug or preparation shall be marked, in such manner as to show that it has been complied with, by the person employed or engaged in dispensing medicines who complies with the order, and shall be kept in the dispensary, and a copy or note thereof shall be kept by the sister or acting sister for the time being in charge of the ward, theatre or other department of the hospital for use in which the drug or preparation was procured.

12. Where a person whose general authority is withdrawn under subsection (1) of section twenty-two of this Ordinance is an authorised medical practitioner, an authorised dentist or an authorised veterinary surgeon, the Board may, by notice published in "La Gazette Officielle" direct that it shall not be lawful for that person to give prescriptions prescribing a drug or preparation.

13. (1) An authorised pharmacist shall be authorised—

(a) in the ordinary course of his retail business to manufacture at any premises licensed for the purpose by the Board—

(i) any extract or tincture of cannabis; and

Prohibition
on
prescribing.

General
authority
for
authorised
pharmacists
to manu-
facture
preparations
and retail
drugs and
preparations.

- (ii) any preparation;
- (b) subject to the provisions of this Ordinance, to carry on at any such premises the business of retailing, dispensing and compounding drugs and preparations; and
- (c) to supply drugs and preparations otherwise than by way of wholesale dealing:

Provided that nothing in this section shall be construed as authorising any such person to be in possession of any drug or preparation except on premises licensed for the purpose by the Board.

(2) Every drug or preparation, other than a preparation for the time being falling within Part II of the Schedule to the Law, in the actual custody of a person authorised by virtue of this section to be in possession thereof shall be kept in a locked receptacle which can be opened only by him or by some assistant of his who is an authorised pharmacist and is not a person whose authority has been withdrawn under subsection (1) of section twenty-two of this Ordinance.

Special provisions in respect of owners and masters of ships and registered midwives.

14. (1) The owner of a ship, and the master of a ship which is in a port in the Bailiwick shall be authorised to procure such quantity of drugs and preparations as may be certified by the Medical Officer of Health to be necessary for the equipment of the ship.

(2) Every drug or preparation in the possession of the master of a ship by virtue of subsection (1) of this section shall, except where the necessity of supplying it to a member of the crew otherwise requires, be kept in a locked receptacle, which can be opened only by the master.

(3) A person who supplies a drug or preparation in accordance with a certificate given under sub-

section (1) of this section shall retain the certificate 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.

(4) A registered midwife is hereby authorised, so far as necessary for the practice of her profession or employment as a midwife, to be in possession of medicinal opium, tincture of opium and pethidine which she has procured upon furnishing to the supplier thereof a midwife's supply order bearing the signature of the Medical Officer of Health and to administer those drugs or preparations so far as is necessary as aforesaid, subject to the following conditions, that is to say:—

- (a) she shall not procure from a person supplying it an amount of a drug or preparation greater than that specified in the midwife's supply order which she furnishes to him;
- (b) she shall on each occasion on which a supply of the drug or preparation is procured enter in the drugs book (being a book kept by her and used solely for the purposes of this subsection) the name of the drug or preparation obtained, the date, the name and address of the person supplying it, the amount supplied and the form in which it was obtained;
- (c) she shall, on administering a drug or preparation to any woman, as soon as practicable enter in the drugs book the name of the drug or preparation administered, the name and address of the woman to whom it was administered, the amount administered and the form in which it was administered, and the entry so made shall, notwithstanding any other requirement of

this Ordinance, be a sufficient record of the administration;

- (d) she shall, except when the necessities of the practice of her profession or employment as a midwife otherwise require, keep every drug or preparation in her possession in a locked receptacle which can be opened only by her.

(5) A midwife in possession of a drug or preparation by virtue of the last preceding subsection is hereby authorised to supply that drug or preparation to the Medical Officer of Health by surrendering to him stocks thereof in her possession which are no longer required by her.

(6) In this section, the expression—

“master” has the same meaning as in the Merchant Shipping Act, 1894;

“Medical Officer of Health” means the Medical Officer of Health of the States of Guernsey;

“midwife’s supply order” means an order in writing specifying the name of the midwife obtaining a supply of the drug or preparation, stating the fact that she is a midwife and giving the following particulars in regard to the drug or preparation to be procured, that is to say, its name, the purpose for which it is required and the total quantity to be procured or, when the drug or preparation is packed in ampoules, either the said total quantity or the total quantity intended to be administered or injected.

Form of
prescription.

15. (1) A person by whom a prescription prescribing a drug or preparation is given shall comply with the following requirements, that is to say, the prescription shall—

- (a) be in writing and signed by the person giving it with his usual signature, and be dated by him; Keeping of register or other records.
- (b) be in ink or otherwise so as to be indelible;
- (c) specify the address of the person giving it;
- (d) specify the name and address of the person for whose treatment it is given or, if it is given by an authorised veterinary surgeon, of the person to whom the article prescribed is to be delivered;
- (e) have written thereon, if given by an authorised dentist, the words "For local dental treatment only" and, if given by an authorised veterinary surgeon, the words "For animal treatment only";
- (f) if the preparation prescribed is a recognised preparation, or if all the preparations contained therein are recognised preparations, specify the total amount of the preparation or, as the case may be, of each preparation or, when the preparation is packed in ampoules, either specify as aforesaid, or specify the total amount of the preparation or, as the case may be, of each preparation, intended to be administered or injected;
- (g) if the preparation prescribed is not a recognised preparation, specify the total amount of the drug to be supplied, or, when the preparation is packed in ampoules, either the said total amount or the total amount intended to be administered or injected.

(2) In subsection (1) of this section the expression "recognised preparation" means a preparation contained in the British Pharmacopoeia or in the British Pharmaceutical Codex or any formulary

issued by the Minister of Health for the purposes of the National Health Service Act, 1946.

(3) In the case of a prescription given for the treatment of a patient in a hospital, paragraph (d) of subsection (1) of this section shall be deemed to have been complied with if the prescription is written on the patient's bed card or case sheet, and in such a case the initials of the person giving the prescription shall be deemed to be a sufficient signature for the purposes of paragraph (a) of that subsection.

Provisions
as to supply
on
prescription.

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

- (a) unless the prescription complies with the provisions of this Ordinance relating to prescriptions;
- (b) unless he is acquainted with the signature of the person by whom it purports to be given and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine;
- (c) before the date specified in the prescription.

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

(3) A person dispensing a prescription prescribing a drug or preparation shall, at the time of dis-

pensing it, mark thereon the date on which it is dispensed, and, in the case of a prescription which may be dispensed a second or third time, the date of each occasion on which it is dispensed, and shall retain and keep it on the premises where it is dispensed and so as to be at all times available for inspection.

17. (1) Subject to the provisions of this section, no person shall— Marking of packages and bottles.

(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;

(ii) in the case of cachets, single dose injections, lozenges, suppositories, pills, tablets or other similar articles, with the amount of the drug in each article and the number of articles in the package or bottle.

(2) Nothing in this section shall apply in a case where a preparation is lawfully supplied in accordance with this Part of this Ordinance by, or on a prescription lawfully given by, an authorised medical practitioner or in relation to the supply of any drug or preparation falling within the Second Schedule to this Ordinance.

18. (1) Every person generally authorised, or licensed or authorised as a member of a group, to supply drugs or preparations, other than a preparation for the time being falling within Part II of the Schedule to the Law, except a sister or acting sister who is so generally authorised by virtue of paragraph (e) of subsection (1) of section eleven of this Ordinance, shall comply with the following provisions, that is to say:—

- (a) he shall, in accordance with the provisions of this section and of section twenty-four of this Ordinance, 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 this Ordinance 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 Bailiwick;
- (b) he shall use a separate register or separate part of the register for entries made with respect to each of the substances for the time being specified in paragraph 1 of the Schedule to the Law or in paragraph 2, 4, 5, 6 or 7 thereof, and for this purpose each such substance shall be deemed to comprise its salts and any preparation, admixture, extract or other substance containing any proportion of it or its salts and any isomer of a substance the existence of which is possible within its specific chemical designation shall be deemed to be identical with that substance.

(2) Nothing in subsection (1) of this section shall be construed as preventing the use of a separ-

ate section within a register or separate part of a register with respect to different drugs or preparations or strengths of preparations comprised within the class of drugs or preparations to which that register or separate part relates.

(3) So much of subsection (1) of this section as requires a person to enter in the register required to be kept under that subsection particulars with respect to drugs or preparations supplied by him shall not apply to—

- (a) an authorised medical practitioner if he enters in a day book true 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 section a proper reference to each entry in the day book which relates to the supply of any drug or preparation; or
- (b) an authorised pharmacist practising in the Islands of Guernsey, Herm or Jethou, if he enters in a separate book kept for the purposes of this section a proper reference to each entry in the book required to be kept by him by subsection (2) of section six of the Pharmacists, Poisons and Pharmacy (Guernsey) Ordinance, 1959(c) (hereafter in this section referred to as “the Poisons book”);

and if, in either case, subsection (4) and subsection (5) of this section are complied with.

(4) References in the said separate book must be made in chronological sequence and the book must be kept in separate parts relating respectively to the several classes of drugs and preparations speci-

(c) Recueil d'Ordonnances Tome XII, p. 117.

fied in and under paragraph (b) of subsection (1) of this section and shall not be used for any purpose other than the purposes of the last preceding subsection.

(5) The entries in the said day book and in the said separate book shall be made on the day on which but for subsection (3) of this section an entry would, under section twenty-four of this Ordinance, have been required to be made in the said register, and paragraph (c) of the said section twenty-four shall apply as respects any such entry as aforesaid as if it were an entry in the said register.

(6) In subsection (3) of this section the expression "a proper reference" means a reference which is entered in the said separate book under the same date as that on which the entry in the said day book or in the Poisons book was made and is otherwise such as to enable that entry to be easily identified.

(7) Where an authorised medical practitioner, authorised dentist or authorised veterinary surgeon obtains or supplies any drug or preparation packed in ampoules, he shall be deemed to have complied with the requirements—

- (a) of subsection (1) of this section in regard to entry in the register required to be kept under the said subsection of true particulars with respect to every quantity of every drug or preparation obtained or supplied; or
- (b) in the case of an authorised medical practitioner supplying drugs or preparations to any person, of subsection (3) of this section in regard to entry in the day book referred to in the said subsection of particulars of any drug or preparation supplied by him.

if he enters as the amount which he has obtained, or, as the case may be, supplied, true particulars as to the total quantity of the drug or preparation or the total quantity thereof intended to be administered or injected.

(8) Every separate book kept under subsection (3) of this section, every day book in which any entry is made under the said subsection and every Poisons book containing an entry which is referred to in such a separate book as aforesaid shall be kept on the premises to which the register or book relates, or, in the case of a book referring to a prescription, where the prescription was dispensed, and so as to be at all times available for inspection.

(9) For the purposes of the preceding provisions of this section a drug or preparation administered by, or under the direct supervision and in the presence of, an authorised medical practitioner or an authorised dentist shall be deemed not to have been supplied by him.

(10) A manufacturer of any preparation for the time being falling within Part II of the Schedule to the Law and a wholesale dealer in any such preparation shall keep every invoice or other like record issued in respect of each quantity of any such preparation obtained by him and in respect of each quantity of any such preparation supplied by him.

(11) A retail dealer in any such preparation as is mentioned in the last preceding subsection shall keep every invoice or other like record issued in respect of each quantity of any such preparation obtained by him.

PART IV

General

Definition of "drug". 19. In this Part of this Ordinance the expression "drug" means a drug to which Part II of this Ordinance or a substance to which Part III of this Ordinance applies.

Definition of "possession". 20. For the purposes of this Ordinance a person shall be deemed to be in possession of a drug if it is in his actual custody or is held by some other person subject to his control or for him and on his behalf.

Supply otherwise than on prescription. 21. (1) Where a drug, other than a substance falling within the Second Schedule to this Ordinance, is to be lawfully supplied to any person (hereafter in this section referred to as "the recipient") otherwise than by, or on a prescription given by, an authorised medical practitioner, the person supplying the drug (hereafter in this section 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—

- (a) is generally authorised, or licensed or authorised as a member of a group, to be in possession of that drug; or
- (b) produces to the supplier a statement in writing signed by the recipient to the effect that he is empowered by the recipient to receive the drug 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 is lawfully delivered in the circumstances mentioned in subsection (1) of this section shall be deemed to be a

person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable delivery to the recipient to be effected.

22. (1) If any person generally authorised has been convicted of an offence against the Law in respect of goods being a drug, or of attempting to commit any such offence or of soliciting, inciting, aiding or abetting any other person to commit any such offence, or, except in the case of an authorised pharmacist, is a person detained in hospital under any provision of the Mental Treatment Law (Guernsey) 1939, the Board may, if it is of opinion that that person cannot properly be allowed to remain an authorised person, by notice published in "La Gazette Officielle" withdraw the authority of that person. Withdrawal
of authority.

(2) Where the general authority of any person has been withdrawn under subsection (1) of this section, the Board may at any time restore it, or may suspend the withdrawal, and, while the withdrawal is so suspended, that person shall be an authorised person in the same manner as if the authority had never been withdrawn so, however, that the Board may at any time cancel the suspension.

23. (1) If any drugs permitted under the law of any country outside the Bailiwick to be exported therefrom to any destination outside the Bailiwick are brought into the Bailiwick, no person shall, unless he is licensed under this section nor otherwise than in accordance with the terms and conditions of his licence cause or procure those drugs to be diverted to any other destination. Consign-
ment
between
places
outside the
Bailiwick.

(2) For the purposes of this section the destination to which any drugs are permitted to be exported shall be taken to be the destination stated in the permission for the export thereof from the country of export.

Require-
ments as to
registers.

24. The following requirements shall be complied with by any person required to keep a register under, as the case may be, section six or section eighteen of this Ordinance, that is to say:—

- (a) the class of drugs to which the entries on any page of any such register as aforesaid relate shall be specified at the head of that page;
- (b) every entry required to be made under the said sections in such register shall be made on the day on which the drug is received or, as the case may be, on which the transaction with respect to the supply of the drug by the person required to make the entry takes place, or if that is not reasonably practicable, on the day next following the said day;
- (c) no cancellation, obliteration or alteration of any such entry shall be made, and every correction of such an entry shall be made only by way of a marginal note or footnote which shall specify the date on which the correction is made;
- (d) every entry required to be made as aforesaid in every such register and every correction of such an entry shall be made in ink or otherwise so as to be indelible;
- (e) such a register shall not be used for any purpose other than the purposes of this Ordinance;

- (f) the person required as aforesaid to keep such a register shall on demand made by the Board or by any person empowered in writing by the Board in that behalf—
- (i) furnish such particulars as may be required with respect to the obtaining or supplying by him of any drug, or with respect to any stock of drugs in his possession;
 - (ii) for the purpose of confirming any such particulars as aforesaid, produce any stock of drugs in his possession; and
 - (iii) produce the said register and such other books or documents in his possession relating to any dealings in drugs as may be required;
- (g) a separate register shall be kept in respect of each set of premises at which the person required to keep the register carries on business, but save as aforesaid not more than one register shall be kept at one time in respect of each class of drug in respect of which he is required to keep a separate register or part of a register, so, however, that a separate register may, with the approval of the Board, be kept in respect of each department of the business carried on by him;
- (h) every such register shall be kept at the premises to which it relates and so as to be at all times available for inspection.

25. All registers, records, books, prescriptions and other documents which are kept, issued or made in pursuance of the requirements, or for the purposes, of this Ordinance shall be preserved, in the case of a register, book or other like record, for

Preservation
of docu-
ments.

a period of two years from the date on which the last entry therein is made, and in the case of any other document, for a period of two years from the date on which it is issued or made:

Provided that in the case of any document kept in pursuance of subsection (10) or subsection (11) of section eighteen of this Ordinance the keeping of a copy thereof made at any time during the said period of two years shall be treated for the purposes of this section as if it were the keeping of the original document.

Preservation of registers etc. kept under the Dangerous Drugs Law of 1931.

26. Notwithstanding the repeal of the Dangerous Drugs Law of 1931 by section twenty-four of the Law, any register, record, book, prescription or other document which was immediately before the repeal of the Dangerous Drugs Law of 1931 required to be kept under that Law shall be kept in the same manner and for the same period, and every person shall be subject to the same requirements in regard thereto, as if that section had not been enacted.

Exemption of officers of police and carriers.

27. Nothing in this Ordinance as respects the possession of a drug shall apply to—

- (a) an officer of police acting in the course of his duty as such; or
- (b) a person carrying on the business of a carrier, or to any servant of such a person, acting in the course of that business.

Agents acting in the transfer of business and stock-in-trade.

28. For the purposes of this Ordinance a person shall not be treated as procuring or offering to procure a drug for any person by reason only that he, in the course of his business, as agent for another, offers for transfer, or acts in the transfer of, a business and stock-in-trade therewith which comprises a drug.

29. For the purposes of this Ordinance, but subject in each case to the express terms of the section by which he is generally authorised, or, as the case may be, to any limitation attached to his licence or group authority—

Construction
of licence
or authority.

- (a) a person generally authorised, or licensed, to manufacture a drug shall be deemed to be generally authorised or, as the case may be, licensed to supply that drug;
- (b) a person generally authorised, or licensed or authorised as a member of a group, to supply a drug shall be deemed to be generally authorised, or, as the case may be, licensed or authorised as a member of a group, to be in possession of, to procure, to offer to supply or procure and to advertise for sale, that drug.

30. Any licence or group authority given under this Ordinance may be revoked by the Board at any time.

Revocation
of licence
or group
authority.

31. (1) For the purposes of this Ordinance—

- (a) a drug shall not be regarded as supplied or procured otherwise than on a prescription or other order by reason only that the prescription or order specifies a quantity of the drug in terms of the imperial system and the quantity supplied or procured is the equivalent of that amount in the metric system or by reason only that the prescription or order specifies a quantity of the drug in terms of the metric system and the quantity supplied or procured is the equivalent of that amount in the imperial system;

Metric
system and
imperial
system.

(b) where any person is authorised to procure or to be in possession of a quantity of a drug determined by or under this Ordinance he shall be deemed not to procure or to be in possession of a quantity of that drug in excess of the first-mentioned quantity by reason only that he procures or is in possession of a quantity of that drug which is the equivalent of the said first-mentioned quantity in, in the case of the imperial system, the metric system, or, in the case of the metric system, the imperial system.

(2) For the purposes of this section the quantity of a drug in the imperial system which is the equivalent of a particular quantity in the metric system, and the quantity of a drug in the metric system which is the equivalent of a particular quantity in the imperial system shall be taken to be that set out as such in the Table of Equivalents contained in the British Pharmacopoeia, the British Pharmaceutical Codex or the British Veterinary Codex.

Extent. 32. This Ordinance shall apply throughout the Bailiwick.

Citation and commencement. 33. This Ordinance may be cited as the Dangerous Drugs (Guernsey) Ordinance, 1967, and shall come into force on the first day of May, nineteen hundred and sixty-seven.

FIRST SCHEDULE

Section six and section
eighteen

Form of Register

PART I

Entries to be made in the case of obtaining

Date on which supply received	Name	Address	Amount obtained	Form in which obtained
	of person or firm from whom obtained			

PART II

Entries to be made in case of supply

Date on which the transaction was effected	Name	Address	Particulars as to licence or authority of person or firm supplied to be in possession	Amount supplied	Form in which supplied
	of person or firm supplied				

SECOND SCHEDULE

Section ten, section
seventeen and section
twenty-one

Drugs and preparations to which Part III of this Ordinance applies with certain modifications

1. The following drugs, namely:—

Acetyldihydrocodeine

Codeine

Dihydrocodeine
Ethylmorphine (3. ethylmorphine)
Nicocodine
Norcodeine
Pholcodine

2. Any salt of a substance for the time being specified in paragraph 1 above.

3. Any preparation, admixture, extract or other substance containing any proportion of a substance for the time being specified in paragraph 1 or 2 above, being a preparation, admixture, extract or other substance whereof none of the other ingredients is a substance to which Part III of this Ordinance for the time being applies.

4. Any other preparation or substance for the time being falling within Part II of the Schedule to the Law.

R. H. VIDELO,

Her Majesty's Greffier.