

Island of  Guernsey

Ordinance of the States **XI**

1976

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**The Misuse of Drugs (Bailiwick of
Guernsey) Ordinance, 1976**

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The Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1976

THE STATES, in exercise of the powers conferred upon them by section six, section nine, paragraph (a) of section twenty-one and section thirty of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974(a), and of all other powers enabling them in that behalf, hereby order:—

PART I

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE MISUSE OF DRUGS (BAILIWICK OF GUERNSEY) LAW, 1974

1. (1) Subsection (1) of section two and subsection (1) of section four of the Law (which prohibit the importation, exportation and possession of controlled drugs) shall not have effect in relation to the controlled drugs specified in the First Schedule to this Ordinance.

Exceptions for drugs specified in the First Schedule to this Ordinance and poppy-straw.

(2) Subsection (1) of section three (which prohibits the production and supply of controlled drugs) and subsection (1) of section four of the Law shall not have effect in relation to poppy-straw.

2. Where any person is authorised by a licence of the Board under this section and for the time being in force to produce, supply, offer to supply or have in his possession any controlled drug, it shall not be unlawful by virtue of subsection (1) of section three or subsection (1) of section four of the Law for that person to produce, supply, offer to supply or

Licences to produce etc. controlled drugs.

(a) Ordres en Conseil Vol. XXIV, p. 273.

have in his possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

General authority to possess.

3. Notwithstanding the provisions of subsection (1) of section four of the Law, any of the following persons may have any controlled drug in his possession, that is to say—

- (a) an officer of police when acting in the course of his duty as such;
- (b) a person engaged in the business of a carrier when acting in the course of that business;
- (c) a person engaged in the business of the States Post Office when acting in the course of that business;
- (d) a revenue officer when acting in the course of his duty as such;
- (e) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged;
- (f) a person engaged in conveying the drug to a person authorised under the provisions of this Ordinance to have it in his possession.

Administration of drugs specified in the First, Second and Third Schedules to this Ordinance.

4. (1) Any person may administer to another any drug specified in the First Schedule to this Ordinance.

(2) A medical practitioner or dentist may administer to a patient any drug specified in the second or Third Schedule to this Ordinance.

(3) Any person other than a medical practitioner or dentist may administer to a patient, in accordance

with the directions of a medical practitioner or dentist, any drug specified in the Second or Third Schedule to this Ordinance.

5. (1) Notwithstanding the provisions of paragraph (a) of subsection (1) of section three of the Law—

Production and supply of drugs specified in the First and Second Schedules to this Ordinance.

- (a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in the First or Second Schedule to this Ordinance;
- (b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the premises in which he carries on that business, manufacture or compound any drug specified in the First or Second Schedule to this Ordinance.

(2) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law any of the following persons, that is to say:—

- (a) a practitioner;
- (b) a pharmacist;
- (c) a person lawfully conducting a retail pharmacy business;
- (d) the matron or acting matron of a hospital which is wholly or mainly maintained by the States of Guernsey, the States of Alderney, by a charity or by voluntary subscriptions;
- (e) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at the hospital, the sister or acting sister for the time being in charge of a ward, theatre or other department in such a hospital as aforesaid;

- (f) a public analyst;
- (g) a sampling officer;
- (h) an inspector appointed for the purposes of the Pharmacists, Poisons and Pharmacy Ordinance, 1970(b);

may, when acting in his capacity as such, supply or offer to supply any drug specified in the First and Second Schedules to this Ordinance to any person who may lawfully have that drug in his possession: Provided that nothing in this subsection shall be taken to authorise—

- (i) the matron or acting matron of a hospital, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug;
- (ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner or dentist.

(3) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto, supply or offer to supply any drug specified in the First or Second Schedule to this Ordinance to any person who may lawfully have that drug in his possession.

(4) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law, a person whose name is for the time being entered in the register kept for the purposes of this subsection

by the Board may, at the premises in respect of which his name is so entered and in compliance with any conditions subject to which his name is so entered, supply or offer to supply any drug specified in the First Schedule to this Ordinance to any person who may lawfully have that drug in his possession.

(5) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law, the owner or master of a ship which is in a port in the Bailiwick may supply or offer to supply any drug specified in the First or Second Schedule to this Ordinance—

- (a) to any member of the crew;
- (b) to any person who may lawfully supply that drug; or
- (c) to any officer of police for the purpose of destruction.

6. (1) Notwithstanding the provisions of paragraph (a) of subsection (1) of section three of the Law—

- (a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in the Third Schedule to this Ordinance;
- (b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the premises in which he carries on that business, manufacture or compound any drug specified in the Third Schedule to this Ordinance; and
- (c) a person whose name is for the time being entered in the register kept for the purposes of this paragraph by the Board may produce, at the premises in respect of which his name is so entered and in compliance

Production and supply of drugs specified in the Third Schedule to this Ordinance.

with any conditions subject to which his name is so entered, any drug specified in the Third Schedule to this Ordinance.

(2) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law, any of the following persons, that is to say—

- (a) a practitioner;
- (b) a pharmacist;
- (c) a person lawfully conducting a retail pharmacy business;
- (d) the matron or acting matron of a hospital;
- (e) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at the hospital, the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital;
- (f) a public analyst;
- (g) a sampling officer;
- (h) an inspector appointed for the purposes of the Pharmacists, Poisons and Pharmacy Ordinance, 1970;

may, when acting in his capacity as such, supply or offer to supply any drug specified in the Third Schedule to this Ordinance to any person who may lawfully have that drug in his possession:

Provided that nothing in this subsection shall be taken to authorise—

- (i) the matron or acting matron of a hospital, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug;
- (ii) a sister or acting sister for the time being in charge of a ward, theatre or other

department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner or dentist.

(3) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto, supply or offer to supply any drug specified in the Third Schedule to this Ordinance to any person who may lawfully have that drug in his possession.

(4) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law—

(a) a person whose name is for the time being entered in the register kept for the purposes of this paragraph by the Board may, at the premises in respect of which his name is so entered and in compliance with any conditions subject to which his name is so entered, supply or offer to supply any drug specified in the Third Schedule to this Ordinance to any person who may lawfully have that drug in his possession;

(b) a person whose name is for the time being entered in the register kept by the Board for the purposes of paragraph (c) of subsection (1) of this section may supply or offer to supply any drug which he may, by virtue of his name being so entered, lawfully produce to any person who may lawfully have that drug in his possession.

(5) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three of the Law, the

owner or master of a ship which is in a port in the Bailiwick may supply or offer to supply any drug specified in the Third Schedule to this Ordinance—

- (a) to any member of the crew; or
- (b) to any person who may lawfully supply that drug.

Possession of drugs specified in the Second and Third Schedules to this Ordinance.

7. (1) Notwithstanding the provisions of subsection (1) of section four of the Law—

- (a) a person of any description specified in subsection (2) of section five of this Ordinance may have in his possession any drug specified in the Second Schedule to this Ordinance; and
- (b) a person of the description specified in subsection (2) of section six of this Ordinance may have in his possession any drug specified in the Third Schedule to this Ordinance;

for the purpose of acting in his capacity as such.

(2) Notwithstanding the provisions of subsection (1) of section four of the Law, a person may have in his possession any drug specified in the Second or Third Schedule to this Ordinance for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner:

Provided that this subsection shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a medical practitioner if—

- (a) that person was then being supplied with any controlled drug by or on the prescription of another medical practitioner and failed to disclose that fact to the first mentioned medical practitioner before the supply by him or on his prescription; or

(b) that person, or any other person on his behalf, made a declaration or statement which was false in any particular, for the purpose of obtaining the supply or prescription.

(3) Notwithstanding the provisions of subsection (1) of section four of the Law, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto, have any drug specified in the Second or Third Schedule to this Ordinance in his possession.

(4) Notwithstanding the provisions of subsection (1) of section four of the Law—

(a) a person whose name is for the time being entered in the register kept for the purposes of this paragraph by the Board may, in compliance with any conditions subject to which his name is so entered, have in his possession any drug specified in the Third Schedule to this Ordinance;

(b) a person whose name is for the time being entered in the register kept for the purposes of paragraph (c) of subsection (1) of section six of this Ordinance may have in his possession any drug which he may, by virtue of his name being so entered, lawfully produce;

(c) a person whose name is for the time being entered in the register kept for the purposes of paragraph (a) of subsection (4) of section six of this Ordinance may have in his possession any drug which he may, by virtue of his name being so entered, lawfully supply or offer to supply.

(5) Notwithstanding the provisions of subsection (1) of section four of the Law, the owner or master of a ship which is in a port in the Bailiwick may have in his possession any drug specified in the Second or Third Schedule to this Ordinance so far as necessary for the equipment of the ship.

Exemption
for midwives
in respect of
pethidine.

8. (1) Notwithstanding the provisions of paragraph (b) of subsection (1) of section three and of subsection (1) of section four of the Law, a registered midwife may, subject to the provisions of this section—

- (a) so far as necessary for the practice of her profession or employment as a midwife, have pethidine in her possession;
- (b) so far as necessary as aforesaid, administer pethidine; and
- (c) surrender to the Medical Officer of Health any stocks of pethidine in her possession which are no longer required by her.

(2) Nothing in subsection (1) of this section shall be taken to authorise a midwife to have in her possession pethidine which has been obtained otherwise than on a midwife's supply order signed by the Medical Officer of Health.

Cultivation
under
licence of
Cannabis
plant.

9. Where any person is authorised by a licence of the Board issued under this section and for the time being in force to cultivate plants of the genus *Cannabis*, it shall not by virtue of section five of the Law be unlawful for that person to cultivate any such plant in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

PART II

REQUIREMENTS AS TO DOCUMENTATION
AND RECORD KEEPING

10. (1) Where a person (hereafter in this subsection referred to as "the supplier"), not being a practitioner, supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug to a person who—

Documents to be obtained by supplier of controlled drugs.

- (a) purports to be sent by or on behalf of the person to whom it is supplied (hereafter in this subsection referred to as "the recipient"); and
- (b) is not authorised by any provision of this Ordinance, other than the provisions of paragraph (e) of section three thereof, to have that drug in his possession,

unless that person produces to the supplier a statement in writing signed by the recipient to the effect that he is empowered by the recipient to receive that drug on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) Where a person (hereafter in this subsection referred to as "the supplier") supplies a controlled drug, otherwise than on a prescription or by way of administration, to a person of any description specified in subsection (4) of this section, the supplier shall not deliver the drug—

- (a) until he has obtained a requisition in writing which—
 - (i) is signed by the person to whom the drug is supplied (hereafter in this subsection referred to as "the recipient");
 - (ii) states the name, address and profession or occupation of the recipient;

- (iii) specifies the purpose for which the drug supplied is required and the total quantity to be supplied; and
- (iv) where appropriate, satisfies the requirements of subsection (5) of this section;
- (b) unless he is reasonably satisfied that the signature is that of the person purporting to have signed the requisition and that that person is engaged in the profession or occupation specified in the requisition:

Provided that where the recipient is a practitioner and he represents that he urgently requires a controlled drug for the purpose of his profession, the supplier may, if he is reasonably satisfied that the recipient so requires the drug and is, by reason of some emergency, unable before delivery to furnish to the supplier a requisition in writing duly signed, deliver the drug to the recipient on an undertaking by the recipient to furnish such a requisition within the twenty-four hours next following.

(3) A person who has given such an undertaking as aforesaid shall deliver to the person by whom the controlled drug was supplied a signed requisition in accordance with the undertaking.

(4) The persons referred to in subsection (2) of this section are—

- (a) a practitioner;
- (b) the matron or acting matron of a hospital; and
- (c) the owner or the master of a ship which is in a port in the Bailiwick.

(5) A requisition furnished for the purposes of subsection (2) of this section shall—

- (a) where furnished by the matron or acting matron of a hospital, be signed by a medical practitioner or dentist employed or engaged in that hospital;
- (b) where furnished by the master of a ship, contain a statement, signed by the Medical Officer of Health, that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship.

(6) Where the person responsible for the dispensing and supply of medicines at any hospital supplies a controlled drug to the sister or acting sister for the time being in charge of any ward, theatre or other department in that hospital (hereafter in this subsection referred to as "the recipient") he shall—

- (a) obtain a requisition in writing, signed by the recipient, which specifies the total quantity of the drug to be supplied; and
- (b) mark the requisition in such manner as to show that it has been complied with;

and any requisition obtained for the purposes of this subsection shall be retained in the dispensary at which the drug was supplied and a copy of the requisition or a note of it shall be retained or kept by the recipient.

(7) Nothing in this section contained shall have effect in relation to the drugs specified in the First Schedule to this Ordinance or to poppy-straw.

11. (1) Subject to the provisions of this section, a person shall not issue a prescription containing a controlled drug, other than a drug specified in the First Schedule to this Ordinance, unless the prescription complies with the following requirements. that is to say, it shall—

Form of
prescriptions.

- (a) be in ink or otherwise so as to be indelible and be signed by the person issuing it with his usual signature and dated by him;
- (b) insofar as it specifies the information required by paragraph (e) and paragraph (f) of this subsection to be specified, be written by the person issuing it in his own handwriting;
- (c) except in the case of a health service prescription, specify the address of the person issuing it;
- (d) have written thereon, if issued by a dentist, the words "for dental treatment only" and, if issued by a veterinary surgeon, the words "for animal treatment only";
- (e) specify the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary surgeon, of the person to whom the controlled drug prescribed is to be delivered;
- (f) specify the dose to be taken and—
 - (i) in the case of a prescription containing a controlled drug which is a preparation, the form and, where appropriate, the strength of the preparation, and either the total quantity (in both words and figures) of the preparation or the number (in both words and figures) of dosage units, as appropriate, to be supplied;
 - (ii) in any other case, the total quantity (in both words and figures) of the controlled drug to be supplied;
- (g) in the case of a prescription for a total quantity intended to be dispensed by instalments, contain a direction specifying the

amount of the instalments of the total amount which may be dispensed and the intervals to be observed when dispensing.

(2) Paragraph (b) of subsection (1) of this section shall not have effect in relation to a prescription issued by a person approved (whether personally or as a member of a class) for the purposes of this paragraph by or on behalf of the Board.

(3) In the case of a prescription issued for the treatment of a patient in hospital, it shall be a sufficient compliance with paragraph (e) of subsection (1) of this section if the prescription is written on the patient's bed card or case sheet.

12. (1) A person shall not supply a controlled drug, other than a drug specified in the First Schedule to this Ordinance, on a prescription—

Provisions
as to supply
on prescrip-
tion.

- (a) unless the prescription complies with the provisions of section eleven of this Ordinance;
- (b) unless the address specified in the prescription as the address of the person issuing it is an address within the Bailiwick;
- (c) unless he either is acquainted with the signature of the person by whom it purports to be issued and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine;
- (d) before the date specified in the prescription;
- (e) subject to subsection (3) of this section, later than thirteen weeks after the date specified in the prescription.

(2) Subject to subsection (3) of this section, a person dispensing a prescription containing a con-

trolled drug, other than a drug specified in the First Schedule to this Ordinance, shall, at the time of dispensing it, mark thereon the date on which it is dispensed and, unless it is a health service prescription, shall retain it on the premises on which it was dispensed.

(3) In the case of a prescription containing a controlled drug, other than a drug specified in the First Schedule to this Ordinance, which contains a direction that specified instalments of the total amount may be dispensed at stated intervals, the person dispensing it shall not supply the drug otherwise than in accordance with that direction and—

(a) subsection (1) of this section shall have effect as if for the requirement contained in paragraph (e) thereof there were substituted a requirement that the occasion on which the first instalment is dispensed shall not be later than thirteen weeks after the date specified in the prescription;

(b) subsection (2) of this section shall have effect as if for the words “at the time of dispensing it” there were substituted the words “on each occasion on which an instalment is dispensed”.

Exemption
for certain
prescriptions.

13. Nothing contained in section eleven or section twelve of this Ordinance shall have effect in relation to a prescription issued to a sampling officer for the purposes of the Food and Drugs (Guernsey) Law, 1970.

Marking of
bottles and
other containers.

14. (1) Subject to subsection (2) of this section, no person shall supply a controlled drug otherwise than in a bottle, package or other container which is plainly marked—

- (a) in the case of a controlled drug other than a preparation, with the amount of the drug contained therein;
- (b) in the case of a controlled drug which is a preparation—
 - (i) made up into tablets, capsules or other dosage units, with the amount of each component (being a controlled drug) of the preparation in each dosage unit and the number of dosage units in the bottle, package or other container;
 - (ii) not made up as aforesaid, with the total amount of the preparation in the bottle, package or other container and the percentage of each of its components which is a controlled drug.

(2) Nothing contained in subsection (1) of this section shall have effect in relation to the drugs specified in the First Schedule to this Ordinance or to poppy-straw or in relation to the supply of a controlled drug by or on the prescription of a practitioner.

15. (1) Subject to subsection (3) of this section and section seventeen of this Ordinance, every person authorised by or under section two or section five of this Ordinance to supply any drug specified in the Second or Fourth Schedule to this Ordinance shall comply with the following requirements, that is to say—

- (a) he shall, in accordance with the provisions of this section and of section sixteen of this Ordinance, keep a register and shall enter therein in chronological sequence in the form specified in Part I or Part II of the Fifth Schedule to this Ordinance, as the

Keeping of registers.

case may require, particulars of every quantity of a drug specified in the Second or Fourth Schedule to this Ordinance obtained by him and of every quantity of such a drug supplied (whether by way of administration or otherwise) by him whether to persons within or outside the Bailiwick; and

(b) he shall use a separate register or separate part of the register for entries made in respect of each class of drugs, and each of the drugs specified in paragraphs 1, 3 and 6 of the Second Schedule to this Ordinance and paragraphs 1 and 3 of the Fourth Schedule to this Ordinance together with its salts and any preparation or other product containing it or any of its salts shall be treated as a separate class, so however that any stereoisomeric form of a drug or its salts shall be classed with that drug.

(2) Nothing in subsection (1) of this section shall be taken as preventing the use of a separate section within a register or separate part of a register in respect of different drugs or strengths of drugs comprised within the class of drugs to which that register or separate part relates.

(3) The foregoing provisions of this section shall not have effect in relation to—

(a) a person licensed under section two of this Ordinance to supply any drug, where the licence so directs; or

(b) the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital.

16. Any person required to keep a register under section fifteen of this Ordinance shall comply with the following requirements, that is to say—

Requirements as to registers.

- (a) the class of drugs to which the entries on any page of any such register relate shall be specified at the head of that page;
- (b) every entry required to be made under the said section fifteen in such a register shall be made on the day on which the drug is obtained or, as the case may be, on which the transaction in respect of 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 that day;
- (c) no cancellation, obliteration or alteration of any such entry shall be made, and a correction of such an entry shall be made only by way of marginal note or footnote which shall specify the date on which the correction is made;
- (d) every such entry 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 so required to keep such a register shall, on demand made by the Board or by any person authorised in writing by the Board in that behalf,—
 - (i) furnish such particulars as may be requested in respect of the obtaining or supplying by him of any drug specified

- in the Second or Fourth Schedule to this Ordinance, or in respect of any stock of such drugs in his possession;
- (ii) for the purpose of confirming any such particulars, produce any stock of such drugs in his possession;
 - (iii) produce the said register and such other books or documents in his possession relating to any dealings in drugs specified in the said Second or Fourth Schedule as may be requested;
- (g) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on his business or occupation, but subject to that 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, 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 in which entries are currently being made shall be kept at the premises to which it relates.

Record-keeping requirements in particular cases.

17. (1) Where a drug specified in the Second Schedule to this Ordinance is supplied in accordance with subsection (5) of section five of this Ordinance to a member of the crew of a ship, an entry in the official log book required to be kept under the Merchant Shipping Act 1894 or, in the case of a ship which is not required to carry such an official log book, a report signed by the master of the ship, shall, notwithstanding anything in this Ordinance, be a sufficient record of the supply if the entry or

report specifies the drug supplied and, in the case of a report, it is delivered as soon as may be to the Medical Officer of Health.

(2) A midwife authorised by subsection (1) of section eight of this Ordinance to have pethidine in her possession shall—

- (a) on each occasion on which she obtains a supply of pethidine, enter in a book kept by her and used solely for the purposes of this subsection the date, the name and address of the person from whom the drug was obtained, the amount obtained and the form in which it was obtained; and
- (b) on administering pethidine to a patient, enter in the said book as soon as practicable the name and address of the patient, the amount administered and the form in which it was administered.

18. (1) All registers and books kept in pursuance of section fifteen or subsection (2) of section seventeen of this Ordinance shall be preserved for a period of two years from the date on which the last entry therein is made.

Preservation of registers, books and other documents.

(2) Every requisition, order or prescription (other than a health service prescription) on which a controlled drug is supplied in pursuance of this Ordinance shall be preserved for a period of two years from the date on which the last delivery under it was made.

19. (1) A producer of any drug specified in the First Schedule to this Ordinance and a wholesaler dealer in any such drug shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each quantity of such a drug supplied by him.

Preservation of records relating to drugs specified in the First Schedule to this Ordinance.

(2) A practitioner or a person lawfully conducting a retail pharmacy business shall keep every invoice or other like record issued in respect of each quantity of any drug specified in the First Schedule to this Ordinance obtained by him.

(3) Every document kept in pursuance of this section shall be preserved for a period of two years from the date on which it is issued:

Provided that the keeping of a copy of the document 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.

PART III

PRECAUTIONS TO BE TAKEN IN CERTAIN PREMISES FOR THE SAFE CUSTODY OF CONTROLLED DRUGS ETC.

Certain controlled drugs to be kept locked in safes etc.

20. (1) This section applies to the following premises, that is to say—

- (a) any premises occupied by a practitioner for the purposes of his professional practice;
- (b) any premises occupied for the purposes of his business by a person lawfully conducting a retail pharmacy business;
- (c) any nursing home.

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

(3) Subject to section twenty-one of this Ordinance, the relevant requirements of the Seventh Schedule to this Ordinance shall be complied with in relation to every safe, cabinet or room in which controlled drugs are kept in pursuance of subsection (2) of this section.

(4) It shall not be necessary to comply with the requirements of subsection (2) of this section 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 (a) or paragraph (b) of subsection (1) of this section, a practitioner or pharmacist in respect of whom no direction under subsection (2) of section eleven of the Law is for the time being in force; or
- (b) in the case of premises falling within paragraph (c) of subsection (1) of this section, the person in charge of the premises or any member of his staff designated by him for the purpose.

21. (1) Subsection (3) of section twenty of this Ordinance shall not have effect in relation to a safe, cabinet or room situated in any premises occupied for the purposes of his professional practice or business by a practitioner or a person lawfully conducting a retail pharmacy business (hereafter in this section referred to as "the occupier") if a certificate has been issued in pursuance of subsection (2) of this section (hereafter in this section referred to as a "certificate") in respect of that safe, cabinet or room and the certificate is for the time being in force.

Exemption from section 20(3) where a certificate of Chief Officer of Police is obtained as respects the security of safes etc.

(2) On receiving written application in that behalf from the occupier, the Chief Officer of Police 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 the Sixth Schedule to this Ordinance) 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 Chief Officer of Police may cause the premises to be inspected by an officer of police 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 and rooms to which the certificate relates have ceased to provide an adequate degree of security.

(5) A certificate may be cancelled by the Chief Officer of Police 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 officer of police acting in pursuance of subsection (4) of this section.

(6) A certificate shall, unless previously cancelled in pursuance of subsection (5) of this section, 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.

22. (1) Subject to the provisions of subsection (2) of this section, where any controlled drug (other than a drug specified in the Sixth Schedule to this Ordinance) 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 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.

Certain controlled drugs to be kept in a locked receptacle if kept otherwise than in a locked safe etc.

(2) The provisions of subsection (1) of this section shall not apply to—

- (a) a person to whom a controlled drug has been supplied by, or on the 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 States Post Office when acting in the course of that business.

PART IV

NOTIFICATION OF ADDICTS, AND CONTROL
OF SUPPLY OF CERTAIN DRUGS TO ADDICTS

Notification
of addicts to
Medical
Officer of
Health in
Guernsey,
and control
of supply of
certain
drugs to
addicts.

23. (1) In this section the expression "drug" means a controlled drug specified in the Eighth Schedule to this Ordinance.

(2) For the purposes of this section, a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.

(3) Subject to the provisions of subsection (4) of this section, any medical practitioner who attends a person who he considers, or has reasonable grounds to suspect, is addicted to any drug shall, within seven days of the attendance, furnish in writing to the Medical Officer of Health such of the following particulars with respect to that person as are known to the medical practitioner, that is to say, the name, address, sex and date of birth of that person, the date of the attendance and the name of the drug or drugs concerned.

(4) It shall not be necessary for a medical practitioner who attends a person to comply with the provisions of subsection (3) of this section in respect of that person if—

- (a) the medical practitioner is of the opinion, formed in good faith, that the continued administration of the drug or drugs concerned is required for the purpose of treating organic disease or injury; or
- (b) the particulars which, apart from this subsection, would have been required under

those provisions to be furnished have, during the period of twelve months ending with the date of the attendance, been furnished in compliance with those provisions—

- (i) by the medical practitioner; or
- (ii) if the medical practitioner is a partner in or employed by a firm of general medical practitioners, by a medical practitioner who is a partner in or employed by that firm; or
- (iii) if the attendance is on behalf of another medical practitioner, whether for payment or otherwise, by that medical practitioner; or
- (iv) if the attendance is at a hospital, by a medical practitioner on the staff of that hospital.

(5) Subject to the provisions of subsection (6) of this section, a medical practitioner shall not administer or supply to a person who he considers, or has reasonable grounds to suspect, is addicted to any drug, or authorise the administration or supply to such a person of, any substance specified in subsection (7) of this section, or prescribe for such a person any such substance, except—

- (a) for the purpose of treating organic disease or injury; or
- (b) under and in accordance with the terms of a licence issued by the Board under this section.

(6) The provisions of subsection (5) of this section shall not apply to the administration or supply by a medical practitioner of a substance specified in subsection (7) of this section if the administration or

supply is authorised by another medical practitioner under and in accordance with the terms of a licence of the Board under this section.

(7) The substances referred to in subsection (5) and subsection (6) of this section are—

- (a) cocaine, its salts and any preparation or other product containing cocaine or its salts other than a preparation falling within paragraph 2 of the First Schedule to this Ordinance; and
- (b) diamorphine, its salts and any preparation or other product containing diamorphine or its salts.

PART V

MISCELLANEOUS

Destruction
of controlled
drugs.

24. (1) A person who is required by any provision of, or by any term or condition of a licence having effect under, this Ordinance to keep records with respect to a drug specified in the Second or Fourth Schedule to this Ordinance shall not destroy such a drug or cause such a drug to be destroyed except in the presence of, and in accordance with any directions given by, a person authorised (whether personally or as a member of a class) for the purposes of this paragraph by the Board (hereafter in this section referred to as an "authorised person").

(2) An authorised person may, for the purpose of analysis, take a sample of a drug specified in the Second or Fourth Schedule to this Ordinance which is to be destroyed.

(3) Where a drug specified in the Second or Fourth Schedule to this Ordinance is destroyed in pursuance of subsection (1) of this section by or at

the instance of a person who is required by any provision of, or by any term or condition of a licence having effect under, this Ordinance to keep a record in respect of the obtaining or supply of that drug, that record shall include particulars of the date of destruction and the quantity destroyed and shall be signed by the authorised person in whose presence the drug is destroyed.

(4) Where the master or owner of a ship has in his possession a drug specified in the Second Schedule to this Ordinance which he no longer requires, he shall not destroy the drug or cause it to be destroyed but shall dispose of it to an officer of police or to a person who may lawfully supply it.

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

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

Metric system and imperial system.

(b) where any person may lawfully be in possession of a quantity of a controlled drug determined by or under this Ordinance in terms of the imperial system he shall be deemed not to be in possession of a quantity of that controlled drug in excess of the first-mentioned quantity by reason only that he is in possession of a quantity of that drug which is the equivalent of the first-mentioned quantity in the metric system.

(2) For the purposes of this section the quantity of a controlled 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.

Licences and authorities.

26. Any power conferred on the Board by this Ordinance to issue a licence or other authority may be exercised on behalf of the Board by any person authorised by the Board in that behalf.

Interpretation.

27. (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 subsection (3) of section five, subsection (3) of section six or subsection (3) of section seven of this Ordinance which is in force, 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;

“the Board” means the States Board of Health;

“Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey;

“health service prescription” means a prescription issued by a medical practitioner or dentist under the Health Service (Pharmaceutical) (Guernsey) Law, 1972(c);

“hospital” means an infirmary or other medical institution wholly or mainly maintained by the States of Guernsey or by the States of Alderney, and includes a nursing home;

“the Law” means the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974;

“the Law of 1966” means the Dangerous Drugs (Guernsey) Law, 1966(d);

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

“matron or acting matron” includes any male nurse occupying a similar position;

“Medical Officer of Health” means the Medical Officer of Health of the States of Guernsey and includes the Deputy Medical Officer of Health of the States of Guernsey;

“midwife’s supply order” means an order in writing specifying the name and occupation of the midwife obtaining a supply of pethidine, the purpose for which it is required and the total quantity to be obtained;

“nursing home” means any premises for the time being approved by the Board and used for the reception of, and the providing of nursing for, persons suffering from any sickness, injury, or infirmity, but does not include any hospital or other premises wholly or partly maintained by the States of Guernsey or by the States of Alderney;

“the Ordinance of 1967” means the Dangerous Drugs (Guernsey) Ordinance, 1967(e);

“practitioner” means a medical practitioner, dentist or veterinary surgeon;

(d) Ordres en Conseil Vol. XX, p. 176.

(e) Recueil d’Ordonnances Tome XV, p. 160.

“prescription” means a prescription issued by a medical practitioner for the medical treatment of a single individual, by a dentist for the dental treatment of a single individual or by a veterinary surgeon for the purposes of the treatment of an animal;

“public analyst” means a person employed by the States of Guernsey or by the States of Alderney and approved by or on behalf of 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 or on behalf of the Board;

“revenue officer” means a person authorised by the States Board of Administration to act as a revenue officer for the purposes of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972(f);

“sampling officer” means a person authorised by the Board under the Food and Drugs (Guernsey) Law, 1970, to exercise such powers of procuring samples for analysis or for bacteriological or other examination as are conferred by section twenty-six of that Law;

(f) Ordres en Conseil Vol. XXIII, p. 573.

“sister or acting sister” includes any male nurse occupying a similar position;

“the States” means the States of Guernsey;

“wholesaler dealer” means a person who carries on the business of selling drugs to persons who buy to sell again;

and any other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as repealed, replaced, amended, extended or applied by or under any other enactment.

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

28. (1) Any licence issued for the purposes of any provision of the Ordinance of 1967 and in force immediately before the repeal of the Law of 1966 shall, insofar as it authorises any person to do anything which could be authorised by a licence issued under section two of this Ordinance, continue in force for the same period of time as if that Law had not been repealed and shall have effect as if it had been issued for the purposes of the said section two.

Transitional provisions.

(2) Any authority granted in respect of any class for the purposes of any provision of the Ordinance of 1967 and in force immediately before the repeal of the Law of 1966 shall, insofar as it authorises any class of persons to do anything which could be authorised by an authority granted for the purposes of subsection (3) of section five or subsection

(3) of section seven of this Ordinance, continue in force as if that Law had not been repealed and shall have effect as if granted for the purposes of the said subsection (3) of section five or subsection (3) of section seven, as the case may be.

(3) Any register, record, book, prescription or other document required to be preserved under section twenty-five of the Ordinance of 1966 shall, notwithstanding the repeal of the Law of 1966, be preserved for the same period of time as if that Law had not been repealed.

(4) In the case of a prescription issued before the coming into operation of this Ordinance, subsection (1) of section twelve of this Ordinance shall have effect as if—

(a) in the case of a prescription containing a controlled drug specified in the Schedule to the Drugs (Prevention of Misuse) (Guernsey) Law, 1967(h), immediately before the repeal of that Law, paragraphs (a) and (b) of that subsection were omitted; and

(b) in any other case, for the said paragraphs (a) and (b) there were substituted the words “unless the prescription complies with the provisions of the Ordinance of 1966 relating to prescriptions”.

(5) In this section, any reference to the repeal of the Law of 1966 or of the Drugs (Prevention of Misuse) (Guernsey) Law, 1967, shall be construed as a reference to its repeal by subsection (3) of section thirty-three of the Law

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

30. (1) This Ordinance may be cited as the Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1976. Citation and commencement.

(2) This Ordinance shall come into force on the first day of June, nineteen hundred and seventy-six.

FIRST SCHEDULE

Sections 1, 4, 5, 10, 11, 12, 14 and 19

CONTROLLED DRUGS EXCEPTED FROM THE PROHIBITION ON IMPORTATION, EXPORTATION AND POSSESSION AND SUBJECT TO THE REQUIREMENTS OF SECTION 19 OF THIS ORDINANCE

1.—(1) Any preparation of one or more of the substances to which this paragraph applies, not being a preparation designed for administration by injection, when compounded with one or more other active or inert ingredients and containing a total of not more than 100 milligrammes of the substance or substances (calculated as base) per dosage unit and with a total concentration of not more than 2.5 per cent. (calculated as base) in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, nicodine, nicodicodine (6-nicotinoyldihydrocodeine), norcodeine, pholcodine and their respective salts.

2. Any preparation of cocaine containing not more than 0.1 per cent. of cocaine calculated as cocaine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

3. Any preparation of medicinal opium or of morphine containing (in either case) not more than 0.2 per cent. of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the opium or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

4. Any preparation of difenoxin (1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid) containing, per dosage unit, not more than 0.5 milligrammes of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent. of the dose of difenoxin.

5. Any preparation of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least 1 per cent. of the dose of diphenoxylate.

6. Any preparation of propiram containing, per dosage unit, not more than 180 milligrammes of propiram calculated as base and compounded with at least the same amount (by weight) of methylcellulose.

7. Any powder of ipecacuanha and opium comprising—

10 per cent. opium, in powder,
10 per cent. ipecacuanha root, in powder,
well mixed with

80 per cent. of any other powdered ingredient containing no controlled drug.

8. Any mixture containing one or more of the preparations specified in paragraphs 1 to 7 being a mixture of which none of the other ingredients is a controlled drug.

SECOND SCHEDULE

Sections 4, 5,
7, 15, 17 and 24

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF SECTIONS 10, 11, 12, 14, 15, 16, 17 AND 24 OF THIS ORDINANCE

1. The following substances and products, namely:—

Accorphine.	Diamorphine.
Allyprodine.	Diampromide.
Alphacetylmethadol.	Diethylthiambutene.
Alphameprodine.	Difenoxin (1-(3-cyano-3, 3-
Alphamethadol.	diphenyl-propyl)-4-phenyl-
Alphaprodine.	piperidine-4-carboxylic acid.
Anileridine.	Dihydrocodeinone 0-carboxy-
Benzethidine.	methyloxime.
Benzylmorphine (3-benzylmor-	Dihydromorphine.
phine).	Dimenoxadole.
Betacetylmethadol.	Dimepheptanol.
Betameprodine.	Dimethylthiambutene.
Betamethadol.	Dioxaphetyl butyrate.
Betaprodine.	Diphenoxylate.
Bezitramide.	Dipipanone.
Clonitazene.	Drotebanol (3, 4-dimethoxy-17-
Cocaine.	methylmorphinan-6, β , 14-diol).
Desomorphine.	Ecgonine, and any derivative of
Dextromoramide.	ecgonine which is convertible
	to ecgonine or to cocaine.

Ethylmethylthiambutene.	Normethadone.
Etonitazene.	Normorphine.
Etorphine.	Norpipanone.
Etoperidine.	Oxycodone.
Fentanyl.	Oxymorphone.
Furethidine.	Pethidine.
Hydrocodone.	Phenadoxone.
Hydromorphinol.	Phenampromide.
Hydromorphone.	Phenazocine.
Hydroxypethidine.	Phenomorphane.
Isomethadone.	Phenoperidine.
Ketobemidone.	Piminodine.
Levomethorphan.	Piritramide.
Levomoramide.	Proheptazine.
Levophenacylmorphane.	Propерidine.
Levorphanol.	Racemethorphan.
Medicinal opium.	Racemoramide.
Metazocine.	Racemorphan.
Methadone.	Thebacon.
Methadyl acetate.	Thebaine.
Methyl-desorphine.	Trimeperidine.
Methyldihydromorphine	4-Bromo-2, 5-dimethoxy- α -
(6-methyldihydromorphine).	methylphenethylamine.
Metopon.	4-Cyano-2-dimethylamino-4,
Morpheridine.	4-diphenylbutane.
Morphine.	4-Cyano-1-methyl-4-phenyl-
Morphine methobromide,	piperidine.
morphine <i>N</i> -oxide and other	1-Methyl-4-phenylpiperidine-4-
pentavalent nitrogen morphine	carboxylic acid.
derivatives.	2-Methyl-3-morpholino-1,
Myrophine.	1-diphenylpropanecarboxylic
Nicomorphine.	acid.
Noracymethadol.	4-Phenylpiperidine-4-carboxylic
Norlevorphanol.	acid ethyl ester.

2. Any stereoisomeric form of a substance specified in paragraph 1 not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance specified in paragraph 1 or 2, not being a substance specified in paragraph 6.

4. Any salt of a substance specified in any of paragraphs 1 to 3.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a preparation specified in Schedule 1.

6. The following substances and products, namely:—

Acetyldihydrocodeine.	Methylphenidate.
Amphetamine.	Nicocodine.
Codeine.	Nicodicodine (6-nicotinoyl- dihydrocodeine).
Dexamphetamine.	Norcodeine.
Dihydrocodeine.	Phenmetrazine.
Ethylmorphine (3-ethyl- morphine.).	Pholcodine.
Methaqualone.	Propiram.
Methylamphetamine.	

7. Any stereoisomeric form of a substance specified in paragraph 6.

8. Any salt of a substance specified in paragraph 6 or 7.

9. Any preparation or other product containing a substance or product specified in any of paragraphs 6 to 8, not being a preparation specified in the First Schedule.

THIRD SCHEDULE Sections 4, 6 and 7

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF SECTIONS 10, 11, 12 AND 14 OF THIS ORDINANCE

1. The following substances, namely:—

Benzphetamine.	Phendimetrazine.
Chlorphentermine.	Pipradrol.
Mephentermine.	

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance specified in any of paragraphs 1 to 3, not being a preparation specified in the First Schedule.

FOURTH SCHEDULE Sections 15 and 24
 CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS
 OF SECTIONS 10, 11, 12, 14, 15, 16 and 24 OF THIS ORDINANCE

1. The following substances and products, namely:—

Bufotenine.
 Cannabinol.
 Cannabinol derivatives.
 Cannabis and cannabis resin.
 Coca leaf.
 Concentrate of poppy-straw.
 Lysergamide.
 Lysergide and other N-alkyl derivatives of lysergamide.
 Mescaline.
 Raw opium.
 Psilocin.
 4-Bromo-2, 5-dimethoxy- α -methylphenethylamine
N, N-Diethyltryptamine.
N, N-Dimethyltryptamine.
 2, 5-Dimethoxy- α , 4-dimethylphenethylamine.

2. Any stereoisomeric form of a substance specified in paragraph 1.
3. Any ester or ether of a substance specified in paragraph 1 or 2.
4. Any salt of a substance specified in any of paragraphs 1 to 3.
5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a preparation specified in the First Schedule.

FIFTH SCHEDULE

Section 15

FORM OF REGISTER

PART I

Entries to be made in 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				

SIXTH SCHEDULE Sections 20, 21 and 22

CONTROLLED DRUGS EXEMPTED FROM THE REQUIREMENTS OF SECTION 20 OF THIS ORDINANCE

1. Any controlled drug specified in the First Schedule.
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) Phenmetrazine.
 - (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 paragraphs (a) to (k) above.

SEVENTH SCHEDULE

Section 20

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;

“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;

“sheet steel” means mild steel sheet being not lighter than 16 gauge.

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 (3/16 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 ($\frac{5}{16}$ 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 ($\frac{5}{16}$ inch) section and which has a total throw, at both the top and bottom, of at least 12 millimetres ($\frac{1}{2}$ inch); or
- (b) the second opening leaf shall be secured at the top and bottom by means of internal bolts of mild steel of at least 6 millimetres ($\frac{1}{4}$ inch) by 6 millimetres ($\frac{1}{4}$ inch) section or 6 millimetres ($\frac{1}{4}$ inch) diameter, each of which has a total throw of at least 12 millimetres ($\frac{1}{2}$ inch), the bolt handles being returnable into a holding recess.
- (6) A safe or cabinet shall be rigidly and securely fixed to a wall or floor by means of at least two rag-bolts each passing through an internal anchor plate of mild steel which is of at least 3 millimetres ($\frac{1}{8}$ inch) thickness and which has a surface area of at least 19355 square millimetres (30 square inches).
- (7) Nothing shall be displayed outside a safe or cabinet to indicate that drugs are kept inside it.

Rooms

- 3.—(1) Each wall shall be securely attached to the floor, ceiling and adjacent walls and shall be constructed of—
- (a) bricks laid in cement mortar to at least 229 millimetres (9 inches) thickness or, if the joints are reinforced with metal reinforcing ties, to at least 115 millimetres ($4\frac{1}{2}$ inches) thickness; or

- (b) concrete (being solid concrete, reinforced concrete or dense concrete blocks laid in cement mortar) of at least 152 millimetres (6 inches) thickness, the joints being reinforced with metal reinforcing ties where concrete blocks are used; or
- (c) steel mesh fixed externally by welding upon angle-iron frames of at least 50 millimetres (2 inches) by 50 millimetres (2 inches) section and 6 millimetres ($\frac{1}{4}$ inch) thickness, having vertical members not more than 610 millimetres (2 feet) apart and horizontal members not more than 1220 millimetres (4 feet) apart; or
- (d) sheet steel fixed externally by welding, or bolting with steel bolts of not less than 12 millimetres ($\frac{1}{2}$ inch) diameter and at intervals of not more than 305 millimetres (1 foot), upon either angle-iron frames as specified in (c) above or timber frames of at least 50 millimetres (2 inches) by 100 millimetres (4 inches) section, having vertical and horizontal members spaced as specified in (c) above.

(2) If a party wall or, in the case of a room of which the floor level is less than 2440 millimetres (8 feet) above the external ground level, an external wall is used to form one of the walls of the room, that wall shall be reinforced internally by means of an additional wall which is constructed in accordance with the requirements of sub-paragraph (1) above.

(3) The floor shall be—

- (a) constructed of solid concrete or reinforced concrete; or
- (b) covered internally with sheet steel or steel mesh, welded at all joints; or
- (c) otherwise so constructed that it cannot be readily penetrated from below.

(4) The ceiling shall be constructed of—

- (a) solid concrete or reinforced concrete as specified in sub-paragraph (1) (b) above; or
- (b) steel mesh fixed externally by welding upon angle-iron frames as specified in sub-paragraph (1) (c) above, the members of which shall not be more than 610 millimetres (2 feet) apart in one direction or more than 1220 millimetres (4 feet) apart in the other; or
- (c) sheet steel fixed externally by welding upon angle-iron frames as specified in sub-paragraph (1) (c) above, the members being spaced as specified in (b) above.

(5) Each door or, in the case of a stable-type door, each half-door shall be constructed of—

- (a) steel mesh fixed externally by welding upon angle-iron frames as specified in sub-paragraph (1) (c) above; or
- (b) sheet steel fixed externally by welding upon angle-iron frames as specified in sub-paragraph (1) (c) above, the members being spaced as specified therein; or
- (c) sheet steel fixed externally upon a hardwood frame of at least 50 millimetres (2 inches) by 75 millimetres (3 inches) to stiles, rails and braces or muntins by means of coach bolts at intervals of not more than 305 millimetres (1 foot) (the nuts whereof being on the inside of the door) and with non-withdrawable screws between the bolts at intervals not exceeding 100 millimetres (4 inches), the members of the frame being spaced as specified in sub-paragraph (1) (c) above; or
- (d) sheet steel fixed externally upon a solid timber core of at least 50 millimetres (2 inches) thickness.

(6) Each door or, in the case of a stable-type door, each half-door shall be fitted with an effective lock, being a single-sided dead lock having resistance to manipulation and forcing sufficient to comply with the requirements of the Standard of 1963.

(7) If the room is fitted with a two-leaf door, the second opening leaf shall be secured top and bottom by means of—

- (a) an *espagnolette* bolt, operated only from within the room, with vertical fastening rods of mild steel of at least 16 millimetres ($\frac{5}{8}$ inch) by 16 millimetres ($\frac{5}{8}$ inch) section or 16 millimetres ($\frac{5}{8}$ inch) diameter; or
- (b) at least two internal tower bolts of mild steel of at least 16 millimetres ($\frac{5}{8}$ inch) diameter, designed to swivel into a secure holding recess when in the thrown position,

and in either case the bolt shall have a total throw at least 25 millimetres (1 inch) greater than the clearance between the door and the floor or lintel, as the case may be, the lower shooting hole being kept at all times free from obstruction.

(8) The closing frame of each doorway shall be constructed of—

- (a) an angle-iron frame as specified in sub-paragraph (1) (c) above; or
- (b) hardwood of at least 50 millimetres (2 inches) by 100 millimetres (4 inches) section, covered by sheet steel bolted through the timber at intervals not exceeding 457 milli-

metres (18 inches) by means of coach bolts (the nuts whereof not being accessible from outside the room); or

(c) pressed steel not lighter than 10 gauge welded at all joints.

(9) Each section of the closing frame of each doorway shall be fixed to the adjoining wall at intervals not exceeding 457 millimetres (18 inches) by means of—

(a) where the wall is constructed of bricks, bent and tanged straps of wrought-iron, screwed or bolted to the frame and built into the brickwork;

(b) where the wall is constructed of concrete, rag-bolts; or

(c) where the wall is constructed of steel mesh or sheet steel, steel bolts or dowels of at least 12 millimetres ($\frac{1}{2}$ inch) diameter or welding to the framework or cladding of the room.

(10) Each glass window shall either be constructed of glass blocks not larger than 190 millimetres ($7\frac{1}{2}$ inches) by 190 millimetres ($7\frac{1}{2}$ inches) and of at least 80 millimetres ($3\frac{1}{8}$ inches) thickness, set in a reinforced concrete frame having a reinforcing bar between every block, or be guarded by a grille consisting of—

(a) panels of steel mesh fixed on angle-iron frames as specified in sub-paragraph (1) (c) above and fixed—

(i) where the surrounding wall or ceiling is constructed of sheet steel on angle-iron frames, by welding to the sheet steel or framework at intervals not exceeding 305 millimetres (1 foot); or

(ii) where the surrounding wall is constructed of sheet steel on timber frames, by means of steel bolts of at least 12 millimetres ($\frac{1}{2}$ inch) diameter, bolted through the timber at intervals not exceeding 457 millimetres (18 inches); or

(iii) where the surrounding wall is constructed of bricks, by means of bent and tanged straps of wrought-iron screwed or bolted to the frame and built into the brickwork at intervals not exceeding 457 millimetres (18 inches); or

(iv) where the surrounding wall or ceiling is constructed of concrete, by means of rag-bolts at intervals not exceeding 457 millimetres (18 inches); or

(b) vertical bars of solid mild steel of at least 25 millimetres (1 inch) by 25 millimetres (1 inch) square section, having one of their diagonal axes in a plane parallel to that of the window aperture, spaced not more than 127 millimetres

(5 inches) apart centre to centre with the outer bars not more than 75 millimetres (3 inches) from the reveals of the window, and running through and welded to flat mild steel horizontal guard-bars which—

- (i) are of at least 62 millimetres ($2\frac{1}{2}$ inches) width and 9 millimetres ($\frac{3}{8}$ inch) thickness;
- (ii) are spaced not more than 762 millimetres ($2\frac{1}{2}$ feet) apart, the upper and lower guard-bars being at a distance not exceeding 100 millimetres (4 inches) from the ends of the vertical bars and not exceeding 75 millimetres (3 inches) from the head and sill of the window;
- (iii) are welded at each end to steel brackets of at least 152 millimetres (6 inches) length, 62 millimetres ($2\frac{1}{2}$ inches) width and 12 millimetres ($\frac{1}{2}$ inch) thickness fixed to the surrounding wall or ceiling, as the case may be, in the manner required by (a) above at a distance of at least 152 millimetres (6 inches) from the reveals of the window;
- (iv) if more than 1830 millimetres (6 feet) in length, have the uppermost and lowermost of them fixed to the head and sill of the window at intervals not exceeding 1830 millimetres (6 feet), by means of angle-iron fixings of at least 50 millimetres (2 inches) by 50 millimetres (2 inches) section and 6 millimetres ($\frac{1}{4}$ inch) thickness welded to the guard-bars and fixed to the surrounding wall or ceiling, as the case may be, in the manner required by (a) above.

(11) Each service-hatch shall be guarded by a grille consisting of—

- (i) panels of steel mesh or sheet steel on angle-iron frames as specified in sub-paragraph (1) (c) above; or
- (ii) vertical bars of solid mild steel as specified in sub-paragraph (10) (b) (i) and (ii) above,

and the grille shall be secured at all times when the hatch is not in use in such a way as to be secure against removal from outside the room.

(12) Each aperture other than a window or service-hatch shall be guarded by a grille which satisfies the requirements of sub-paragraph (10) (a) or (b) above.

(13) Each shelf in a room shall be so situated as to prevent drugs placed upon it from being extracted from outside through any aperture.

(14) Nothing shall be displayed outside a room to indicate that drugs are kept in the room.

General

4.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, where sheet steel is used in the construction of a safe, cabinet or room, its edges shall be lapped inwards around the margins of apertures and around the edges of doors and service-hatch covers in such manner as to be inaccessible from the outside; and where sheet steel is fixed on a framework, it shall be so fixed as to prevent removal from outside the safe, cabinet or room of which the framework forms part.

(2) Where sheet steel is used in the construction of the door or the leaf of a door of a safe or cabinet, its edges need not be lapped inwards as required by sub-paragraph (1) of this paragraph if the sheet steel used is not lighter than 10 gauge and the door or leaf of a door fits flush, or is recessed, so that no edge protrudes when the door is closed.

(3) Any steel mesh used in the construction of a safe, cabinet or room shall be—

- (a) welded steel mesh not lighter than 10 standard wire gauge having rectangular apertures not exceeding 75 millimetres (3 inches) by 12 millimetres ($\frac{1}{2}$ inch); or
- (b) expanded steel not lighter than 12 gauge having diamond apertures not exceeding 44 millimetres ($1\frac{1}{4}$ inches) by 19 millimetres ($\frac{3}{4}$ inch).

(4) Except where otherwise specified in this Schedule, the edges of each panel of sheet steel or steel mesh used in the construction of a safe, cabinet or room shall be arc-welded to a steel frame along their entire length, or, in the absence of a steel frame, continuously arc-welded along the entire length of all joins.

(5) Each hinge door, half-door or leaf of a two-leaf door in a safe, cabinet or room shall be fitted with at least two hinges.

(6) If any part of the hinges of such a door, half-door or leaf of a two-leaf door is on the outside of the door, it shall be fitted—

- (a) in the case of a safe or cabinet, with at least two dog-bolts of mild steel of similar gauge and dimensions to the frame of the safe or cabinet or an internal flange or rebate

running the entire length of the door and so fitted as to prevent access without unlocking in the event of damage to the hinges;

(b) in the case of a room, with at least two dog-bolts of mild steel which—

(i) are of similar gauge and dimensions to the jamb and either project at least 16 millimetres ($\frac{5}{8}$ inch) into the jamb or are attached to the jamb and project to a similar extent into the frame of the door, where the closing frame of the doorway is constructed of angle-iron; or

(ii) are of at least 50 millimetres (2 inches) width and 6 millimetres ($\frac{1}{4}$ inch) thickness and either project at least 16 millimetres ($\frac{5}{8}$ inch) into the jamb or are attached to the jamb and project to a similar extent into the edge of the door, where the closing frame of the doorway is constructed of timber or pressed steel.

(7) Each bar, grille or service-hatch cover and each lock, bolt assembly and other means of securing doors and service-hatch covers in a safe, cabinet or room shall be fitted internally.

(8) The bolt of each lock and each other bolt or catch securing the cover of any aperture in a safe, cabinet or room shall be protected against cutting or manipulation from outside.

(9) Each screw, bolt or other fixing device used in the construction of a safe, cabinet or room shall be such as to be incapable of being removed from outside and shall be of a strength at least equal to that of the component part which it fixes.

EIGHTH SCHEDULE

Section 23

CONTROLLED DRUGS IN RESPECT OF WHICH NOTIFICATION OF ADDICTION IS REQUIRED UNDER SECTION 23 OF THIS ORDINANCE

1. The following substances and products, namely:—

Cocaine	Hydromorphone	Oxycodone
Dextromoramide	Levorphanol	Pethidine
Diamorphine	Methadone	Phenazocine
Dipipanone	Morphine	Piritramide
Hydrocodone	Opium	

2. Any stereoisomeric form of a substance specified in paragraph 1 above, not being dextrorphan.

3. Any ester or ether of a substance specified in paragraph 1 or 2 above not being a substance for the time being specified in Part II of the Second Schedule.

4. Any salt of a substance specified in any of paragraphs 1 to 3 above.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4 above.

R. H. VIDELO,

Her Majesty's Greffier.