

CHAPTER 18.

DANGEROUS DRUGS.

2 of 1949. AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO
10 of 1950. DANGEROUS DRUGS.

[1st June, 1949.]

Short title. 1. This Ordinance may be cited as the Dangerous Drugs Ordinance.

Interpretation. 2. In this Ordinance unless the context otherwise requires—

“Dangerous drugs” includes all those several substances mentioned in the First Schedule to this Ordinance.

“Import authorisation” means a licence issued by the Senior Medical Officer, authorising the importation of a specified quantity of a dangerous drug and containing full particulars of the drug, together with the name and address of the person from whom the drug is to be obtained, the name and address of the person authorised to import the drug, and the period within which the importation must be effected.

“Import certificate” means a certificate issued by the Senior Medical Officer.

Governor in Council may add to the Schedule. 3. If it appears to the Governor in Council that any new drug or drugs not previously specified may be productive, if improperly used, of ill effect, then the Governor in Council may by Proclamation declare the said drugs to be “dangerous drugs” within the meaning of this Ordinance.

Restriction of imports or sale or distribution of dangerous drugs. 4. Any person who cultivates, imports, manufactures, exports, supplies, procures, sells, or gives away any dangerous drugs or their derivatives in the Colony, save under licence or authorisation of the Senior Medical Officer in the manner

[*Note.* This Ordinance is declared to be in force in the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

hereinafter set forth in this Ordinance, shall be guilty of an offence against this Ordinance:

Provided that the administration by or under the direct supervision of a registered medical practitioner, registered dentist, officer in charge of the Agricultural Department or veterinary surgeon, shall not be deemed to be supplying dangerous drugs within the meaning of this Ordinance.

5. (1) An import authorisation permitting the importation of any dangerous drug specified therein may be granted by the Senior Medical Officer, subject to such conditions as he shall deem fit, to any person who in his discretion appears to be a proper person to import dangerous drugs.

Import of dangerous drugs.

(2) Where an import authorisation is issued in pursuance of subsection (1) of this section the Senior Medical Officer shall also issue, in relation to the dangerous drugs intended to be imported, an import certificate which shall be forwarded by the intending importer to the person from whom the drug is to be obtained.

6. (1) Every person who sells any dangerous drug shall, before delivery thereof to the purchaser, inquire his name, place of abode and occupation, and the purpose for which the dangerous drug is required, and shall make a true entry of the dangerous drug and the quantity thereof, and all the particulars given by the purchaser, together with the day of the month and year of the sale, in a book to be kept by the vendor for that purpose, in the form in the Second Schedule hereto.

Sale of dangerous drugs to be entered in a book.

(2) The entry shall be signed by the person making the same and also by the purchaser, unless he declares himself unable to write, in which case the person making the entry shall add thereto the words "purchaser cannot write".

(3) A witness to the sale shall sign the entry, and shall state his place of abode.

(4) Every person licenced to sell dangerous drugs shall forthwith record in the book provided for in this section the particulars of all such drugs used by him.

7. (1) When sales and purchases of dangerous drugs are made by correspondence, the letter ordering the same shall be preserved by the vendor and a memorandum of the date of the said letter, by whom it was written, and the quantity

Sales by correspondence.

and particulars of the dangerous drug therein ordered, shall be entered in the said book.

(2) No person shall sell any dangerous drug so ordered to any person with whose signature he is not acquainted, unless the signature has been witnessed by a justice of the peace, clergyman, or public officer, or is authenticated by some person known to the vendor.

Restrictions
as to sale of
any danger-
ous drugs.

8. (1) No person shall sell any dangerous drug to any person who is under eighteen years of age, or who is unknown to the vendor, unless the sale is made in the presence of some witness who is known to the vendor and knows the purchaser.

(2) The witness shall sign his name and add his place of abode to the required entry before the delivery of the dangerous drug to the purchaser.

Sale and
purchase of
dangerous
drugs :
offences.

9. Any person who—

- (a) sells any dangerous drug, and delivers the same, without having made and signed the entries required by this Ordinance; or
- (b) sells any dangerous drug without having obtained the signature to such entry as is required by this Ordinance; or
- (c) purchases a dangerous drug and gives false information in answer to inquiries which the vendor is by this Ordinance authorised to make; or
- (d) signs his name as a witness to the sale of a dangerous drug to a person unknown to him; or
- (e) omits to record any drugs used by him as required under section 6 (4) hereof;

shall be guilty of an offence against this Ordinance.

Rules to be
observed in
the sale of
poisons.

10. Any person who sells any dangerous drug either by wholesale or retail, unless the bottle, or other vessel, wrapper, or cover, box, or case immediately containing the same bears thereon the word "Poison" printed conspicuously, together with the name of the article and the name and address of the seller thereof, shall be guilty of an offence against this Ordinance.

11. The books required to be kept under this Ordinance shall at all times be open to inspection by a Government medical officer, the Chief Constable, or a police officer not below the rank of sergeant, and any person who wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any book shall be guilty of an offence against this Ordinance.

Inspection of books.

12. Whosoever, being the owner or other person in charge or possession of any dangerous drug, leaves it in any place (whether the same is ordinarily accessible to others or not) unless the bottle or package of whatever kind in which the dangerous drug is contained is marked "Poison" and is otherwise duly labelled shall be guilty of an offence against this Ordinance.

Poisons to be labelled.

13. Any constable may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by the constable of having committed or attempted to commit, an offence against this Ordinance, if he has reasonable ground for believing that person will abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

Power of arrest.

14. (1) A magistrate or justice of the peace may, on being satisfied by information on oath that there is reasonable ground for suspecting that any dangerous drugs are, in contravention of this Ordinance, in the possession or under the control of any person in any premises, grant a search warrant to enter, if necessary by force, at any time or times within one month from the date of the warrant and to search the premises named in the warrant and any person found therein, and if there is reasonable ground for suspecting that an offence against this Ordinance has been committed to seize and retain any dangerous drugs.

Power to search for dangerous drugs.

(2) Any person who wilfully delays or obstructs a constable in the exercise of his powers under this section, or fails to produce or conceals or attempts to conceal any drugs shall be guilty of an offence against this Ordinance.

Governor in Council may make regulations.

15. The Governor in Council may make regulations governing—

- (a) the export of dangerous drugs from the Colony;
- (b) dangerous drugs in transit;
- (c) the supply and distribution of dangerous drugs within the Colony under the supervision of medical practitioners registered under the Medical Practitioners, Midwives, and Dentists Ordinance;
- (d) generally the effective administration of this Ordinance.

Chapter 45.

Exemptions.

16. Nothing in this Ordinance shall apply to the sale of

- (a) any dangerous drug when made up or compounded as a medicine according to the prescription of a duly qualified medical practitioner, registered dentist, veterinary surgeon or officer in charge of the Agricultural Department, provided the medicine is labelled with the name and address of the vendor and the ingredients thereof are entered, with the name of the person to whom it is sold or delivered, in a book to be kept for that purpose;
- (b) patent medicines;
- (c) medicine dispensed by or on the instructions of the officer in charge of the Agricultural Department or a veterinary surgeon, for animals under their treatment.

Issue of licences.

17. Licences and authorisations issued or granted by the Senior Medical Officer may be issued or granted on such terms and subject to such conditions (including in the case of a licence the payment of a fee) as the Senior Medical Officer thinks proper.

18. Any person who:

Offences.

- (a) acts in contravention of or fails to comply with any regulation under this Ordinance; or
- (b) acts in contravention of or fails to comply with the conditions of any licence issued or authorisation granted under this Ordinance; or
- (c) for the purpose of obtaining whether for himself or for any other person the issue, grant, or renewal of

any such licence or authorisation makes any declaration or statement which is false in any particular or knowingly enters, produces, or makes use of such document or statement; or

- (d) aids, abets, conceals, or procures the commission of an offence against this Ordinance;

shall be guilty of an offence against this Ordinance.

19. Every person guilty of an offence against this Ordinance shall in respect of each offence be liable— Penalties.

- (a) on conviction upon indictment to a fine not exceeding £1,000 or to penal servitude for a period not exceeding ten years or to both such fine and penal servitude; or
- (b) on summary conviction to a fine not exceeding £100 or imprisonment not exceeding six months or to both such fine and imprisonment

and shall in every case on conviction for the offence forfeit to His Majesty all articles in respect of which the offence was committed, and the Court may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

FIRST SCHEDULE.

1. Medicinal opium.
2. Indian hemp including the whole or any portion of the plants *Cannabis indica* and *Cannabis sativa*, any resin obtained from such plants, all preparations of which such resins form the base and any extract or tincture of Indian hemp.
3. Morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts.
4. Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts; "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially.
5. Any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-third per cent. of cocaine or of ecgonine.
6. Any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine.

7. Dihydrohydroxycodone, dihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives.

8. Thebaine and its salts, benzylmorphine and the ethers of morphine (including methylmorphine commonly known as codeine and ethylmorphine, commonly known as dionin) and their respective salts.

9. Any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in 7 above and any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in 8 above except Syrupus Codeinae Phosphatis B.P.C. 1934 and preparations, admixtures or other substances containing 2.5 per cent. or less of methylmorphine or ethylmorphine in association with other medicinal substances.

10. Acetyldihydrocodeinone (acedicone) and its salts and any preparation, admixture, extract or other substance containing any proportion of acetyldihydrocodeinone.

11. Dagga, wild dagga, red dagga or klip dagga, including the whole or any portion of the plants *Leonotis ovata*, or any solution, extract or other preparation of any part of such plants.

12. Dihydrodesoxymorphine, commonly called desomorphine, its salts and any preparation, admixture, extract or other substance containing any proportion of dihydrodesoxymorphine.

13. Pethidine (1 methyl —4 phenylpiperidine —4 carboxylic acid ethyl ester), its salts and any preparation, admixture, extract or other substance containing any proportion of pethidine.

14. Any preparation, not being a preparation capable of external use only, made from extract or tincture of Indian hemp.

SECOND SCHEDULE.

(Form of entry in book on sale of dangerous drugs).

Date.	Articles supplied.	Quantity.	To whom supplied.	For what purpose.	Signature.	Signature of Witness.