ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

DRUGS (PREVENTION OF MISUSE) ACT
R.S.A. c. D45

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DRUGS (PREVENTION OF MISUSE) ACT (R.S.A. c. D45)

CONTROLLED DRUGS REGULATIONS

Note: These Regulations are enabled under section 9 of the Drugs (Prevention of Misuse) Act, R.S.A. c. D45.

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SECTION

Interpretation

1. (1) In these Regulations, "Act" means the Drugs (Prevention of Misuse) Act.

(2) The administration of a controlled drug by or under the direct personal supervision and in the presence of a doctor, or by or under the direct personal supervision and in the presence of a dentist in dental treatment, or by or under the direct personal supervision and in the presence of a veterinary practitioner in the treatment of any animal, is deemed not to be supplying the drug within the meaning of these Regulations.

Exemption for medical or scientific purposes

2. The controlled drugs set out in Schedule 1—

(a) are exempt from section 6(1)(a) of the Act when produced for medical or scientific purposes; and

(b) are exempt from section 6(1)(b) of the Act when supplied or offered to be supplied for medical or scientific purposes to another person by a doctor, chemist or druggist, dentist or veterinary practitioner or when produced for medical or scientific purposes.

Production of controlled drugs

3. A person who produces a controlled drug is exempt from section 6(1)(a) of the Act if he—

(a) is licensed by the Governor or is authorised by these Regulations or by any authority granted by the Governor to do so; and

(b) does so in accordance with the terms and conditions of that licence, these Regulations or the authority, as the case may be.

Supply of controlled drugs

4. (1) A person who supplies or procures a controlled drug, or offers to supply or procure a controlled drug, to or for any person, whether in Anguilla or elsewhere, or who advertises a controlled drug for sale, is exempt from section 6(1)(b) of the Act if—

(a) he is—

(i) licensed by the Governor or is authorised by these Regulations or by any authority granted by the Governor to supply the controlled drug,

(ii) is licensed by the Governor to import or export the controlled drug,

(iii) licensed or otherwise authorised to produce the controlled drug, or

(iv) licensed to procure the controlled drug (but so far only as regards procuring the controlled drug); and

(b) he does so in accordance with the terms and conditions of any licence or authority granted under these Regulations.

(2) Except when a controlled drug is lawfully dispensed in pursuance of a prescription given by a doctor, dentist or veterinary practitioner, or is supplied by a doctor or veterinary practitioner who dispenses his own medicines, in accordance with the conditions hereinafter specified, no person shall supply or procure, or offer to supply or procure a controlled drug, to or for any person in Anguilla who is not licensed or otherwise

authorised to be in possession of the drug, nor to any person so licensed or authorised except in accordance with the terms and conditions of such licence or authority.

Conditions as to the giving and dispensing of prescriptions

5. (1) A prescription for the supply of a controlled drug must comply with the following conditions—

(a) the prescription must be in writing, must be dated and signed by the doctor, dentist or veterinary practitioner, as the case may be, with his usual signature and address, and must specify the name and address of the person for whose use the prescription is given, and the total amount of the controlled drug to be supplied on the prescription, except that in the case of a preparation which is contained in the British Pharmacopœia and which is not combined with any other preparation or any controlled drug not so contained, it shall be sufficient to state the total amount of the preparation to be supplied;

(b) the prescription shall not be given for the use of the prescriber himself;

(c) a prescription shall be given by a doctor only when required for purposes of medical treatment;

(d) a prescription shall be given by a dentist only for the purposes of dental treatment and shall be marked "For local dental treatment only";

(e) a prescription shall be given by a veterinary practitioner only for the purposes of treatment of animals and shall be marked "For animal treatment only".

(2) The Governor may prescribe and issue a form (hereinafter referred to as the "Official Form") for use in giving a prescription for a controlled drug, and in that case a prescription for the controlled drug shall be given only on an Official Form, but, in a case of emergency when the person giving the prescription does not have the Official Form available, the prescription may be given without using the Official Form, but in that case, shall be marked with the words "Official Form not available" or similar words.

(3) A doctor, dentist or veterinary practitioner shall not give any prescription for the supply of a controlled drug otherwise than in accordance with the foregoing conditions.

(4) A doctor who dispenses a controlled drug shall enter particulars thereof in his day book or in the register hereinafter specified.

(5) The following conditions shall be observed by a person dispensing a prescription for a controlled drug—

(a) if an official form is prescribed and issued by the Governor in pursuance of subsection (2), a prescription for a controlled drug shall be dispensed only if the prescription is on one of those forms, or in the case of an emergency prescription is given under the conditions specified in that subsection, if the person dispensing the prescription is acquainted with the signature of the doctor, dentist or veterinary practitioner by whom the prescription purports to be given, or is acquainted with the person for whose use the prescription is given and has no reason to suppose that the prescription is not genuine;

(b) if an official form is not prescribed, a prescription for a controlled drug shall be dispensed only if—

(i) the person dispensing the prescription is acquainted with the signature of the doctor, dentist or veterinary practitioner by whom the prescription purports to be given and has no reason to suppose the prescription is not genuine, or

(ii) the person dispensing the prescription has taken reasonably sufficient steps to satisfy himself that the prescription is genuine;

(c) a controlled drug shall not be supplied more than once on the same prescription but, if the prescription so directs, the controlled drug may be supplied on more than one but not exceeding 5 occasions as directed in the prescription, at intervals to be specified in the prescription;

(d) the prescription shall be marked with the date on which it is dispensed, and shall be retained by the person, firm or body corporate by whom the prescription is dispensed, and shall be kept on the premises where it is dispensed and shall be available for inspection.

Possession

6. No person shall be in possession of, or attempt to obtain possession of, a controlled drug unless—

(a) he is licensed to import or export the controlled drug;

(b) he is licensed or otherwise authorised to produce, supply or procure the controlled drug;

(c) he is otherwise licensed by the Governor or authorised by these Regulations or by any authority granted by the Governor to be in possession of the controlled drug;

(d) he proves that the controlled drug was supplied for his use by a doctor, dentist or veterinary practitioner or on and in accordance with such a prescription as provided in section 5; or

(e) he is in possession of the controlled drug solely as a messenger sent by or on behalf of a person licensed or authorised under these Regulations;

but this provision shall not apply to any drug supplied to a person for his use by a doctor or in accordance with a prescription, if that person was at the time of the supply in the course of receiving treatment from another doctor in respect of addition to any of the controlled drugs or otherwise, and of being supplied with any of the drugs by or on a prescription given by that last-mentioned doctor, and did not disclose the fact to the first-mentioned doctor before the drug was supplied to him.

Marking of packages or bottles

7. (1) No person shall supply a controlled drug unless the package or bottle containing it is plainly marked with the amount of the drug in the package or bottle.

(2) No person shall supply any preparation, admixture, extract or other substance containing a controlled drug unless the package or bottle is plainly marked—

(a) in the case of a powder, solution or ointment, with the total amount thereof in the package or bottle and the percentage of the controlled drug in the powder, solution, or ointment; and

(b) in the case of tablets or other articles with the amount of the controlled drug in each article and the number of articles in the package or bottle.

(3) This section shall not apply to any preparation dispensed by a doctor or on the prescription of a doctor.

Records

8. (1) Every person who supplies a controlled drug shall comply with the following provisions—

(a) he shall enter or cause to be entered in a register kept for the sole purpose all supplies of the controlled drug purchased or otherwise obtained by him and all dealings in the controlled drug effected by him (including sales or supplies to persons outside Anguilla) in the form and containing the particulars shown in Schedule 2;

(b) separate registers or separate parts of the register shall be used for—

(i) cocaine and ecgonine and substances containing them,

(ii) morphine and substances containing it,

(iii) diacetylmorphine (heroin) and substances containing it,

(iv) medicinal opium,

(v) extract or tincture of Indian hemp,

(vi) dihydrohydroxycodeinone (commonly known as eucodal) and preparations containing dihydrohydroxycodeinone,

(vii) dihydrocodeinone (commonly known as dicodide) and preparations containing dihydrocodeinone,

(viii) dihydromorphine (commonly known as dilaudide), and preparations containing dyhydromorphinone,

but with the approval of the Governor separate registers may be kept for separate departments of a business;

(c) he shall make the entry with respect to any of the controlled drugs purchased or otherwise obtained by him on the day on which the controlled drug is received, and with respect to any sale or supply by him of the drug on the day on which the transaction is effected or, where that is not reasonably convenient, on the day following the day on which the controlled drug is received or the transaction is effected;

(d) where he carries on business at more than one set of premises, he shall keep a separate register or registers in respect of each set of premises;

(e) he shall keep the register or registers in some part of the premises to which it relates so that it shall at all times be available for inspection in accordance with the provisions of the Act;

(f) he shall not cancel, obliterate or alter any entry in the register or make therein any entry which is untrue in any particular, and any mistake in an entry may be corrected by a marginal note or footnote giving the correct particulars and dated;

(g) he shall furnish to the Governor or to any person authorised by any order of the Governor for the purpose, all information in regard to any purchases by him of the controlled drugs, and all transactions effected by him in the controlled drugs as may be required by the Governor for the purpose of seeing that the provisions of the Act are observed.

(2) A doctor who records in a day book particulars of a controlled drug supplied by him to any patient, together with the name and address of the patient and date of the supply, may, in lieu of keeping the register required by these Regulations of controlled drugs sold or supplied by him, enter separately for each of the controlled drugs in a book, to be kept for the purpose, a reference under the appropriate date to the records in the day book of any supply of the controlled drug.

(3) Every doctor, dentist and veterinary practitioner shall enter or cause to be entered in a register kept for the sole purpose in respect of each such supply of each of the controlled drugs purchased or otherwise obtained by him the particulars shown in paragraph (a) of Schedule 2.

Annual returns

9. Every person authorised to be in possession of a controlled drug shall render to the Director of Public Health an annual return in the form set out in Schedule 3 within one month after the end of each year showing the quantity of such controlled drug in his possession during the previous year.

Annual estimate

10. Any person who may require a supply of a controlled drug during the course of any year shall forward to the Director of Public Health not later than the 30th of June in the preceding year, an estimate in the form set out in Schedule 4, or in such form as the Director of Public Health shall require, of the amount of each controlled drug which he is likely to require during the following year.

General authorisations

11. (1) Any doctor, dentist or veterinary practitioner or person employed or engaged in dispensing medicines at any public hospital or other public institution, being a person duly registered under the Medical Act, or any person in charge of a laboratory for the purposes of research or instruction attached to any College, public hospital or other institution approved by the Governor for the purpose, is hereby authorised, so far as is necessary for the practice of his profession or employment, in such capacity to be in possession of and to supply controlled drugs.

(2) In the event of any person authorised by these Regulations or by any authority granted by the Governor to produce, supply or be in possession of such controlled drugs, or any of them, being convicted of any offence against the Act, the Governor may by notice in the *Gazette* withdraw the authorisation in respect of such person, if, in the opinion of the Governor, such person cannot properly be allowed to produce, supply or be in possession of any such controlled drug.

Delivery to messengers

12. (1) No person shall deliver a controlled drug to any person not licensed or otherwise authorised to be in possession of the controlled drug who purports to be sent by or on behalf of a person so licensed or authorised unless such person produces an authority in writing, signed by the person so licensed or authorised, to receive the controlled drug on his behalf and unless the person supplying the controlled drug is satisfied that the authority is genuine.

(2) This section does not apply to controlled drugs dispensed in pursuance of the foregoing sections.

Meaning of "possession"

13. (1) Any controlled drug in the order or disposition of any person shall be deemed to be in his possession.

(2) In the case of a ship not carrying as part of her complement a duly qualified doctor, the master of the ship is deemed to be a person authorised to be in possession of a controlled drug so far as is necessary to comply with the requirements of the Merchant Shipping Acts (UK), and it shall also be lawful for him, subject

to any conditions prescribed by the Secretary of State, to administer and supply the controlled drugs to any member of the crew in accordance with instructions prepared or sanctioned by the Board of Trade.

(3) The keeping of a record of the use of the drugs in the official log in accordance with the provisions of the Merchant Shipping Acts (UK), is deemed to be in compliance with the requirements of these Regulations as to the keeping of records.

Hospitals

14. The Governor may exempt from the operation of these Regulations any hospital or other public institution subject to the observance of such conditions as he may by order prescribe.

Diversion of drugs in transit

15. If any consignment of controlled drugs consigned to some destination outside Anguilla is brought into any port of Anguilla, no person shall, without the licence of the Governor, divert or cause or procure to be diverted, such consignment to any destination other than the destination to which it was originally consigned. The destination to which the consignment was ordinarily consigned shall be deemed to be the destination stated in the licence, permit or other authority for the export of the consignment granted by the Government of the country of export.

Preservation of prescriptions

16. Prescriptions, records, registers, or other documents required to be retained or kept in pursuance of these Regulations or of any order made under these Regulations shall be preserved for not less than 2 years from the date of the prescription or document or the last entry in the record or register, as the case may be.

Citation

17. These Regulations may be cited as the Controlled Drugs Regulations, Revised Regulations of Anguilla D45-1.

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SCHEDULE 1

(Section 2)

CONTROLLED DRUGS EXEMPT FOR MEDICAL OR SCIENTIFIC PURPOSES

Methyldesomorphine (6-methyl Δ 6-desoxymorphine)

Diacetyl-N-allylnormorphine

N-Allylnormorphine

Morpholinylethyl-morphine

———————

SCHEDULE 2

(Section 8(a))

REGISTER

(**a**) Record of { Morphine, etc. / Diacetylmorphine (heroin), etc. / Cocaine, etc. / Medicinal Opium. } Purchased or otherwise obtained.

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

(**b**) Record of { Morphine, etc. / Diacetylmorphine (heroin), etc. / Cocaine, etc. / Medicinal Opium. } Sold or supplied.

Date on which the transaction was effected	Name of person, body or firm to whom sold or supplied	Address of person, body or firm to whom sold or supplied	Authority of person, body or firm to be in possession of the drug	Amount sold or supplied	Form in which sold or supplied	When sale is on a prescription specify the ingredients of the prescription

SCHEDULE 3

(Section 9)

ANNUAL RETURN OF CONTROLLED DRUGS FOR THE YEAR ……

(1) Name of person making this return By (1)

(2) Druggist or otherwise (2)

(3) Address (3)

Drug	**Quantities**		
	Imported during period 1st January to 31st December, …..	Consumed during period 1st January to 31st December, …..	In stock on 31st December, …..

———————

SCHEDULE 4

(Section 10)

ANNUAL ESTIMATE OF CONTROLLED DRUGS FOR THE YEAR..…

(1) Name of person making this return By (1)

(2) Druggist or otherwise (2)

(3) Address (3)

Controlled Drug	Quantities	
	Required during period 1st January to 31st December, …..	In stock on 31st May, …..

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