Regulations made under s.34 of the Drugs (Misuse) Act, continued in force as if made under s.510 of the Crimes Act 2011.

DRUGS (MISUSE) REGULATIONS 2005

(LN. 2005/106)

14.7.2005

Amending enactments	Relevant current provisions	Commencement date
LN. 2017/045	*Notice of Corrigendum*	
2006/137	Schs. 2 & 3	7.12.2006
2014/234	r. 31A	1.12.2014
2016/105	rr. 13(1), 13(2)	12.5.2016
2017/025	Schs. 1 & 2	15.2.2017

Subsidiary 2005/106

DRUGS (MISUSE) REGULATIONS 2005

This version is out of date

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DRUGS (MISUSE) REGULATIONS 2005

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Title.

1. These Regulations may be cited as the Drugs (Misuse) Regulations 2005.

Interpretation.

2.(1) In these Regulations, unless the context otherwise requires, words and phrases have the same meaning as in the Drugs (Misuse) Act 1973 and–

"authorised as a member of a group" means authorised by virtue of being a member of a class as respects which the Minister has granted an authority in force under and for the purposes of regulations 9(3), 10(2)(a) or 12(5), 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;

"exempt product" means a preparation or other product consisting of one or more component parts, any of which contains a controlled drug, where–

(a) the preparation or other product is not designed for administration of the controlled drug to a human being or animal;

(b) the controlled drug in any component part is packaged in such a form, or in combination with other active or inert substances in such a manner, that it cannot be recovered by readily applicable means or in a yield which constitutes a risk to health; and

(c) no one component part of the product or preparation contains more than one milligram of the controlled drug or one microgram in the case of lysergide or any other N-alkyl derivative of lysergamide;

"foreign ship" means a ship which is not registered in Gibraltar;

"health prescription" means a prescription issued by a doctor under the Group Practice Medical Scheme established by the Medical (Group Practice Scheme) Act 1973;

"laboratory" means a laboratory which conducts scientific education, research or testing and which is–

(a) attached to a hospital; or

(b) authorised for the purpose by the Minister;

"the Minister" means the Minister with responsibility for Health;

"master" has the same meaning as in the Merchant Shipping (Safety, etc) Act 1993;

"medicinal product" has the same meaning as in the Medical and Health Act 1997;

"produced by electronic means" means produced and printed by a computer;

"prescription" means a prescription issued–

(a) by a doctor for the medical treatment of a single individual;

(b) by a dentist for the dental treatment of a single individual; or

(c) by a veterinary surgeon or veterinary practitioner for the purposes of animal treatment (providing such a person practices as a veterinary surgeon or veterinary practitioner in Gibraltar at the time the prescription is issued);

"poppy straw" means all parts of the opium poppy plant, except the seeds of the opium poppy, after mowing;

"the principal Act" means the Drugs (Misuse) Act;

"register" means–

(a) a bound book and does not include any form of loose leaf register or card index;

(b) a computerised register of a type approved for the purpose of these Regulations by the Minister;

"registered pharmacy" shall be construed in accordance with the Medical and Health Act 1997;

"retail dealer" means a person lawfully conducting a registered pharmacy;

"Schengen Agreement" means the Convention implementing the Schengen Agreement of 14 June 1985 as it applies in Gibraltar; and

"wholesale dealer" means a person who carries on the business of selling drugs to retail dealers.

Specification of controlled drugs for purposes of the Regulations.

3. Schedules 1 to 5 shall have effect for the purpose of specifying the controlled drugs to which the provisions of these Regulations apply as stated in these Regulations.

Exceptions for drugs in Schedules 4 Part A, 5 and poppy-straw.

4.(1) Section 5(1) of the principal Act (which prohibits the import and export of controlled drugs) shall not have effect in relation to–

(a) any drug specified in Schedule 5;

(b) any drug specified in Schedule 4 Part A which is contained in a medicinal product where intended only for personal use by the person importing or exporting them and that person has a valid prescription for their use; or

(c) any drug specified in Schedule 4 Part B where intended only for personal use by the person importing or exporting them and that person possesses a valid prescription for their use.

This subsection is without prejudice to any licence which may be required for the purposes of import or export under the Medical and Health Act 1997.

(2) Section 7(1) of the principal Act (which prohibits the possession of controlled drugs) shall not have effect in relation to–

(a) any drug specified in Schedule 4 Part B which is contained in a medicinal product; or

(b) the drugs specified in Schedule 5.

(3) Sections 6(1) (which prohibits the production and supply of controlled drugs) and 7(1) of the principal Act shall not have effect in relation to poppy-straw.

(4) Sections 5(1), 6(1) and 7(1) of the principal Act shall not have effect in relation to any exempt product.

Authorisations to produce, supply, offer to supply or possess controlled drugs.

5.(1) Where any person holds a valid written authorisation from the Minister under these regulations to produce, supply, offer to supply or possess any controlled drug it shall not, by virtue of section 6(1) or 7(1) of the principal Act be unlawful for that person to produce, supply, offer to supply or possess that controlled drug in accordance with the terms of the authorisation and in compliance with any conditions attached.

(2) It shall be a condition of any authorisation granted that the holder has, and maintains in place, such security measures as are appropriate to prevent theft or other diversion of stocks of controlled drugs.

(3) Any authorisation granted shall be valid for a period of 5 years from the date of issue, or other period if deemed appropriate by the Minister, and shall state–

(a) the kinds and quantities of controlled drugs to which it relates; and

(b) the period of validity of the authorisation.

(4) Any authorisation granted may be revoked before the end of its validity where there has been a breach of a condition of the authorisation, the principal Act or if otherwise in the public interest.

General authority to supply and possess.

6.(1) Notwithstanding the provisions of section 6(1)(b) of the principal Act, any person who is lawfully in possession of a controlled drug may supply that drug to the person from whom it was obtained.

(2) Notwithstanding the provisions of section 6(1)(b) of the principal Act, any person who possesses a drug specified in Schedule 2, 3, 4 or 5 which has been supplied by or on the prescription of a practitioner for the treatment of that person, or of a person whom he represents, may supply that drug to any doctor, dentist or pharmacist for the purpose of destruction.

(3) Notwithstanding the provisions of section 6(1)(b) of the principal Act, any person who lawfully possesses a drug specified in Schedule 2, 3, 4 or 5 which has been supplied by or on the prescription of a veterinary practitioner or veterinary surgeon for the treatment of animals may supply that drug to any veterinary practitioner, veterinary surgeon or pharmacist for the purpose of destruction.

(4) It shall not, by virtue of section 6(1)(b) or 7(1) of the principal Act, be unlawful for any person in respect of whom a licence has been granted and is in force under section 13 of the Nature Protection Act 1991 to supply, offer to supply or possess any drug specified in Schedule 2 or 3 for the purposes for which that licence was granted.

(5) Notwithstanding the provisions of section 6(1)(b) of the principal Act, any of the persons specified in subregulation (7) may supply any controlled drug to any person who may lawfully possess that controlled drug.

(6) Notwithstanding the provisions of section 7(1) of the principal Act, any of the persons specified in subregulation (7) may possess any controlled drug.

(7) The persons referred to in subregulations (5) and (6) are–

(a) a police officer when acting in the course of his duty;

(b) an officer of customs and excise when acting in the course of his duty;

(c) a person engaged in the business of the post office when acting in the course of that business;

(d) 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 that work;

(e) a person who is engaged in conveying the drug to a person who may lawfully possess it.

Administration of drugs in Schedules 2, 3, 4 and 5.

7.(1) Any person may administer to another any drug specified in Schedule 5.

(2) A practitioner may administer to a patient any drug specified in Schedule 2, 3 or 4.

(3) Any person, other than a practitioner, may administer to a patient any drug specified in Schedule 2, 3 or 4 in accordance with the directions of a doctor or dentist.

(4) Any person, other than a veterinary practitioner, may administer to an animal patient any drug specified in Schedule 2, 3 or 4 in accordance with the directions of a veterinary practitioner.

Production of drugs in Schedules 2, 3, 4 and 5.

8.(1) Notwithstanding the provisions of section 6(1)(a) of the principal Act the persons specified in subregulation (2) or (3) may produce or compound the controlled drugs specified in that subregulation.

(2) Any drug specified in Schedules 2 may be produced or compounded by the head pharmacist of the Gibraltar Health Authority, acting in his capacity as such, or anyone acting under his control.

(3) Any drug specified in Schedules 3, 4 or 5 may be produced or compounded by–

(a) a practitioner or pharmacist, acting in his capacity as such;

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the registered pharmacy at which he carries on that business; or

(c) a person who is authorised by a valid written written authority issued by the Minister under and for the purposes of this subparagraph at the premises specified in that authority and in compliance with any conditions specified in that written authority.

Supply of drugs in Schedules 2 and 5.

9.(1) Notwithstanding the provisions of section 6(1)(b) of the principal Act and subject to subregulation (2), any drug specified in Schedule 2 or 5 may be supplied, or offered for supply, to any person who may lawfully possess it by any of the following persons when acting in their capacity as such–

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a registered retail pharmacy business;

(d) the person in charge or acting person in charge of a hospital or nursing home which is wholly or mainly maintained by a

public authority out of public funds or by a charity or by voluntary subscriptions;

(e) in the case of such a drug supplied to him by a person responsible for the dispensing and supply of medicines at a hospital or nursing home, the nurse in charge, or acting nurse in charge, for the time being of a ward, theatre or other department in such a hospital or nursing home as aforesaid;

(f) a person who is in charge of a laboratory;

(g) a public analyst appointed under section 32 of the Food and Drugs Act;

(h) a sampling officer within the meaning of section 34 of the Food and Drugs Act;

(i) a person employed or engaged in connection with a scheme for testing the quality or amount of the drugs, preparations and appliances supplied under the Group Practice Medical Scheme Regulations.

(2) Nothing in subregulation (1) authorises–

(a) the person in charge or acting person in charge of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any controlled drug; or

(b) a nurse in charge, or acting nurse in charge, for the time being 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 doctor or dentist.

(3) Notwithstanding the provisions of section 6(1)(b) of the principal Act, 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 Schedule 2 or 5 to any person who may lawfully possess that drug.

(4) Notwithstanding the provisions of section 6(1)(b) of the principal Act a person possessing a valid written authority issued by the Minister under and for the purposes of this subregulation may, at the premises specified in that authority and in compliance with any conditions specified, supply or offer to

supply any drug specified in Schedule 5 to any person who may lawfully possess that drug.

Supply of drugs in Schedules 3 and 4.

10. (1) Notwithstanding the provisions of section 6(1)(b) of the principal Act, any drug specified in Schedule 3 or 4 may be supplied, or offered for supply, to any person who may lawfully possess it by any of the following persons when acting in their capacity as such–

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a registered retail pharmacy business;

(d) a person in charge of a laboratory;

(e) a public analyst appointed under section 32 of the Food and Drugs Act;

(f) a sampling officer within the meaning of section 34 of the Food and Drugs Act;

(g) a person employed or engaged in connection with a scheme for testing the quality or amount of the drugs, preparations and appliances supplied under the Group Practice Medical Scheme Regulations.

(2) Notwithstanding the provisions of section 6(1)(b) of the principal Act, any drug specified in Schedule 3 or any drug, contained in a medicinal product, specified in Schedule 4 may be supplied or offered for supply to any person who may lawfully possess it by any of the following persons when acting in their capacity as such–

(a) a person who is authorised as a member of a group, under and in accordance with the terms of the group authority and in compliance with any conditions attached thereto;

(b) the person in charge of or acting in charge of a hospital or nursing home which has no pharmacist responsible for the dispensing and supply of medicines;

(c) in the case of such a drug supplied to him by a person responsible for the dispensing and supply of medicines at that hospital or nursing home for administration to a patient in that ward, theatre or department in accordance with the directions of a doctor or dentist, the nurse in charge or acting nurse in charge for the time being of a ward, theatre or other department in a hospital or nursing home.

(3) Notwithstanding the provisions of section 6(1)(b) of the principal Act–

(a) a person possessing a valid written authority issued by the Minister under and for the purposes of this subregulation may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 3 or Schedule 4 to any person who may lawfully possess that drug; and

(b) a person who is authorised under regulation 8(3)(c) to produce or compound any drug in Schedule 3 or Schedule 4 may supply or offer to supply any drug which he may, by virtue of the authorisation, lawfully produce to any person who may lawfully possess that drug.

(4) Notwithstanding the provisions of section 6(1)(b) of the principal Act, a person in charge of a laboratory may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3 which is required for use as a buffering agent in chemical analysis to any person who may lawfully have that drug in his possession.

Supply of drugs – Ships.

11. Notwithstanding the provisions of section 6(1)(b) of the principal Act, the owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it, may supply or offer to supply any drug specified in Schedule 2, 3, 5 or any drug specified in Schedule 4 which is contained in a medicinal product–

(a) for the purpose of compliance with the Gibraltar Merchant Shipping (Safety, etc.) Act 1993, to any person on that ship;

(b) to any person who may lawfully supply that drug to him; or

(c) to any police officer for the purpose of the destruction of the drug.

Possession of drugs in Schedules 2, 3 and 4.

12.(1) Notwithstanding the provisions of section 7(1) of the principal Act and subject to subregulation (2), for the purpose of acting in his capacity as such–

(a) a person specified in one of paragraphs (a) to (i) of regulation 9(1) may possess any drug specified in Schedule 2;

(b) a person specified in one of paragraphs (a) to (g) of regulation 10(1) may possess any drug specified in Schedule 3 or 4;

(c) a person specified in regulation 10(2)(b) or (c) or regulation 10(4) may possess any drug specified in Schedule 3.

(2) Nothing in subregulation (1) authorises any of the following persons to possess any controlled drug other than such drugs as are mentioned in the regulation in question specifying him–

(a) a person specified in regulation 9(1)(e);

(b) a person specified in regulation 10(2)(c); or

(c) a person specified in regulation 10(4).

(3) Notwithstanding the provisions of section 7(1) of the principal Act and subject to subregulation (4), a person may possess any drug specified in Schedule 2, 3 or 4 for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner.

(4) Subregulation (3) shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a doctor if–

(a) that person was then being supplied with any controlled drug by or on the prescription of another doctor and failed to disclose that fact to the first mentioned doctor 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.

(5) Notwithstanding the provisions of section 7(1) of the principal Act, a person who is authorised as a member of a group may, under and in accordance with the terms of that group authority and in compliance with

any conditions attached thereto, possess any drug specified in Schedule 2, 3 or 4.

(6) Notwithstanding the provisions of section 7(1) of the principal Act–

(a) a person possessing a valid written authority issued by the Minister under and for the purposes of this subregulation may, at the premises specified in that authority and in compliance with any conditions so specified, possess any drug specified in Schedule 3 or 4;

(b) a person who is authorised by the Minister under regulation 8(3)(c) may possess any drug which, by virtue of being so authorised, he may lawfully produce;

(c) a person who is authorised under section 10(3)(a) may possess any drug which he may, by virtue of the authorisation, lawfully supply or offer to supply.

(6) Notwithstanding the provisions of section 7(1) of the principal Act–

(a) the owner or master of a ship may possess any drug specified in Schedule 2, 3 or 4 for the purpose of compliance with any of the provisions specified in regulation 11;

(b) the master of a foreign ship which is in a port in Gibraltar may possess any drug specified in Schedule 2, 3 or 4 so far as is necessary for the equipment of the ship.

(7) The provisions of this regulation do not affect the operation of regulation 4(2).

Exemption for midwives.

13.(1) Notwithstanding the provisions of sections 6(1)(b) and 7(1) of the Principal Act, a registered midwife may–

(a) have in her possession;

(b) administer; and

(c) surrender to the appropriate medical officer such stocks in her possession as are no longer required by her of,

such medicinal products as are contained in and in accordance with Part 3 of the Medicines (Prescription Only) Regulations, 1987.

(2) Nothing in paragraph (1) authorises a midwife to have in her possession diamorphine which has been obtained other than on an order in writing of the Minister, or a person authorised by him in writing to issue such orders, specifying the name of the midwife obtaining the diamorphine, the purpose for which it is required and the quantity to be obtained.

Documents to be obtained by supplier of controlled drugs.

14.(1) Where a person ("the supplier"), not being a practitioner, supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug–

(a) to a person who–

(i) purports to be sent by or on behalf of the recipient; and

(ii) may possess the drug under regulation 6(7)(e);

(b) unless–

(i) that person produces to the supplier a written statement signed by the recipient authorising him to receive that drug for the purpose of conveying it to the recipient; and

(ii) the supplier is reasonably satisfied that the document is genuine.

(2) Subject to subregulation (3) where the supplier supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in subregulation (5), the supplier shall not deliver the drug until–

(a) he has obtained a requisition in writing which–

(i) is signed by the person to whom the drug is supplied ("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 subregulation (6); and

(b) 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.

(3) Subregulation (2) does not apply if the recipient is a practitioner and he represents that he urgently requires a controlled drug for the purpose of his profession, and 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 following twenty-four hours.

(4) A practitioner who has given an undertaking under subregulation (3) shall deliver to the supplier who supplied the controlled drug a signed requisition in accordance with the undertaking within twenty-four hours.

(5) The persons referred to in subregulation (2) are–

(a) a practitioner;

(b) the person in charge or acting person in charge of a hospital or nursing home;

(c) a person who is in charge of a laboratory;

(d) the owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it;

(e) the master of a foreign ship in port in Gibraltar.

(6) A requisition furnished for the purposes of subregulation (2) shall–

(a) where furnished by the person in charge or acting person in charge of a hospital or nursing home, be signed by a doctor or dentist employed in or engaged by that hospital or nursing home;

(b) where furnished by the master of a foreign ship, contain a statement, signed by a medical practitioner, that the quantity of

the drug to be supplied is the quantity necessary for the equipment of the ship.

(7) Where the person responsible for the dispensing and supply of medicines at any hospital or nursing home supplies a controlled drug to the nurse in charge, or acting nurse in charge, for the time being of a ward, theatre or other department in that hospital or nursing home ("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 paragraph 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.

(8) Nothing in this regulation shall have effect in relation to–

(a) the drugs specified in Schedules 4 or 5 or poppy-straw;

(b) any drug specified in Schedule 3 contained in or comprising a preparation which-

(i) is required for use as a buffering agent in chemical analysis;

(ii) has present in it both a substance specified in paragraph 1 or 2 of that Schedule and a salt of that substance; and

(iii) is pre-mixed in a kit; or

(c) any exempt product.

Form of prescriptions.

15.(1) This regulation does not apply to controlled drugs specified in Schedule 4 Part A or Schedule 5.

(2) A person shall not issue a prescription containing a controlled drug unless the prescription complies with the following requirements–

(a) it is written in ink or is otherwise indelible and is signed by the person issuing it with his usual signature and is dated by him;

(b) insofar as it specifies the information required by paragraphs (e) and (f) it is written by the person issuing it in his own handwriting or is produced by electronic means;

(c) except in the case of a health prescription, it specifies the address of the person issuing it;

(d) if issued by a dentist, it contains the words "for dental treatment only";

(e) if issued by a veterinary surgeon or a veterinary practitioner, it contains a declaration that the controlled drug is prescribed for an animal or herd under his care;

(f) it specifies the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary surgeon or veterinary practitioner, of the person to whom the controlled drug prescribed is to be delivered;

(g) it specifies 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; and

(h) in the case of a prescription for a total quantity intended to be supplied by installments, it contains a direction specifying the amount of the installments of the total amount which may be supplied and the intervals to be observed when supplying.

(3) Subregulation (2)(b) shall not have effect in relation to–

(a) a prescription issued by a person approved (whether personally or as a member of a class) for the purposes of this paragraph by the Minister; or

(b) in the case of a prescription issued for the treatment of a patient in a hospital or nursing home, if the prescription is written on the patient's bed card or case sheet.

Provisions as to supply on prescription.

16.(1) This regulation does not apply to controlled drugs specified in Schedule 4 Part A or Schedule 5.

(2) A person shall not supply a controlled drug on a prescription–

(a) unless the prescription complies with the provisions of regulation 15;

(b) unless the address specified in the prescription as the address of the person issuing it is an address in Gibraltar;

(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; and

(e) later than thirteen weeks after the date specified in the prescription, except where subregulation (4) applies.

(3) Subject to subregulation (4), a person supplying a controlled drug on prescription shall, at the time of the supply, mark on the prescription the date on which the drug is supplied and–

(a) if it is not a health prescription, shall retain the prescription on the premises from which the drug was supplied; or

(b) if it is a health prescription, shall send the prescription to the Director of Public Health.

(4) Where a prescription contains a direction that specified installments of the total amount of a controlled drug may be supplied at stated intervals, the person supplying the drug shall act in accordance with that direction and–

(a) the first installment of the controlled drug shall not be supplied later than thirteen weeks after the date specified in the prescription; and

(b) subregulation (3) shall have effect as if for the words "at the time of the supply" there were substituted the words "on each occasion on which an installment is supplied".

Exemption from Regulations 14 and 15.

17. Nothing in regulations 14 or 15 shall have effect in relation to a prescription issued for the purposes of schemes for testing the quality, quantity or amount of drugs by an agency or person approved by the Government for that purpose.

Marking of bottles and other containers.

18.(1) Subject to subregulation (2), 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 it contains therein; or

(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 (which is 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 in this regulation shall have effect in relation to–

(a) the drugs specified in Schedule 4, Schedule 5 or poppy-straw;

(b) any drug specified in Schedule 3 contained in or comprising a preparation which–

(i) is required for use as a buffering agent in chemical analysis;

(ii) has present in it both a substance specified in paragraph 1 or 2 of that Schedule and a salt of that substance; and

(iii) is premixed in a kit; or

(d) the supply of a controlled drug by or on the prescription of a practitioner.

Record-keeping requirements in respect of drugs in Schedules 1 and 2.

19.(1) Subject to subregulation (3) and regulation 21, every person authorised by or under regulation 5 or 8 to supply any drug specified in Schedule 1 or Schedule 2 shall–

(a) keep a register, in accordance with this regulation and regulation 20, and shall enter in it in chronological sequence in the form specified in Part I or Part II of Schedule 6, as the case may require, particulars of every quantity of a drug specified in Schedule 1 or Schedule 2 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 Gibraltar; and

(b) use a separate register or separate part of the register for entries made in respect of each class of controlled drug, and each of the controlled drugs specified in paragraphs 1 and 3 of Schedule 1 and paragraphs 1, 3 and 6 of Schedule 2 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 paragraph (1) 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 regulation shall not have effect in relation to–

(a) a practitioner or pharmacist where the drug has been supplied to him for the purpose of destruction in pursuance of regulation 6(2) or (3);

(b) a person authorised under regulation 5 to supply any drug, where the authorisation so directs; or

(c) the nurse in charge or acting nurse in charge for the time being in a ward, theatre or other department in a hospital or nursing home.

Requirements as to registers – drugs in Schedules 1 and 2.

20. Any person required to keep a register under regulation 19 shall comply with the following requirements–

(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 register entry required to be made under regulation 19 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 next day;

(c) no cancellation, obliteration or alteration of any such register 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 register 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 these Regulations;

(f) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on business or occupation, but subject to that, only one register shall be kept at one time in respect of each class of drugs in respect of which there is a requirement to keep a separate register, so, however, that a separate register may, with the approval of the Minister, be kept in respect of each department of the business carried on by the person; and

(g) every such register in which entries are currently being made shall be kept at the premises to which it relates.

Record-keeping requirements in respect of drugs in Schedule 2 – Ships and Midwives.

21.(1) Where a drug specified in Schedule 2 is supplied in accordance with regulation 11 to any person on a ship, an entry in the official log book required to be kept under the Gibraltar Merchant Shipping (Safety, etc) Act or, in the case of a ship which is not required to carry such an official logbook, a report signed by the master of the ship, shall, notwithstanding anything in these Regulations, 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 possible to the Captain of the Port.

(2) A midwife authorised by regulation 13(1) to have pethidine shall–

(a) keep and use a book solely for the purposes of this subregulation; and

(b) shall–

(i) on each occasion on which she obtains a supply of pethidine, record in that book the date, the name and address of the person from whom the pethidine was obtained, the amount obtained and the form in which it was obtained; and

(ii) on administering pethidine to a patient, record in that book as soon as practicable the name and address of the patient, the amount administered, the form in which it was administered and the date on which it was administered.

Record-keeping requirements in respect of drugs in Schedules 3 and 4.

22.(1) Every person who is authorised under regulation 5 or regulation 8(3)(c) to produce any drug specified in Schedules 3 or 4 shall make a record of each quantity of such a drug produced by him.

(2) Every person who is authorised by or under any provision of the principal Act to import or export any drug specified in Schedule 3, or in Schedule 4 which is not in a medicinal product for personal use, shall make a record of each quantity of such a drug imported or exported by him.

(3) Every person who is authorised under regulation 10(3) to supply any drug specified in Schedule 4 shall make a record of each quantity of such a drug imported or exported by him.

(4) Subregulation (2) shall not have effect in relation to a person licensed under the principal Act to import or export any drug where the licence so directs.

Preservation of registers, books and other documents.

23.(1) All registers and books kept under regulation 19 or 21(2) shall be preserved for a period of two years from the date on which the last entry was made.

(2) Every record made under regulation 22 shall be preserved for a period of two years from the date on which the record was made.

(3) Every requisition, order or prescription on which a controlled drug is supplied under these Regulations shall be preserved for a period of two years from the date on which the last delivery under it was made.

Preservation of records relating to drugs in Schedules 3, 4 and 5.

24.(1) A producer of any drug specified in Schedule 3, 4 or 5 and a wholesale 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.

(2) A person who is authorised under regulation 10(3)(a) to supply any drug specified in Schedule 3 and 4 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.

(3) The following persons shall keep every invoice or other like record issued in respect of each quantity of such a drug which they have obtained and in respect of each quantity of such a drug which they have supplied–

(a) a retail dealer in any drug specified in Schedule 3 or Schedule 4;

(b) a person in charge or acting person in charge of a hospital or nursing home;

(c) a person in charge of a laboratory.

(4) A retail dealer in any drug specified in Schedule 5 shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him.

(5) Every invoice or other record which is required by this regulation to be kept in respect of a drug specified in Schedule 3 or 4 shall contain sufficient information to identify the date of the transaction and the person by whom or to whom the drug was supplied.

(6) Every document kept under this regulation (other than a health prescription) shall be preserved for a period of two years from the date on which it was issued. A copy of the document may be kept instead of the original.

Furnishing of information with respect to controlled drugs.

25.(1) The persons specified in subregulation (2) shall on demand made by the Minister, or any person authorised by him in writing to act on his behalf,–

(a) furnish such particulars as may be requested in respect of the producing, obtaining or supplying by him of any controlled drug or in respect of any stock or such drugs in his possession;

(b) for the purpose of confirming any such particulars, produce any stock of such drugs in his possession;

(c) produce any register, book or document required to be kept under these regulations relating to any dealings in controlled drugs which is in his possession; and

(d) provide any other information that he may reasonably request for the purposes of the principal Act or these Regulations.

(2) The persons referred to in subregulation (1) are–

(a) any person authorised by or under these Regulations to produce any controlled drug;

(b) any person authorised by or under any provision of the principal Act to import or export any controlled drug;

(c) a wholesale dealer;

(d) a retail dealer;

(e) a practitioner;

(f) the person in charge or acting person in charge of a hospital or nursing home;

(g) a person who is in charge of a laboratory;

(h) a person who is authorised under regulation 10(3)(a) to supply any controlled drug.

(3) Nothing in this regulation shall require the furnishing of personal records which a person has acquired or created in the course of his profession or occupation and which he holds in confidence; and in this paragraph "personal records" means documentary and other records concerning an individual (whether living or dead) who can be identified from them and relating to his physical or mental health.

Destruction of controlled drugs.

26.(1) No person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep records with respect to a drug specified in Schedule 1, 2, 3 or 4 shall 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 Minister (an "authorised person").

(2) An authorised person may, for the purposes of analysis, take a sample of a drug specified in Schedule 1, 2, 3 or 4 which is to be destroyed.

(3) Where a drug specified in Schedule 1, 2, 3 or 4 is destroyed under subregulation (1) 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, these Regulations 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 controlled drug specified in Schedule 2 which he no longer requires, he shall not destroy the drug or cause it to be destroyed but shall dispose of it to a constable, or to a person who may lawfully supply that drug to him.

(5) Nothing in subregulation (1) or (3) shall apply to any person who is required to keep records only by virtue of regulation 22(2) or (3) or 24(3).

(6) Nothing in subregulation (1) or (3) shall apply to the destruction of a drug which has been supplied to a practitioner or pharmacist for that purpose in pursuance of regulation 6(2) or (3).

Import and Export Licences.

27.(1) The forms contained in Schedule 7 shall be used for the purposes of issuing an import or export licence.

(2) The conditions listed in paragraphs 1 to 6 of form A in Schedule 6 ("standard form licence for the import of controlled drugs") shall form substantive requirements of these Regulations in respect of the import of controlled drugs and shall be included in all import licences issued.

(3) The requirements listed in paragraphs 1 to 9 of form B in Schedule 7 ("standard form licence for the export of controlled drugs") shall form substantive requirements of these Regulations in respect of the export of controlled drugs and shall be included in all export licences issued.

(4) No authorisation may be granted for the export of a controlled drug–

(a) to a post office box; or

(b) to the bank account of a person other than the person named in the export licence.

Scheduled Substances.

28.(1) This regulation applies to Scheduled Substances.

(2) Cargo manifests for the importation and exportation of Scheduled Substances shall include the following information–

(a) the information required by section 18 or 81 of the Imports and Exports Act as appropriate;

(b) the name and address of the importer;

(c) the name and address of the exporter; and

(d) a description of the goods, including–

(i) the name as provided in Schedule 4 to the principal Act; and

(ii) the quantity and weight of Scheduled Substance being imported or exported.

(3) The documents referred to in subregulation (2) must be kept for a period of no less than two years.

Safe Keeping Measures.

29.(1) This regulation applies to all premises from which the production, supply, import or export of controlled drugs specified in Schedules 1, 2, 3, and 4 is carried out.

(2) All appropriate measures shall be taken by the persons in charge of the premises referred to in subregulation (1) to ensure that controlled drugs in their possession are kept securely in order to prevent theft or other diversion from stocks.

(3) In determining what measures are appropriate for the purposes of subregulation (2) all the circumstances shall be taken into account, including, but not limited to, the nature of the controlled drug or Scheduled Substance concerned, the quantity, the schedule into which they fall into and the nature of the storage location.

(4) Police, customs or revenue officers, or other persons appointed for this purpose by the Minister may at any time require information regarding safekeeping measures which have been adopted and may conduct inspections for the purpose of ensuring that appropriate measures have been taken.

(5) On receiving a written application from the occupier, a constable, customs or revenue officer, or other person appointed for this purpose by the Minister, may–

(a) inspect the premises and any safe, cabinet or room in which the controlled drugs are to be kept; and

(b) if satisfied that, in all the circumstances, the means of storage provides an adequate degree of security, issue a certificate to that effect in respect of those premises, safes, cabinets or rooms.

Metric and Imperial Systems.

30.(1) For the purposes of these Regulations–

(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; and

(b) where a person may lawfully possess a quantity of a controlled drug or Scheduled Substance determined by or under these Regulations in terms of the imperial system, he shall not be deemed to possess a greater quantity of that controlled drug or Scheduled Substance only by reason that he possesses a quantity of that drug which is the equivalent of the first-mentioned quantity in the metric system.

(2) For the purposes of this regulation the quantity of a controlled drug or Scheduled Substance in the metric system, which is the equivalent of a particular quantity in the imperial system, shall be taken to be the appropriate quantity ascertained in accordance with the provisions of the Weights and Measures Act.

Exception in respect of certain travelers – Article 75 Schengen Certificates.

31.(1) Where the conditions set out in subregulation (2) are satisfied, it shall be lawful for a person to–

(a) possess a controlled drug;

(b) import a controlled drug into Gibraltar from a Schengen State;

(c) export a controlled drug from Gibraltar into a Schengen State.

(2) The conditions for applying subregulation (1) are that–

(a) the controlled drug possessed, imported or exported must be for the purposes of the person's personal use;

(b) the quantity of the controlled drug must not exceed the quantity prescribed for thirty days' use; and

(c) the person must, at all material times, hold a valid Article 75 certificate which contains the information required by that certificate.

(3) For the purposes of this regulation an Article 75 certificate is a certificate authorising possession of a controlled drug issued in accordance with Article 75 of the Schengen Agreement and the Decision of the Executive Committee of 22 December 1994 on the certificate provided for in Article 75 to carry narcotic drugs and psychotropic substances (SCH/Com-ex (94) 28 rev). An English language version of the certificate is set out in Schedule 8.

(4) For the purposes of this regulation, a "Schengen State" is any state or territory to which Article 75 of the Schengen Agreement is applicable on the date of the possession, export or import of a controlled drug under subsection (1).

(5) For the purposes of export from Gibraltar an Article 75 certificate will be valid if it–

(a) is in the form set out in Schedule 8;

(b) contains the information required by that form; and

(c) is signed by a doctor, or by the pharmacist who issued the prescription.

(6) Where a doctor or a pharmacist signs an Article 75 certificate he shall, as soon as possible, send a copy of the certificate to the Head Pharmacist of the Gibraltar Health Authority, or such other person as may be notified in the Gazette by the Government.

(7) The Gibraltar Health Authority shall be the central office responsible for answering any questions which arise in connection with Article 75 certificates for the purposes of the Decision of the Executive Committee of 22 December 1994 on the certificate provided for in Article 75 to carry narcotic drugs and psychotropic substances (SCH/Com-ex (94) 28 rev).

Controlled delivery: Schengen.

31A.(1) Subject to subregulation (2) the Minister with responsibility for Justice may authorise the controlled delivery in Gibraltar of a controlled drug.

(2) An authorisation under subregulation (1) may only be given if the State from which the controlled drug is to be imported into Gibraltar has approved the controlled delivery pursuant to article 73 of the Schengen Agreement.

(3) Where a controlled delivery is to be made in a Schengen State the Minister may, for the purposes of article 73 of the Schengen Agreement and prior to their exportation, authorise the exportation from Gibraltar of a controlled drug.

(4) An authorisation under this regulation shall–

(a) be in writing;

(b) name the law enforcement officers taking part in the controlled delivery operation;

(c) contain such restrictions and conditions as the Minister deems appropriate.

(5) No person shall be guilty of an offence whilst acting within the terms of such authorisation.

(6) Nothing in this regulation shall confer any rights on any law enforcement body which is not constituted under the laws of Gibraltar and any operation, to the extent that it is carried out in Gibraltar, shall remain under the exclusive command and control of the Gibraltar law enforcement body specified in the authorisation.

(7) In this regulation "Schengen State" means a State party to the Schengen Agreement.

Revocation of Previous Regulations and Saving Provisions.

32.(1) The Drugs (Misuse) Regulations are revoked.

(2) Notwithstanding subregulation (1), any register, record, book, prescription or other document kept by virtue of the requirements of regulations 15,16, 17 or 19 of the Drugs (Misuse) Regulations shall be kept for the period of time required by those regulations.

SCHEDULE 1

Schedule 1 Controlled Drugs

Regulation 3

1. The following substances, namely –

(a)

Bufotenine
Cannabinol
Cannabinol derivatives not being dronabinol or its stereoisomers

Cannabis (not being the substance specified in paragraph 10 of Schedule 2) and cannabis resin
Cathinone
Coca leaf
Concentrate of poppy-straw
Eticyclidine
Etryptamine
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mescaline
Methcathinone
Psilocin
Raw opium
Rolicyclidine
Tenocyclidine
4-Bromo-2,5-dimethoxy-a-methylphenethylamine
N,N-Diethyltryptamine
N,N-Dimethyltryptamine
2,5-Dimethoxy-,4-dimethylphenethylamine
N-Hydroxy-tenamphetamine
4-Methyl-aminorex

(b) any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;

(c) the following phenethylamine derivatives, namely–

Allyl(α-methyl-3,4-methylenedioxyphenethyl)amine
2-Amino-1- (2,5-dimethoxy-4-methylphenyl)ethanol
2-Amino-1-(3,4-dimethoxyphenyl)ethanol
Benzyl(α-methyl-3,4-methylenedioxyphenethyl)amine
4-Bromo-ß,2,5-trimethoxyphenethylamine
N-(4-sec-Butylthio-2,5-dimethoxphenethyl)hydroxylamine
Cyclopropylmethyl (α-methyl—3,4-methylenedioxyphenethyl)amine
2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)ethylamine
2-(4,7-Dimethoxy-2,3-dihydro-1H-indan-5-yl)-1-methylethylamine
2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine
2-(1,4-Dimethoxy-2-naphthyl)ethylamine
2-(1,4-Dimethoxy-2-naphthyl)-1-methylethylamine
N-(2,5-Dimethoxy-4-propylthiophenethyl)hydroxylamine
2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)ethylamine

2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)-1-methylethylamine
, -Dimethyl-3,4-methylenedioxyphenethylamine
,-Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine
Dimethyl(-methyl-3,4-methylenedioxyphenethyl)amine
N-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine
4-Iodo-2,5-dimethoxy-a-methylphenethyl(dimethyl)amine
2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)ethylamine
2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)-1-methylethylamine
2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo[b]furan-6-yl)-1-methylethylamine
2-Methoxyethyl(-methyl-3,4-methylenedioxyphenethyl)amine
2-(5-Methoxy-2-methyl-2,3-dihydrobenzo[b]furan-6-yl)-1-methylethylamine
ß-Methoxy-3,4-methylenedioxyphenethylamine
1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine
1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine
2-(-Methyl-3,4-methylenedioxyphenethylamino)ethanol
-Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine
N-Methyl-N-(-methyl-3,4-methylenedioxyphenethyl)hydroxylamine
O-Methyl-N-(-methyl-3,4-methylenedioxyphenethyl)hydroxylamine
-Methyl-4-(methylthio)phenethylamine
ß,3,4,5-Tetramethoxyphenethylamine
ß,2,5-Trimethoxy-4-methylphenethylamine

(d) any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a) above) structurally derived from phenethylamine, an N-alkylphenethylamine, a-methylphenethylamine, an N-alkyl-a-methylphenethylamine, a-ethylphenethylamine, or an N-alkyl-a-ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylenedioxy or halide substitutents, whether or not further substituted in the ring by one or more other univalent substituents;

(e) any compound (not being a compound for the time being specified in Schedule 2) structurally derived from fentanyl by modification in any of the following ways, that is to say–

(i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;

(ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;

(iii) by substitution in the piperidine ring with alkyl or alkenyl groups;

(iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups;

(v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group;

(vi) by replacement of the N-propionyl group by another acyl group;

(f) any compound (not being a compound for the time being specified in Schedule 2) structurally derived from pethidine by modification in any of the following ways, that is to say–

(i) by replacement of the l-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;

(ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;

(iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;

(iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group;

(v) by formation of an N-oxide or of a quaternary base.

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 Schedule 5.

SCHEDULE 2

Schedule 2 Controlled Drugs

Regulation 3

1. The following substances and products, namely–

Acetorphine
Alfentanil
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzethidine
Benzylmorphine (3-benzylmorphine)
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Bezitramide
Carfentanil
Clonitazene
Cocaine
Desomorphine
Dextromoramide
Diamorphine
Diampromide
Diethylthiambutene
Difenoxin
Dihydrocodeinone O-carboxymethyloxime
Dihydroetorphine
Dihydromorphine
Dimenoxadole
Dimepheptanol
Dimethylthiambutene
Dioxaphetyl butyrate
Diphenoxylate
Dipipanone
Dronabinol
Drotebanol
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
Ethylmethylthiambutene
Etonitazene
Etorphine
Etoxeridine
Fentanyl
Furethidine
Hydrocodone
Hydromorphinol
Hydromorphone
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levomoramide
Levophenacylmorphan
Levorphanol
Lofentanil
Medicinal Opium
Metazocine
Methadone
Methadyl acetate
Methyldesorphine
Methyldihydromorphine (6-methyldihydromorphine)
Metopon
Morpheridine
Morphine
Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives
Myrophine
Nicomorphine
Noracymethadol

Norlevorphanol
Noracymethadone
Normethadone
Normorphine
Norpipanone
Oxycodone
Oxymorphone
Pethidine
Phenadoxone
Phenampromide
Phenazocine
Phencyclidine
Phenomorphan
Phenoperidine
Piminodine
Piritramide
Proheptazine
Properidine
Racemethorphan
Racemoramide
Racemorphan
Remifentanil
Sufentanil
Thebacon
Thebaine
Tilidate
Trimeperidine
Zipeprol
4-Cyano-2-dimethylamino-4, 4-diphenylbutane
4-Cyano-1-methyl-4-phenylpiperidine
2-Methyl-3-morpholino-1, 1-diphenylpropane- carboxylic acid
α-Methylphenethylhydroxylamine
1-Methyl-4-phenylpiperidine-4-carboxylic acid
4-Phenylpiperidine-4-carboxylic 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 5.

6. The following substances and products, namely–

Acetyldihydrocodeine
Amphetamine
Codeine
Dextropropoxyphene
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Fenethylline
Flunitrazepam
Glutethimide
Lefetamine
Mecloqualone
Methaqualone
Methylamphetamine
Methylphenidate
Nicocodine
Nicodicodine (6-nicotinoyldihydrocodeine)
Norcodeine
Phenmetrazine
Pholcodine

Propiram Quinalbarbitone

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 Schedule 5.

10. A liquid formulation-

(a) containing a botanical extract of cannabis-

(i) with a concentration of not more than 30 milligrams of cannabidiol per millilitre, and not more than 30 milligrams of delta-9-tetrahydrocannabinol per millilitre, and

(ii) where the ratio of cannabidiol to delta-9-tetrahydrocannabinol is between 0.7 and 1.3,

(b) which is dispensed through a metered dose pump as a mucosal mouth spray.

SCHEDULE 3

Schedule 3 Controlled Drugs

Regulation 3

1. The following substances, namely–

(a)

Benzphetamine	Mephentermine
Buprenorphine	Meprobamate
Cathine	Methylphenobarbitone
Chlorphentermine	Methyprylone
Diethylpropion	Pentazocine
Ethchlorvynol	Phendimetrazine
Ethinamate	Phentermine
Ketamine	Pipradrol
Mazindol	Temazepam

(b) any 5, 5 disubstituted barbituric acid not being quinalbarbitone.

2. Any stereoisomeric form of a substance specified in paragraph 1 not being phenylpropanolamine.

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 Schedule 5.

SCHEDULE 4

Schedule 4 Controlled Drugs

Regulation 3

PART A

1. The following substances and products, namely–

Alprazolam	Ketazolam
Aminorex	Loprazolam
Bromazepam	Lormetazepam
Brotizolam	Medazepam
Camazepam	Mefenorex
Chlordiazepoxide	Mesocarb
Clobazam	Midazolam
Clotiazepam	Nimetazepam
Cloxazolam	Nitrazepam
Delorazepam	Nordazepam
Estazolam	Oxazepam
Ethyl loflazepate	Oxazolam
Fencamfamin	Pemoline
Fenproporex	Pinazepam
Fludiazepam	Prazepam
Flurazepam	Pyrovalerone
Halazepam	Tetrazepam
Haloxazolam	Triazolam
	N-Ethylamphetamine
	Zolpidem

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 or product specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 5.

PART B

1. The following substances, namely–

4-Androstene-3, 17 dione	Methenolone
5-Androstene-3, 17 diol	Methyltestosterone
Atamestane	Metribolone

Bolandiol	Mibolerone
Bolasterone	Nandrolone
Bolazine	19-Nor-Androstone-3, 17 dione
Boldenone	19-Nor-Androstone-5, 17 diol
Bolenol	Norboletone
Bolmantalate	Norclostebol
Calusterone	Norethandrolone
4-Chloromethandienone	Ovandrotone
Clostebol	Oxabolone
Drostanolone	Oxandrolone
Enestebol	Oxymesterone
Epitiostanol	Oxymetholone
Ethyloestrenol	Prasterone
Fluoxymesterone	Propetandrol
Formebolone	Quinbolone
Furazabol	Roxibolone
Mebolazine	Silandrone
Mepitiostane	Stanolone
Mesabolone	Stanozolol
Mestanolone	Stenbolone
Mesterolone	Testosterone
Methandienone	Thiomesterone
Methandriol	Trenbolone

2. Any compound (not being Trilostane or a compound for the time being specified in paragraph 1 of this Part of this Schedule) structurally derived from 17-hydroxyandrostan-3-one or from 17-hydroxyestran-3-one by modification in any of the following ways, that is to say–

(a) by further substitution at position 17 by a methyl or ethyl group;

(b) by substitution to any extent at one or more of positions 1, 2, 4, 6, 7, 9, 11 or 16, but at no other position;

(c) by unsaturation in the carbocyclic ring system to any extent, provided that there are no more than two ethylenic bonds in any one carbocyclic ring;

(d) by fusion of ring A with a heterocyclic system.

3. Any substance which is an ester or ether (or, where more than one hydroxyl function is available, both an ester and an ether) of a substance

specified in paragraph 1 or described in paragraph 2 of this Part of this Schedule.

4. The following substances, namely–

Chorionic Gonadotrophin (HCG)	Somatotropin
Clenbuterol	Somatrem
Non-human chorionic gonadotrophin	Somatropin

5. The following substances–

Clonazepam	Lorazepam
Clorazepic acid	4-Hydroxy-n-butyric acid
Diazepam	

6. Any stereoisomeric form of a substance specified or described in any of paragraphs 1 to 5 of this Part of this Schedule.

7. Any salt of a substance specified or described in any of paragraphs 1 to 6 of this Part of this Schedule.

8. Any preparation or other product containing a substance or product specified or described in any of paragraphs 1 to 7 of this Part of this Schedule, not being a preparation specified in Schedule 5.

SCHEDULE 5

Schedule 5 Controlled Drugs

Regulation 3

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 milligrams of the substance or substances (calculated as base) per dosage unit or with a total concentration of not more than 2.5% (calculated as base) in undivided preparations.

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

2. Any preparation of cocaine containing not more than 0.1% 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% 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 dextropropoxyphene, being a preparation designed for oral administration, containing not more than 135 milligrams of dextropropoxyphene (calculated as base) per dosage unit or with a total concentration of not more than 2.5% (calculated as base) in undivided preparations.

5. Any preparation of difenoxin containing, per dosage unit, not more than 0.5 milligrams of difenoxin and a quantity of atropine sulphate equivalent to at least 5% of the dose of difenoxin.

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

7. Any preparation of propiram containing, per dosage unit, not more than 100 milligrams of propiram calculated as base and compounded with at least the same amount (by weight) of methylcellulose.

8. Any powder of ipecacuanha and opium comprising 10% opium, in powder; and 10% ipecacuanha root, in powder; well mixed with 80% of any other powdered ingredient containing no controlled drug.

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

SCHEDULE 6

Regulation 19

FORM OF REGISTER

PART I

Entries to be made in case of obtaining

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

PART II

Entries to be made in case of supply

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

DRUGS (MISUSE) REGULATIONS 2005

This version is out of date

SCHEDULE 7

Import and Export Forms

Regulation 27

FORM A

DRUGS (MISUSE) ACT

Licence No	
File No	
Applicant's No	
Reference No	

LICENCE TO IMPORT CONTROLLED DRUGS

In accordance with the provisions of section 5(2) of the Drugs (Misuse) Act 1973 the Director of Public Health hereby grants: (*importers name)*_____

(referred to in this document as 'the licensee') a licence to import from:

___(*place)*_____

the following controlled drugs, namely:

subject to the following conditions:

1. The licence does not authorize the licensee to obtain, be in possession of or deal with, the controlled drugs named in this licence other than in accordance with the provisions of the Drugs (Misuse) Act and regulations made under it.
2. The licence is available only for controlled drugs of the exact quantity, kind and form specified above.
3. The licence does not relieve the importer from compliance with any regulations in force for the time being relating to the importation of goods into or transshipment of goods in Gibraltar or with any Post Office regulations for the time being in force in Gibraltar nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within Gibraltar or elsewhere.
4. The licence is valid only for the licencee and may be revoked at any time by the Director of Public Health, to whom, in that event it shall be immediately surrendered. It shall be produced for inspection when required by any duly authorised officer.
5. The licence, unless sooner revoked, shall continue in force for six calendar months from the date of issue. It shall be produced to the Director of Public Health at the time of importation and when the last consignment of drugs in imported. If not used during the period of validity it shall be surrendered to the Director of Public Health within seven days of its expiry.
6. The copy of the export licence, if any, which accompanies the drugs shall be forwarded to the Director of Public Health immediately the importation of the drugs has been effected.

Date of Issue:_____

Signed _____

The Director of Public Health

Gibraltar Health Authority St. Bernard's Hospital, Harbour Views Road, Gibraltar

DRUGS (MISUSE) REGULATIONS 2005

This version is out of date

Subsidiary
2005/106

NOTE

If any alteration is desired in this licence it must be returned *to the Director of Public Health* with a request for amendment and a statement of the reasons for the request.

No unauthorised alteration is permissible.

FORM B

DRUGS (MISUSE) ACT

Licence No	
File No	
Applicant's No	
Reference No	

LICENCE TO EXPORT CONTROLLED DRUGS

FORM B CONTINUED

In accordance with the provisions of s5 of the Drugs (Misuse) Act 1973 the Director of Public Health hereby grants: *exporter's name*_____

(referred to in this document as 'the licencee') a licence to import from:

*the port/airport of Gibraltar by _____

*Gibraltar by parcel post in parcels from the General Post Office in Gibraltar

to ____*location*_____

by virtue of Export Certificate No: _____

dated _____ issued by _____

the following controlled drugs, namely:- _____

subject to the following conditions:

1. The licence does not authorise the licensee to obtain, be in possession of or deal with, the controlled drugs named in this licence other than in accordance with the provisions of the Drugs (Misuse) Act and regulations made under it.
2. The licence is available only for controlled drugs of the exact quantity, kind and form specified above.
3. The licence does not relieve the exporter from compliance with any regulations in force for the time being relating to the exportation of goods from Gibraltar nor from any Post Office Act, Rules or regulations for the time being in force in Gibraltar nor from any rules or regulations respecting the transmission of articles by post which may for the time being be in force, whether within Gibraltar or elsewhere.
4. If the drugs are authorised to be exported by ship the attached duplicate copy shall accompany the consignment to the place of destination and for this purpose the licensee shall cause it to be delivered to the Master of the vessel by which the consignment is dispatched. (*See Note 3*).
5. If the drugs are authorised to be exported by post the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcels shall be consecutively numbered on the outer wrapper, and on each parcel there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. (*See Note 3*).
6. The licensee, if required by the Director of Public Health, shall produce to him within such time as he allows, proof to his satisfaction that the drugs were at the destination named in the licence, and in the event of non-compliance with this condition the authorisation shall be deemed void and of no effect.
7. The licensee shall furnish to the Director such returns of the goods exported by him in pursuance of this licence as may from time to time be required.
8. The licence is valid only for the licensee and may be revoked at any time by the Director of Public Health to whom, in that event, it shall be immediately surrendered. It shall be produced for inspection when required by any duly authorised officer.
9. The licence, unless sooner revoked, shall continue in force for three calendar months from the date of issue. It must be produced at the time of export to *the customs officer at _____ *the Director of Postal Services who will retain it. If not used it shall be surrendered to the Director of Public Health within seven days of its expiry.

FORM B CONTINUED

Date of Issue:_____

Signed _____

The Director of Public Health

Gibraltar Health Authority Head Quarters

NOTE

If any alteration is desired in this licence it must be returned *to the Director of Public Health* with a request for amendment and a statement of the reasons for the request.

No unauthorised alteration is permissible.

**** Strike out the words not applicable***

NOTES:

1. If any alteration is desired in this licence it must be returned with a request for amendment and a statements of the reasons therefor. No unauthorised alteration is permissible.
2. In the case of drugs exported by ship this document is required in pursuance of the International Opium Convention 1925, Article 15 and the Single Convention on Narcotic Drugs 1961, Article 31, to be produced to the competent authorities of any country through which the consignment passes whether it is transshipped or not. Failure to comply with condition 4 may lead to delay or confiscation of the consignment.
3. In the case of controlled drugs exported by post failure to comply with condition 5 of the licence may lead to delay or confiscation of the parcels in the country of destination.

ENDORSEMENT

(BY GOVERNMENT OF IMPORTING COUNTRY)

Certified that the controlled drugs detailed in this licence have been duly imported into ___*name of country*_____

Signed _____

Dated _____

PLEASE RETURN TO:

GIBRALTAR HEALTH AUTHORITY
St. Bernard's Hospital, Harbour Views Road, Gibraltar

SCHEDULE 8

Regulation 31

Certificate issued pursuant to Article 75 of the Schengen Convention to authorise travellers with medical needs to carry prescribed drugs.

_____ _____ _____ (1)

(Country) (Town) (Date)

A. Prescribing doctor:

_____ _____

_____ (2)

(Name) (First Name) (Tel)

_____

_____(3)

(Address)

Where issued by a doctor:

…… …… (4)

(Doctor's stamp) (Doctor's signature)

B. Patient:

_____(5)_____

___(6)

(Name) (First Name) (No of passport or other identity document)

_____(7)_____

___(8)

(Place of birth) (Date of birth)

_____(9)_____

__(10)

(Nationality) (Sex)

_____

__(11)

(Address)

_____(12)_____

__ (13)

(Number of travel days) (Validity of authorisation – maximum 30 days)

C. Prescribed drug:

_____(14)__

_____ (15)

(Trade name or special preparation) (Dosage form)

_____(16)___

_____ (17)

(International name of active substance) (Concentration of active substance)

_____(18)_____

__ (19)

(Instructions for use) (Total quantity of active substance)

_____ (20)

(Duration of prescription in days – maximum 30 days)

_____

_____ (21)

(Remarks)

D. Issuing/accrediting authority (Delete where not applicable)

_____ (22)

(Name)

…….. …… (23)

(Address) (Tel)

_____

_____ (24)

(Authority's stamp) (Authority's signature)

Certification to carry drugs and .or psychotropic substances for the purpose of medical treatment – Article 75 of the Schengen Convention	Certificat pour le transport de stupéfiants et/ou de substances psychotropes à des fins thérapeutiques – Article 75 de la Convention
(1) Country, town, date	pays, délivre à, date
A. Prescribing doctor	**Médecin prescripteur**
(2) Name, first name, tel	nom, prénom, téléphone
(3) Address	addresse
(4) Where issued by a doctor: doctor's stamp and signature	en cas de délivrance par un médecin: cachet, signature du médecin
B. Patient	**Patient**
(5) Name, first name	nom, prénom
(6) No of passport or other identification document	no du passeport ou du document d'identité
(7) Place of birth	lieu de naissance
(8) Date of birth	lieu de naissance
(9) Nationality	nationalité
(10) Sex	sexe
(11) Address	adresse
(12) Duration of travel in days	durée du voyage en jours
(13) Validity of authorisation from/to – maximum 30 days	durée de validité de l'autorisation du/au – max. 30 jours
C. Prescribed drug	**Médicament prescrit**
(14) Trade name or special preparation	nom commercial ou préparation spéciale

(15) Dosage form	forme pharmaceutique
(16) International name of active substance	dénomination internationale de la substance active
(17) Concentration of active substance	concentration de la substance active
(18) Instructions for use	mode d'emploi
(19) Total quantity of active substance	quantité totale de la substance active
(20) Duration of prescription in days – maximum 30 days	durée de la prescription, en jours – max. 30 jours
(21) Remarks	remarques
D. Issuing/accrediting authority (delete where not applicable)	**Autorité qui délivre/authentifie** (biffer ce qui ne convient pas)
(22) Name	désignation
(23) Address, tel	adresse, téléphone
(24) Authority's stamp and signature	sceau, signature de l'autorité