S.I. No. 28 of 1979

MISUSE OF DRUGS ACT, 1977 (COMMENCEMENT) ORDER, 1979

The Minister for Health, in exercise of the powers conferred on him by section 43(2) of the Misuse of Drugs Act, 1977 (No. 12 of 1977), hereby orders as follows:-

1. This Order may be cited as the Misuse of Drugs Act, 1977 (Commencement) Order, 1979.

2. In this Order -

"the Act" means the Misuse of Drugs Act, 1977.

3. Sections 1, 2 and 4 to 14 (inclusive), section 21 (1), section 27(2), subsections (1), (2), (6) and (7) of section 29, sections 32 to 40 (inclusive) and subsections (2), (3), (4), (5) and (6) of section 43 of the Act, together with the Schedule to the Act, shall come into operation generally on the 1st day of March, 1979.

4. Subsection (1) of section 42 of the Act shall come into operation -

(a) for the purpose of effecting the repeal of the matter referred to in paragraph (a) of that subsection, on the 1st day of March, 1979, and

(b) for the purpose of effecting the repeal of the matter referred to in paragraph (b) of that subsection, on the 1st day of May, 1979.

5. The provisions of the Act, other than those referred to in articles 3 and 4 of this Order, shall come into operation generally on the 1st day of May, 1979.

L.S.

GIVEN under the Official Seal
of the Minister for Health
this 8th day of February, 1979.

CHARLES J. HAUGHEY

MINISTER FOR HEALTH

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

This Order fixes the dates on which the various provisions of the Misuse of Drugs Act, 1977. are to come into operation.

c.c. Each Programme Manager
HQ. 85; HQ. 70.

17/8/79

STATUTORY INSTRUMENTS

S.I. No. 29 of 1979

MISUSE OF DRUGS (EXEMPTION) ORDER, 1979

DUBLIN

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S.I. No. 29 of 1979

Misuse of Drugs (Exemption) Order, 1979.

The Minister for Health in exercise of the powers conferred on him by section 3 of the Misuse of Drugs Act, 1977 (No. 12 of 1977) hereby orders as follows:-

1. This Order may be cited as the Misuse of Drugs (Exemption) Order, 1979.

2. This Order shall come into operation on the 1st day of May, 1979.

3. Subsection (1) of section 3 of the Misuse of Drugs Act, 1977, shall not apply to the controlled drugs specified in the Schedule to this Order.

SCHEDULE

1. (a) 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 ingredients and which contains a total of not more than 100 milligrammes of the substance or substances (calculated as base) per dosage unit and which in the case of an undivided preparation has a total concentration of not more than 2.5 per cent. of the substance or substances (calculated as base).

(b) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine (3-ethylmorphine), nicodicodine (6-nicotinoyldihydrocodeine), norcodeine, pholcodine and their respective salts.

2. Any preparation of cocaine containing not more than 0.1 per cent. of cocaine calculated as cocaine base, being a preparation which is compounded with one or more other ingredients in such a way that the cocaine cannot be readily recovered.

3. Any preparation of medicinal opium or of morphine containing in either case not more than 0.2 per cent. of morphine calculated as anhydrous morphine base, being a preparation which is compounded with one or more other ingredients in such a way that the opium or morphine cannot be readily recovered.

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

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

6. Any powder of ipecacuanha and opium comprising 10 per cent. powdered opium, 10 per cent. powdered ipecacuanha root, both well mixed with 80 per cent. of any other powdered ingredient which contains no controlled drug.

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

8. Any preparation containing amylobarbitone, pentobarbitone or phenobarbitone, or their respective salts, whether alone or in combination, when compounded with one or more other active ingredients.

9. Any preparation, not being a preparation specified in paragraph 8, containing not more than 120 milligrammes of phenobarbitone, or its salts, per dosage unit and which in the case of an undivided preparation has a total concentration of not more than 2.5 per cent.

10. Any mixture containing one or more of the preparations specified in this Schedule, being a mixture of which none of the other ingredients is a controlled drug.

11. Poppy straw.

L.S.

GIVEN under the Official Seal of the Minister for Health this 8th day of February, 1979.

CHARLES J. HAUGHEY

Minister for Health

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

The effect of this Order is to exempt from the provisions of section 3 of the Misuse of Drugs Act, 1977 (which prohibits the possession of controlled drugs) the preparations specified in the Schedule to the Order. They are essentially preparations in which there are only small quantities of controlled drugs.

c.c. Each Programme Manager
HQ. 85; HQ. 70.

17/8/79 mkm

STATUTORY INSTRUMENTS

S.I. No. 30 of 1979

MISUSE OF DRUGS (DESIGNATION) ORDER, 1979

DUBLIN

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Price 10p.

S.I. No. 30 of 1979

Misuse of Drugs (Designation) Order, 1979

The Minister for Health, being of the opinion that it is in the public interest for the manufacture, production, preparation, sale, supply, distribution and possession of the drugs specified in the Schedule hereto to be unlawful except for the purposes of research or of forensic analysis and for it to be unlawful for any person who is either a practitioner or a pharmacist to have in his possession or to do in relation to the drugs specified in the said Schedule any of the things mentioned in section 5(2) of the Misuse of Drugs Act, 1977 (No. 12 of 1977) except under a licence or other authority issued by the said Minister, in exercise of the powers conferred on him by section 13 of the said Act hereby orders as follows:

1. This Order may be cited as the Misuse of Drugs (Designation) Order, 1979.

2. The drugs specified in the Schedule hereto are hereby designated as drugs to which subsection (1) of section 13 of the Misuse of Drugs Act, 1977, applies.

3. This Order shall come into operation on the 1st day of May, 1979.

SCHEDULE

1. The following substances and products, namely:-

Bufotenine.
Cannabinol, except where contained in cannabis or cannabis resin.
Cannabinol derivatives.
Cannabis and cannabis resin.
Coca leaf.
Lysergamide.
Lysergide and other N-alkyl derivatives of lysergamide.
Mescaline.
Raw opium.
Concentrate of poppy-straw.
Psilocin.
N,N-Diethyltryptamine.
N,N-Dimethyltryptamine.
2,5-Dimethoxy-α, 4-dimethyl-phenethylamine.

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

3. Any ester or ether of a substance specified in paragraph 1 or 2 of this Schedule.

4. Any salt of a substance specified in any of paragraphs 1, 2 or 3 of this Schedule.

5. Any preparation or other product containing any proportion of a substance or product specified in any of paragraphs 1, 2, 3 or 4 of this Schedule.

L.S. GIVEN under the Official Seal of the Minister for Health this day of 8th day of February, 1979.

CHARLES J. HAUGHEY

MINISTER FOR HEALTH

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

Sections 4(2) and 5(2) of the Misuse of Drugs Act, 1977, require provision to be made in regulations to allow the use for medical purposes of the drugs specified in the Schedule to the Act.

That obligation is removed, however, in the case of any such drug which is designated by order under section 13 of the Act as a drug to which that section is to supply. This Order designates for that purpose the drugs specified in the Schedule to the Order since it would not be in the public interest that they should be so available.

The drugs in question are not normally used for medical purposes e.g. mescaline, cannabis, psilocin, lysergide etc.

c.c. Each Programme Manager
HQ. 85; HQ. 70.

17/8/79 [illegible]

STATUTORY INSTRUMENTS

S.I. No. 31 of 1979

MISUSE OF DRUGS (COMMITTEES OF INQUIRY, ADVISORY COMMITTEES AND ADVISORY PANELS) REGULATIONS, 1979

DUBLIN

Published by the Stationery Office

Prl. 7743

Price 16p.

S.I. No. 31 of 1979

Misuse of Drugs (Committees of Inquiry, Advisory Committees and Advisory Panels) Regulations, 1979.

The Minister for Health, in exercise of the powers conferred on him by sections 8, 9, 10, 12 and 38 of the Misuse of Drugs Act, 1977 (No. 12 of 1977), after consultation with the Dental Board, the Medical Registration Council and the Veterinary Council hereby makes the following Regulations:-

Part I

General

1. These Regulations may be cited as the Misuse of Drugs (Committees of Inquiry, Advisory Committees and Advisory Panels) Regulations, 1979.

2. These Regulations shall come into operation on the 1st day of May, 1979.

3. (1) In these Regulations "the Act" means the Misuse of Drugs Act, 1977.

(2) In these Regulations any reference to an article shall be construed as a reference to an article of these Regulations and any reference in an article to a sub-article shall be construed as a reference to a sub-article of that article.

Part II

Committee of Inquiry

4. (1) A committee of inquiry established under section 8 or section 10 of the Act shall consist of five persons, appointed by the registration authority, of whom -

(a) one (being the chairman) shall be nominated by the Minister;
(b) two shall be persons appointed from a panel of members of the respondent's profession nominated by the relevant bodies specified in sub-article (2); and
(c) two shall be persons appointed from a panel of members of the respondent's profession nominated by the Minister.

(2) The relevant bodies referred to in sub-article (1)(b) are the registration authority concerned and such other organisations as are in the opinion of the Minister representative of the profession to which the respondent belongs.

5. The quorum for a committee of inquiry shall be three.

6. Any question arising before a committee of inquiry shall be decided by the majority of the members of the committee who are present and, in case of an equality of votes on any question, the chairman shall have a second or casting vote.

7. A committee of inquiry may act notwithstanding any vacancy among its members.

8. (1) As soon as may be after a committee of inquiry is established the registration authority concerned shall submit to the chairman a statement of the grounds for the investigation. The registration authority shall at the same time send a copy of the said statement to the respondent inviting him to submit to the committee in writing, within fourteen days commencing on the date on which the statement is issued, observations which he may wish to make in relation to the investigation.

(2) On the expiry of fourteen days from the date on which the aforementioned statement is issued the chairman shall convene a meeting of the committee of inquiry to take place not later than twenty eight days from such date.

(3) The chairman shall notify the respondent of the time and place of such meeting and shall acquaint him of his right to appear in person before the committee or to be represented or assisted by another person.

9. The proceedings of a committee of inquiry shall be held in private.

10. Subject to the provisions of articles 5 to 9 a committee of inquiry shall regulate its own procedure.

11. The Minister shall appoint a person to act as secretary to the committee of inquiry.

Part III

Advisory Committee

12. (1) An advisory committee established under section 8 of the Act shall consist of three persons, appointed by the registration authority, of whom -

(a) one (being the chairman of the committee) shall be nominated by the Minister;

(b) one shall be a person, being a member of the respondent's profession, appointed by the Minister; and

(c) one shall be a person appointed from the panel of members of the respondent's profession referred to in article 4(1)(b).

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13. A person who was a member of a committee of inquiry investigating a particular case shall not be eligible to act on an advisory committee investigating the same case.

14. Any question arising before an advisory committee shall be decided by the majority of the members of the committee.

15. (1) As soon as may be after an advisory committee is established the registration authority concerned shall submit to the chairman a statement containing the findings and recommendation of the committee of inquiry, the terms of the special direction the Minister proposes to give and a statement of the representations made pursuant to section 8(5) of the Act.

(2) On the expiry of seven days from the date on which the aforementioned statement is issued the chairman shall convene a meeting of the advisory committee to take place not later than fourteen days from such date.

16. The proceedings of an advisory committee shall be held in private.

17. Subject to the provisions of articles 13 to 16 an advisory committee shall regulate its own procedure.

18. The Minister shall appoint a person to act as secretary to the advisory committee.

Part IV

Advisory Panel

19. If the Minister considers that there are grounds for giving a temporary direction he shall forthwith convene a meeting of an advisory panel constituted for the purpose under section 9 of the Act.

20. An advisory panel shall consist of a chairman appointed by the Minister and two other members appointed by the Minister from among the members of the respondent's profession after consultation with one or more of the relevant bodies referred to in article 4(2) as the Minister considers appropriate in the particular case.

/A.....

21. As soon as may be after an advisory panel is established the Minister shall submit to the chairman a statement of the grounds on which he considers a temporary direction should be given. The Minister shall at the same time send a copy of the said statement to the respondent and shall notify him of the time and place of the meeting of the advisory panel and of his right to appear in person before the panel or to be represented or assisted by another person.

22. Any question arising before an advisory panel shall be decided by the majority of the members of the panel.

23. The proceedings of an advisory panel shall be held in private.

24. Subject to the provisions of articles 22 and 23 an advisory panel shall regulate its own procedure.

25. The Minister shall appoint a person to act as secretary to the advisory panel.

L.S.

GIVEN under the Official Seal
of the Minister for Health
this 8th day of February, 1979.

CHARLES J. HAUGHEY

Minister for Health

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These regulations set out the constitution and procedure of the committees of inquiry, advisory committees and advisory panels established in connection with the investigation of cases of irresponsible prescribing etc. under sections 8 to 10 of the Misuse of Drugs Act, 1977.

cc Each Programme Manager.
HQ 85; HQ 70.
17/8/79 mm.

STATUTORY INSTRUMENTS

S.I. No. 32 of 1979

MISUSE OF DRUGS REGULATIONS, 1979

DUBLIN

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S.I. No. 32 of 1979

MISUSE OF DRUGS REGULATIONS, 1979

ARRANGEMENT OF REGULATIONS

/2.....

PART V

MISCELLANEOUS

SCHEDULES

Schedule 1

Controlled drugs subject to the requirements of articles 12, 13, 14, 15, 16, 18 and 20.

Schedule 2

Controlled drugs subject to the requirements of articles 12, 13, 14, 15, 16, 17, 18, 20, 21 and 22.

Schedule 3

Controlled drugs subject to the requirements of articles 12, 13, 14, 15, 21 and 22.

Schedule 4

Controlled drugs exempted from the prohibition on importation and exportation and subject to the requirements of article 19.

Schedule 5

Form of register.

S.I. No. 32 of 1979

MISUSE OF DRUGS REGULATIONS, 1979

The Minister for Health, in exercise of the powers conferred on him by sections 4, 5, 18, 38 and 42 of the Misuse of Drugs Act, 1977 (No. 12 of 1977), hereby makes the following Regulations:-

PART I

GENERAL

Citation

1. These Regulations may be cited as the Misuse of Drugs Regulations, 1979.

Commencement

2. These Regulations shall come into operation on the 1st day of May, 1979.

Interpretation

3. (1) In these Regulations -

"the Act" means the Misuse of Drugs Act, 1977;
"the Acts relating to merchant shipping" means the Merchant Shipping Acts, 1894 to 1968 and the Mercantile Marine Act, 1955 (No. 29 of 1955);
"authorised as a member of a group" means authorised by virtue of being a member of a class in respect of which the Minister has granted an authority which is in force under and for the purposes of article 8(2) 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
"health board" means a board established under section 4 of the Health Act, 1970 (No. 1 of 1970);
"health prescription" means a prescription issued in connection with arrangements made under section 59 of the Health Act, 1970 upon a form supplied by or on behalf of a health board;
"installation manager" is a person appointed to be in charge or act as manager of an offshore installation;
"master" has the same meaning as in the Acts relating to merchant shipping;
"matron or acting matron" includes any male nurse acting in that capacity;
"officer of customs and excise" means an officer within the meaning of the Customs Acts;

"offshore installation" means any installation which is maintained for underwater exploitation or exploration in the waters in or adjacent to the State up to the seaward limits of territorial waters, and the waters in any designated area within the meaning of the Continental Shelf Act, 1968 (No. 14 of 1968);

"person keeping open shop for the dispensing or compounding of medical prescriptions or for the sale of poisons" means a person lawfully keeping open shop for the dispensing or compounding of medical prescriptions or for the sale of poisons under the Pharmacy Acts 1875-1977;

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

"produce", where the reference is to producing a controlled drug, means producing it by cultivation, manufacture, synthesis or by any other method;

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

"sister or acting sister" includes any male nurse acting in t capacity;

"the State Chemist" means the head of the State Laboratory;

"wholesaler" means a person who carries on the business of selling drugs to persons for the purpose of resale.

(2) In these Regulations any reference to an article or Schedule shall be construed as a reference to an article contained in these Regulations or, as the case may be, to a Schedule thereto; any reference in an article to a sub-article shall be construed as a reference to a sub-article of that article; and any reference in a Schedule to a paragraph shall be construed as a reference to a paragraph of that Schedule.

PART II

PRODUCTION, SUPPLY, IMPORTATION AND EXPORTATION OF CONTROLLED DRUGS

General prohibition

4. (1) Subject to the provisions of these Regulations a person shall not -

(a) produce a controlled drug,
(b) supply or offer to supply a controlled drug, or
(c) import or export a controlled drug.

(2) (a) Sub-article (1)(c) shall not apply to any drug specified in Schedule 4.
(b) Sub-article (1)(b) shall not apply to poppy straw.

/c

Licences

5. A person so authorised by a licence granted by the Minister under this article and for the time being in force may, under and in accordance with the terms of the licence and in compliance with any conditions attached thereto, produce, supply, offer to supply, import, export or have in his possession any controlled drug to which the licence relates.

Administration

6. It shall not be a contravention of the provisions of article 4(1)(b) for -

(a) any person to administer to another any drug specified in Schedule 4,

(b) a registered medical practitioner or registered dentist to administer to a patient any drug specified in Schedule 2 or 3,

(c) any person, other than a registered medical practitioner or registered dentist, to administer to a patient, in accordance with the directions of a registered medical practitioner or registered dentist, any drug specified in Schedule 2 or 3.

Exemptions for practitioners, pharmacists, etc.

7. (1) A practitioner or pharmacist may, when acting in his capacity as such, for the purpose of his profession or business -

(a) supply or offer to supply any drug specified in Schedule 2, 3 or 4 to any person who may lawfully have that drug in his possession, or

(b) manufacture or compound any such drug.

(2) A person keeping open shop for the dispensing or compounding of medical prescriptions or for the sale of poisons may, when acting in his capacity as such, for the purpose of his profession or business, at the premises at which he keeps open shop -

(a) supply or offer to supply any drug specified in Schedule 2, 3 or 4 to any person who may lawfully have that drug in his possession, or

(b) manufacture or compound any such drug.

(3) A person whose name is for the time being entered in a register kept for the purposes of this sub-article by the Minister may, at the premises in respect of which his name is entered in the register and in compliance with any conditions subject to which his name is so entered, produce any drug specified in Schedule 3 or Part I of Sched

provided that nothing in this article shall be construed as authorising a registered druggist to supply or offer to supply a controlled drug on foot of a medical prescription.

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Supply in hospitals etc.

8. (1) A person may supply or offer to supply any drug specified in Schedule 2, 3 or 4 to any person who may lawfully have that drug in his possession where the person so supplying or offering to supply the drug is a person acting in his capacity as -

(a) the matron or acting matron 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,

(b) the sister or acting sister for the time being in charge of a ward, theatre or other department in such a hospital or nursing home where the drug is supplied to her by a person responsible for the dispensing and supply of medicines at such hospital or nursing home,

(c) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or a hospital referred to in paragraph (a) of this sub-article, or a person in charge of any other laboratory engaged in the conduct of scientific education, research or analysis approved for the purpose by the Minister,

(d) the State Chemist,

(e) a public analyst appointed under section 10 of the Sale of Food and Drugs Act, 1875,

(f) the Medical Director of the National Drugs Advisory Board,

(g) a person employed or engaged in connection with any arrangements made for testing the quality or amount of the drugs, medicines and appliances supplied for the purpose of section 59 of the Health Act, 1970,

(h) a person employed or engaged as an inspector in connection with a scheme for the licensing of manufacturers or wholesalers of medical preparations under the Health Acts 1947 to 1977,

(i) a person appointed as an inspector by the Pharmaceutical Society of Ireland, acting under the directions in writing of the Registrar of the said Society;

provided that nothing in this sub-article shall be construed as authorising -

(i) the matron or acting matron of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug, or

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a registered medical practitioner or a registered dentist.

/7.....

(2) 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, 3 or 4 to any person who may lawfully have that drug in his possession.

(3) The owner of a ship, or the master of a ship which does not carry on board as part of her complement a registered medical practitioner, may supply or offer to supply any drug specified in Schedule 2, 3 or 4 -

(a) to any member of the crew;
(b) to any person who may lawfully supply that drug; or
(c) to a member of the Garda Síochána or an officer of customs and excise for the purpose of destruction.

(4) The installation manager of an offshore installation may supply or offer to supply any drug specified in Schedule 2, 3 or 4 -

(a) to any person on that installation, whether present in the course of his employment or not;
(b) to any person who may lawfully supply that drug; or
(c) to a member of the Garda Síochána or an officer of customs and excise for the purpose of destruction.

(5) A person whose name is for the time being entered in a register kept for the purposes of this sub-article by the Minister may, at the premises in respect of which his name is entered in the register and in compliance with any conditions subject to which his name is so entered, supply or offer to supply any drug specified in Schedule 3 or 4 to any person who may lawfully have that drug in his possession.

(6) A person whose name is for the time being entered in a register kept for the purposes of article 7(3) by the Minister may supply or offer to supply any drug, which he may produce by virtue of his name being entered in the register, to any person who may lawfully have that drug in his possession.

PART III

POSSESSION OF CONTROLLED DRUGS

General exemptions

9. (1) A person who, by virtue of these Regulations, is authorised to produce, supply or offer to supply any drug specified in Schedule 2 or 3 may in accordance with the provisions of the Regulations have such drug in his possession.

(2) A person may have in his possession any drug specified in Schedule 2 or 3 for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner;
provided that this sub-article shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a registered medical practitioner if -

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

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

(3) A person whose name is for the time being entered in a register kept for the purposes of this sub-article by the Minister may, in compliance with any conditions subject to which his name is so entered, have in his possession any drug specified in Schedule 3.

(4) The master of a foreign ship which is in a port in the State may have in his possession any drug specified in Schedule 2 or 3 so far as is necessary for the equipment of his ship.

(5) A person who is authorised as a member of a group may, under and in accordance with his group authority and in compliance with any conditions attached thereto, have any drug specified in Schedule 2 or 3 in his possession.

Exemption for midwives in respect of pethidine

10. (1) A midwife who has in accordance with the provisions of section 45 of the Midwives Act, 1944, notified to a health board her intention to practise may, subject to the provisions of this article -

(a) so far as is necessary for her practice as a midwife, have in her possession or administer pethidine; and

(b) surrender to an appropriate medical practitioner any pethidine in her possession which is no longer required by her.

/9.....

(2) Nothing in sub-article (1) shall be construed as authorising a midwife to have pethidine in her possession unless it has been obtained on foot of a written order signed by the midwife and an appropriate medical practitioner setting out the name and address of the midwife, the purpose for which the pethidine is required and the quantity to be obtained.

(3) In this article, -

"appropriate medical practitioner" means a registered medical practitioner practising in the area in which the midwife practises;
"midwife" means a person registered in the midwives division of the register of nurses maintained under section 41 of the Nurses Act, 1950 (No. 27 of 1950).

eneral uthorities

11. Any of the following persons may have a controlled drug in his possession, that is to say -

(a) a member of the Garda Síochána when acting in the course of his duty as such;
(b) an officer of customs and excise when acting in the course of his duty as such;
(c) a person engaged in connection with the Postal Services provided by the Minister for Posts and Telegraphs when acting in the course of his duty as a person so engaged;
(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 his duty as a person so engaged;
(e) a person engaged in the business of a carrier when acting bona fide in the course of that business;
(f) a person engaged in conveying the drug to a person authorised by these Regulations to have it in his possession.

PART IV

DOCUMENTATION AND RECORD KEEPING

uments to obtained a supplier

12. (1) Subject to sub-article (7) where a person (in this sub-article referred to as "the supplier"), not being a practitioner, supplies a controlled drug otherwise than on a prescription, he shall not deliver the drug to a person who -

(a) purports to be sent by or on behalf of the person to whom it is to be supplied (in this sub-article referred to as "the recipient"); and

/10.....

(b) is not authorised by any provision of these Regulations other than the provisions of article 11(f) to have that drug in his possession,

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

(2) Where a person (in this sub-article referred to as "the supplier") supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in sub-article (4), the supplier shall not deliver the drug -

(a) until he has obtained a requisition in writing which -

(i) is signed by the person to whom the drug is to be supplied (in this sub-article referred to as "the recipient"),

(ii) states the name, address and occupation of the recipient,

(iii) specifies the purpose for which the drug to be supplied is required and the total quantity to be supplied, and

(iv) where appropriate, satisfies the requirements of sub-article (5); and

(b) unless he is reasonably satisfied that the signature on the requisition referred to at (a) is that of the recipient and that the recipient is engaged in the occupation specified in the requisition;

provided that where the recipient is a practitioner and he represents that he urgently requires a controlled drug for the purpose of his profession, the supplier may, if he is reasonably satisfied that the recipient so requires the drug and is unable by reason of urgency to furnish such requisition, deliver the drug to the recipient on an undertaking by the recipient to furnish such a requisition within twenty-four hours of such delivery.

(3) A practitioner who has given an undertaking in accordance with sub-article (2) shall deliver to the person by whom the controlled drug was supplied a signed requisition in accordance with the undertaking.

(4) The persons referred to in sub-article (2) are -

(a) a practitioner;
(b) the matron or acting matron of a hospital or nursing home;
(c) a person referred to in article 8(1)(c);
(d) the owner of a ship, or the master of a ship which does not carry a registered medical practitioner on board as part of her complement;
(e) the master of a foreign ship in a port in the State;
(f) the installation manager of an offshore installation.

(5) A requisition furnished for the purposes of sub-article (2) shall -

(a) where it is furnished by the matron or acting matron of a hospital or nursing home, be signed by a registered medical practitioner or a registered dentist employed or engaged in that hospital or nursing home;

(b) where it is furnished by the master of a foreign ship, contain a statement, signed by a medical officer of health of the health board within whose functional area the ship is, that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship;

(c) where it is furnished by the installation manager of an offshore installation, contain a statement signed by the Industrial Medical Adviser of the Department of Labour that the quantity of the drug to be supplied is the quantity necessary for the equipment of that installation.

(6) Where the person responsible for the dispensing and supply of medicines at any hospital or nursing home supplies a controlled drug to a sister or acting sister for the time being in charge of a ward, theatre or other department in that hospital or nursing home he shall -

(a) obtain a requisition in writing, signed by the sister or acting sister, 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 sub-article 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 sister or acting sister for the time being in charge of that ward, theatre or other department.

(7) Nothing in this article shall have effect in relation to any drug specified in Schedule 4.

Form of prescriptions

13. (1) Subject to the provisions of this article, a person shall not issue a prescription for a controlled drug other than a drug specified in Schedule 4 unless the prescription complies with the following requirements, that is to say, it shall -

(a) be in ink and be signed by the person issuing it with his usual signature and dated by him;