



UNITED NATIONS

E/NL 1952/91
1 October 1952

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

GILBERT AND ELLICE ISLANDS

COMMUNICATED BY THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

• NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

New York, 1952

GILBERT AND ELLICE ISLANDS COLONY.

No. 7 of 1948

(excerpts)

(S E A L)

[L.S.]

High Commissioner.

20th October, 1948.

AN ORDINANCE

TO PROVIDE FOR THE REGISTRATION OF PHARMACISTS
AND TO CONTROL THE PRACTICE OF PHARMACY
AND THE SALE AND DISTRIBUTION OF DRUGS AND
POISONS AND FOR PURPOSES CONSEQUENTIAL
THEREON.

[20th October, 1948.]

Be it Therefore enacted by the High Commissioner as follows -

PART I.

1. This Ordinance may be cited as the Pharmacy and Poisons Ordinance, 1948. Short Title.
2. In this Ordinance unless the context otherwise requires--"Board" means the Pharmacy and Poisons Board appointed under this Ordinance; "Chairman" means the Chairman of the Board appointed under this Ordinance; "Court" means the High Commissioner's Court held before a Judicial Commissioner; "member" means a member of the Board constituted under this Ordinance; "Native Medical Practitioner" bears the meaning assigned to it in the Native Medical Practitioners Ordinance, 1930, as amended by the Native Medical Practitioners Ordinance, 1932. Ordinance No. 5 of 1930. Ordinance No. 3 of 1932. "poison" includes the several substances mentioned in the poisons list in Schedule C to this Ordinance; "Qualified Medical Practitioner, Qualified Dentist and Qualified Veterinary Surgeon" means a Medical Practitioner, a Dentist and a Veterinary Surgeon respectively holding a diploma or certificate entitling him to practice his profession in the United Kingdom or any of the Dominions or States set out in Schedule A to this Ordinance or in any other country approved by the High Commissioner; "register" means the register of pharmacists registered under this Ordinance; "registered pharmacist" means a person registered under this Ordinance; "Senior Medical Officer" means the officer for the time being holding the office of Senior Medical Officer.

**PART II.
ADMINISTRATION**

The Pharmacy
and Poisons
Board.

3.-(1) For the purposes of this Ordinance there is hereby constituted an authority to be called the "Pharmacy and Poisons Board."

**PART III.
PHARMACISTS.**

Register of
Pharmacists.

17. The Board shall keep a register to be called the "Register of Pharmacists."

**PART IV.
CONDUCT OF BUSINESS AS PHARMACIST.**

Grounds of
removal of
name from
register.

29.-(1) The Board shall remove from the register the name of any person-

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) who has ceased to possess, or does not possess, the qualifications in respect of which he was registered;
- (c) who has been convicted in any part of His Majesty's dominions, or elsewhere, of an indictable offence, or of any other offence which in the opinion of the Board renders him unfit to practice;
- (d) who has been certified to be of unsound mind; or
- (e) who is deemed by the Board guilty of -
 - (i) habitual drunkenness or habitual addiction to any drug;
 - (ii) such improper conduct as in the opinion of the Board renders him unfit to be allowed to continue to practise as a pharmacist.

(2) If the Board removes the name of any person from the register, it shall, if so required by him, state in writing the reason for the removal.

(3) Any person whose name has been removed from the register in pursuance of this section may appeal, by way of special case as aforesaid, to the Court to have his name restored to the register, and the Board shall, if the Court so orders, restore his name to the register.

Inquiry by
the Board.

30.-(1) Before removing from the register the name of any person, the Board shall make due inquiry, and such person may be represented by counsel, attorney or agent, who may examine witnesses and address the board on his behalf.

(2) Pending the hearing of a charge against any person, the Board may suspend the registration of that person, who shall thereupon cease to practise.

Surrender of
certificate
of registration.

31.-(1) Any person whose name is removed from the register under section twenty-nine hereof shall, within fourteen days after the posting of a notice demanding the return of his certificate of registration, surrender his certificate to the Board for cancellation; and any person who fails so to do shall be liable to a penalty not exceeding five pounds for every day after the period of fourteen days during which the certificate is not returned.

32.- (1) Any person other than a registered pharmacist who carries on, or attempts to carry on, in any place or on any occasion, the business of a pharmacist, or pretends to be a pharmacist, or assumes or uses the title of pharmaceutical chemist, pharmacist, druggist, homeopathic chemist, dispensing chemist, or of member of any Pharmaceutical Society or Board, or takes or uses, in connexion with the sale of goods, the title of chemist, shall be guilty of an offence, and shall be liable to a penalty not exceeding five hundred pounds.

Persons other than registered pharmacists not carry on business.

(2) No person shall use, in connexion with any business, any title, emblem or description reasonably calculated to suggest that he, or anyone employed in the business, possesses any qualification with respect to the selling, dispensing or compounding of drugs or poisons, other than the qualification which he in fact possesses.

For the purpose of this subsection the use of the description "pharmacy", in connexion with a business carried on on any premises, shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having the control of the business on these premises are registered pharmacists.

(3) If any person acts in contravention of the foregoing provisions of this section, he shall be liable, in respect of each offence, to a fine not exceeding five hundred pounds; and in the case of a continuing offence, to a further fine not exceeding twenty-five pounds for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.

35. Save as hereinafter provided, no person other than a registered pharmacist or a *bona fide* assistant to a registered pharmacist, under the immediate and personal supervision and control of a registered pharmacist, shall dispense or compound, for fee or reward, any drug or medicine.

Only pharmacist to dispense

Provided always that this section shall not apply to the employment of Native Medical Practitioners in Government hospitals or dispensaries.

36.- (1) The Board may, upon the application of any registered pharmacist, issue a temporary permit to a pharmacist who possesses the qualifications mentioned in section nineteen hereof, to act as *locum tenens* for such registered pharmacist for a period of three calendar months from the date of issue of the permit.

Temporary licence.

(2) The Board may renew any such permit for a further period of three months, but not for any longer period.

(3) The Board shall prescribe fees for such permit.

37.- (1) A medical practitioner shall not issue a prescription unless the prescription is signed by him with his usual signature, or is written on paper on which is printed his surname and the initials of his Christian names, and bears the date on which the prescription was issued.

Prescriptions to be signed.

(2) A prescription issued by a qualified veterinary surgeon shall, in addition to fulfilling the conditions laid down in the preceding subsection, bear the words "for veterinary purposes only."

(3) A prescription issued by a qualified dentist shall, in addition to fulfilling the conditions laid down in subsection (1) hereof, bear the words "for dental purposes only."

(4) A prescription which does not comply with the provisions of this section shall not be accepted by any pharmacist as authority for the sale or supply of any medicine or drug.

Record of
prescriptions.

38.-(1) Every pharmacist shall, as prescribed, record in a book (hereinafter called "the prescription book") to be kept by him for that purpose, every prescription of any medical practitioner dispensed, compounded or made up or supplied by him.

(2) Every prescription, whether issued by a qualified medical practitioner, qualified veterinary surgeon or qualified dentist, containing any of the drugs to which any Ordinance as to the sale of dangerous drugs, for the time being in force, relates, shall be retained in the custody of the pharmacist dispensing the same for a period of two years and filed in the pharmacy.

(3) The prescription book shall be open for inspection by any inspector appointed under section fifteen of this Ordinance.

Conduct of
business by
pharmacist.

39. A pharmacist shall not -

- (a) keep or maintain any shop for selling or supplying medicines or drugs or for dispensing or compounding prescriptions, unless such shop is, while open for business, constantly under his own control or that of some other registered pharmacist as an assistant or agent of a registered pharmacist;
- (b) permit any person, other than a *bona fide* assistant or apprentice in the course of his employment and under the actual personal supervision of a registered pharmacist, to sell, supply, compound or dispense medicines or drugs;
- (c) permit any person, other than a registered pharmacist, to dispense or compound any prescription or supply any medicine or drugs containing any of the dangerous drugs to which subsection (2) of section thirty-eight of this Ordinance relates;
- (d) carry on business as such unless the business is under the actual personal supervision of himself or some other registered pharmacist;
- (e) practice pharmacy except under his own name;
- (f) adopt the title "Consulting Chemist";
- (g) give medical or surgical advice or aid, except in his place of business and -
 - (i) in the case of simple ailments of common occurrence;
 - (ii) in the administration of antidotes in the case of acute poisoning;
 - (iii) in the application of immediate aid in cases of accident or injury; or
 - (iv) in urgent cases under the direct instructions of a qualified medical practitioner;
- (h) allow his name to be used in connexion with the practise of pharmacy at any premises at which there is not a registered pharmacist in continued attendance; or
- (i) aid or assist any person other than a registered pharmacist to practise pharmacy, except in accordance with the provisions of this Ordinance.

Medical
practitioners,
veterinary
surgeons and
dentists may
dispense.

40. Every qualified medical practitioner, qualified veterinary surgeon or qualified dentist may dispense or compound any medicine or drugs for patients or animals without becoming a registered pharmacist, provided that a true and faithful record is made of every such prescription in the prescription book, which shall be open for inspection by any inspector or person duly authorized by the Board for that purpose.

41.-(1) Any person who -

- (a) installs any automatic machine for the sale or supply of any drug or medicine, or allows, permits or suffers any such automatic machine to be so installed;
- (b) sells or supplies any drug or medicine by means of any such automatic machine;
- (c) allows, permits or suffers any person to purchase or be supplied with or otherwise obtain any drug or medicine by means of any automatic machine;

Automatic machines for vending medicines prohibited.

shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty pounds, and in the case of a continuing offence, to a further penalty of five pounds for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.

(2) For the purpose of the last preceding subsection, "automatic machine" means any machine or mechanical device used or capable of being used for the purpose of selling or supplying goods without the personal manipulation or attention of the seller or of his employee or other agent at the time of the sale or supply.

44. The British Pharmacopoeia as published in England under the direction of the General Council of Medical Education and Registration of the United Kingdom, in the edition for the time being in force, shall be the Pharmacopoeia in force in the Colony as the standard of quality or composition for all drugs or medicines, and for the method of preparation of all drugs or medicines, and of compounding of all mixtures thereof; and for the purposes of this Ordinance, the metre and the gramme shall be accepted respectively as legal units of measure and weight.

British Pharmacopoeia.

PART V. SALE AND SUPPLY OF MEDICINES.

45.-(1) It shall not be lawful for any person who is not a registered pharmacist, or the assistant manager or *bona fide* apprentice of a registered pharmacist, to sell by retail any drug or medicines whatsoever, whether protected by letters patent, whether Imperial or Colonial, or not, except as prescribed by this Ordinance.

Sale of drugs or medicines.

46.-(1) The Board may, on the application of any licensed storekeeper, grant such person a licence, called a Medicine Licence, to sell such articles as the Board deems fit; provided that no such licence shall be granted to any licensed storekeeper carrying on business within five miles of a registered pharmacist; and provided further that no such licence shall be granted to sell any of the drugs or medicines to which the provisions of subsection (2) of section thirty-eight of this Ordinance apply.

Medicine Licence.

(2) Such licence shall be granted for a period not exceeding twelve months and may be renewed.

(3) The Board shall prescribe fees for such licence.

(4) The licence shall be in the form prescribed by rule hereunder and shall state clearly the names of all articles which the licensee is permitted to sell.

(5) Every application for a licence under this section shall be accompanied by a report by the Administrative Officer in charge of the district in which the business is carried on.

Record of prescriptions.

38.-(1) Every pharmacist shall, as prescribed, record in a book (hereinafter called "the prescription book") to be kept by him for that purpose, every prescription of any medical practitioner dispensed, compounded or made up or supplied by him.

(2) Every prescription, whether issued by a qualified medical practitioner, qualified veterinary surgeon or qualified dentist, containing any of the drugs to which any Ordinance as to the sale of dangerous drugs, for the time being in force, relates, shall be retained in the custody of the pharmacist dispensing the same for a period of two years and filed in the pharmacy.

(3) The prescription book shall be open for inspection by any inspector appointed under section fifteen of this Ordinance.

Conduct of business by pharmacist.

39. A pharmacist shall not -

- (a) keep or maintain any shop for selling or supplying medicines or drugs or for dispensing or compounding prescriptions, unless such shop is, while open for business, constantly under his own control or that of some other registered pharmacist as an assistant or agent of a registered pharmacist;
- (b) permit any person, other than a *bona fide* assistant or apprentice in the course of his employment and under the actual personal supervision of a registered pharmacist, to sell, supply, compound or dispense medicines or drugs;
- (c) permit any person, other than a registered pharmacist, to dispense or compound any prescription or supply any medicine or drugs containing any of the dangerous drugs to which subsection (2) of section thirty-eight of this Ordinance relates;
- (d) carry on business as such unless the business is under the actual personal supervision of himself or some other registered pharmacist;
- (e) practice pharmacy except under his own name;
- (f) adopt the title "Consulting Chemist";
- (g) give medical or surgical advice or aid, except in his place of business and -
 - (i) in the case of simple ailments of common occurrence;
 - (ii) in the administration of antidotes in the case of acute poisoning;
 - (iii) in the application of immediate aid in cases of accident or injury; or
 - (iv) in urgent cases under the direct instructions of a qualified medical practitioner;
- (h) allow his name to be used in connexion with the practise of pharmacy at any premises at which there is not a registered pharmacist in continued attendance; or
- (i) aid or assist any person other than a registered pharmacist to practise pharmacy, except in accordance with the provisions of this Ordinance.

Medical practitioners, veterinary surgeons and dentists may dispense.

40. Every qualified medical practitioner, qualified veterinary surgeon or qualified dentist may dispense or compound any medicine or drugs for patients or animals without becoming a registered pharmacist, provided that a true and faithful record is made of every such prescription in the prescription book, which shall be open for inspection by any inspector or person duly authorized by the Board for that purpose.

41.-(1) Any person who -

- (a) installs any automatic machine for the sale or supply of any drug or medicine, or allows, permits or suffers any such automatic machine to be so installed;
- (b) sells or supplies any drug or medicine by means of any such automatic machine;
- (c) allows, permits or suffers any person to purchase or be supplied with or otherwise obtain any drug or medicine by means of any automatic machine;

Automatic machines for vending medicines prohibited.

shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty pounds, and in the case of a continuing offence, to a further penalty of five pounds for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.

(2) For the purpose of the last preceding subsection, "automatic machine" means any machine or mechanical device used or capable of being used for the purpose of selling or supplying goods without the personal manipulation or attention of the seller or of his employee or other agent at the time of the sale or supply.

44. The British Pharmacopoeia as published in England under the direction of the General Council of Medical Education and Registration of the United Kingdom, in the edition for the time being in force, shall be the Pharmacopoeia in force in the Colony as the standard of quality or composition for all drugs or medicines, and for the method of preparation of all drugs or medicines, and of compounding of all mixtures thereof; and for the purposes of this Ordinance, the metre and the gramme shall be accepted respectively as legal units of measure and weight.

British Pharmacopoeia.

PART V. SALE AND SUPPLY OF MEDICINES.

45.-(1) It shall not be lawful for any person who is not a registered pharmacist, or the assistant manager or *bona fide* apprentice of a registered pharmacist, to sell by retail any drug or medicines whatsoever, whether protected by letters patent, whether Imperial or Colonial, or not, except as prescribed by this Ordinance.

Sale of drugs or medicines.

46.-(1) The Board may, on the application of any licensed storekeeper, grant such person a licence, called a Medicine Licence, to sell such articles as the Board deems fit; provided that no such licence shall be granted to any licensed storekeeper carrying on business within five miles of a registered pharmacist; and provided further that no such licence shall be granted to sell any of the drugs or medicines to which the provisions of subsection (2) of section thirty-eight of this Ordinance apply.

Medicine License.

(2) Such licence shall be granted for a period not exceeding twelve months and may be renewed.

(3) The Board shall prescribe fees for such licence.

(4) The licence shall be in the form prescribed by rule hereunder and shall state clearly the names of all articles which the licensee is permitted to sell.

(5) Every application for a licence under this section shall be accompanied by a report by the Administrative Officer in charge of the district in which the business is carried on.

Police to be notified of issue of licence.

47. Immediately on the granting of a licence the Board shall so inform the Administrative Officer or officer in charge of Constabulary of that district in which the licence has been granted.

Only drugs mentioned in licence may be sold.

48. It shall be lawful for a holder of such licence to sell or supply, or cause or suffer to be sold or supplied by his assistant or manager, only such drugs or medicines as, by virtue of such licence, he is entitled to sell or supply. Any person acting in contravention of this section shall be guilty of an offence and shall be liable to have his licence cancelled, and also to a penalty not exceeding twenty pounds; and in the case of a continuing offence to a further penalty not exceeding five pounds for every day, subsequent to the day on which he is found guilty of such offence, during which the offence continues.

Sale by wholesale of medicines or drugs.

49. It shall not be lawful for any person to sell any drug or medicine by wholesale to any person who does not possess a licence for the sale by retail of such drug or medicine.

Importation of drugs or medicines.

50.-(1) It shall not be lawful for any person to import for sale by retail any drug or medicine which under his licence he is not entitled to sell or supply.

(2) Any drug or medicine imported in contravention of this section shall be liable to confiscation and shall be disposed of in such manner as the Collector of Customs may direct.

(3) Any person importing or attempting to import any drug or medicine in contravention of this section shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds, and for a subsequent offence, to a penalty not exceeding one hundred pounds or imprisonment for a term not exceeding six months with or without hard labour.

No.2 of 1912.

(4) The provisions of the Gilbert and Ellice (Customs) Regulation 1912 shall apply to proceedings under this section.

Labels on medicines imported.

51. All medicines imported into the Colony shall state on the label affixed to the container the percentage of proof spirit, if any, which the medicine contains; and in the case of a medicine containing a poison as one of the ingredients, such label shall state the proportion which the poison contained in the preparation bears to the total contents. In the case of such proportion being stated as a percentage, the statement shall indicate whether the percentage is weight in weight, weight in volume or volume in volume.

Importation of certain drugs or appliances may be prohibited.

52. If the opinion of the Senior Medical Officer any drug, instrument or appliance brought into the Colony is or is likely to be injurious to the health or well-being of any person, he may certify in writing to the Collector of Customs that the same should not be allowed to be imported.

Provided that this section shall not apply to drugs, medicines, instruments or appliances imported by qualified medical practitioners, registered pharmacists, qualified veterinary surgeons or qualified dentists for *bona fide* medical, veterinary or dental treatment.

PART VI. POISONS.

Importation and sale of poisons.

53.-(1) It shall not be lawful for any person to import any poison except under a licence issued by the Board. Provided that this subsection shall not

apply to the importation of poisons by qualified medical practitioners, registered pharmacists, qualified veterinary surgeons or qualified dentists for *bona fide* medical, veterinary or dental treatment.

(2) It shall not be lawful for any person to sell or deal in any of the several articles included in Schedule C hereto, hereinafter referred to as "the Poisons List", except in the manner prescribed in this Ordinance.

(3) The High Commissioner may from time to time by order declare that any article named therein shall be deemed a poison within the meaning of this Ordinance and be added to Part I or Part II of Schedule C, as may be by such order directed.

(4) Any such order shall be published in the Gazette and on the expiration of three months from publication thereof, the article named therein shall be deemed to be added to such part of the said Schedule as may be directed in the Order.

(5) Any person acting in contravention of this section shall be liable to a penalty of one hundred pounds, and in the case of a continuing offence, to a further penalty of five pounds for each day, subsequent to the day on which he is convicted, during which the offence continues.

54. For the purposes of this Ordinance all registered pharmacists shall be authorized sellers of poisons and may, subject to the provisions of this Ordinance, sell and deal in poisons.

Pharmacists to be authorized sellers of poisons.

55. On the application of any holder of a store licence, and on payment of the prescribed fee, the Board may issue to such person a licence to sell poisons, hereinafter referred to as a "Poisons Licence", provided that -

Poisons Licence.

- (a) such application is accompanied by a report, signed by the Administrative Officer in charge of the district in which such retail store is situated, certifying that the applicant is a fit and proper person to hold such licence;
- (b) such licence shall only apply to one place of business;
- (c) no licence shall be granted empowering the holder thereof to sell or deal in any poisons included in Part I of the Poisons List;
- (d) such licence shall be for a period of twelve calendar months and may be renewed; and
- (e) such licence shall state specifically the poisons or class of poisons which the holder is licensed to sell or deal in.

56. The Board shall keep a book to be called "The Register of Premises", which shall be in the form prescribed by rules hereunder, and in which shall be entered the addresses of all premises where drugs, poisons or medicines are licensed to be sold, and such other particulars as may be prescribed by such rules.

Register of premises.

57.-(1) Subject to the provisions of this part of this Ordinance it shall not be lawful -

Prohibition and regulations with respect to the sale of poisons.

- (a) for a person to sell any poison included in Part I of the Poisons List, unless -
 - (i) he is an authorized seller of poisons; and
 - (ii) the sale is effected on premises registered under section fifty-six of this Ordinance; and
 - (iii) the sale is effected by or under the supervision of a registered pharmacist;
- (b) for a person to sell any poison included in Part II of the Poisons List, unless either -

- (i) he is an authorized seller of poisons and the sale is effected on premises registered under section fifty-six of this Ordinance; or
 - (ii) he is the holder of a Poisons Licence and the sale is effected on premises registered under section fifty-six of this Ordinance;
- (c) for a person to sell any poison, whether included in Part I or Part II of the Poisons List, unless the container of the poison is labelled in the prescribed manner -
- (i) with the name of the poison; and
 - (ii) in the case of a preparation which contains a poison as one of the ingredients, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients; and
 - (iii) with the word "poison" or other prescribed indication of the character of the article; and
 - (iv) with the name of the seller of the poison and the address of the premises on which it was sold.
- (2) Subject to the provisions of this Part of this Ordinance and to any rules made under this Ordinance dispensing with or relaxing any of the requirements of this subsection -

- (a) it shall not be lawful to sell any poison in Part I of the Poisons List to any person, unless that person is either -
- (i) certified in the manner prescribed by rules and by a person authorized by rules to give a certificate for the purposes of this section; or
 - (ii) known by the seller or by some registered pharmacist in the employment of the seller at the premises where the sale is effected;

to be a person to whom the poison may properly be sold; provided that no poison shall be sold or delivered to any person under the age of twenty-one years;

- (b) the seller of any such poison shall not deliver it until -
- (i) he has made or has caused to be made an entry in a book to be kept for that purpose, hereinafter called "The Poisons Book", stating in the form prescribed by rules the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under paragraph (a) of this subsection was given, the name and quantity of the article sold and the purpose for which it is stated by the purchaser to be required; and
 - (ii) the purchaser has affixed his signature to the entry aforesaid.

Exemption
with respect
to medicines.

- 58.**-(1) Nothing in the foregoing section shall apply -
- (a) to a medicine which is supplied by a qualified medical practitioner for the purposes of medical treatment, by a qualified dentist for the purposes of dental treatment, or by a qualified veterinary surgeon for the purposes of animal treatment;
 - (b) to a medicine which is dispensed by a registered pharmacist at his place of business; or
 - (c) to a poison forming part of the ingredients of a medicine which is supplied by a registered pharmacist at his place of business;
- provided that the requirements contained in the following provisions of this section shall be satisfied in relation thereto.

(2) The medicine shall be distinctly labelled with the name and address of the person by whom it was supplied or dispensed.

(3) On the day on which the medicine was supplied or dispensed or, if that be not reasonably practicable, on the day next following that day, there shall be entered in the prescription book the following particulars-

- (a) the date on which the medicine was supplied or dispensed;
- (b) the ingredients of the medicine and the quantity thereof supplied;
- (c) if the medicine was dispensed by a registered pharmacist the name or initials and, if it is known, the address of the person by whom, and the name and, if it is known, the address of the person to whom, and the date on which, the prescription was given;
- (d) if the medicine was not so dispensed, the name and address of the person to whom it was supplied;

Provided that the provisions of this subsection shall, in the case of a medicine supplied on a prescription on which the medicine has been supplied by the seller on a previous occasion, be deemed to be complied with if the day on which the medicine is supplied and the quantity thereof supplied are entered in the prescription book on that day or, if that is not reasonably practicable, on the day next following that day, together with a sufficient reference to an entry in that book duly recording the dispensing of the medicine on the previous occasion.

(4) In the case of a medicine which is supplied or dispensed by a registered pharmacist and is compounded by the person supplying or dispensing it or by a person in his employment, the medicine shall have been compounded or dispensed by or under the immediate and personal supervision of a registered pharmacist.

(5) In the case of a medicine which is supplied or dispensed by a registered pharmacist, the supplying or dispensing of the medicine shall be effected by or under the immediate and personal supervision of a registered pharmacist.

59. Except as provided by rules made hereunder nothing in the foregoing provisions of this part of this Ordinance shall extend to or interfere with -

- (1) the sale of poisons by wholesale dealing, provided that -
 - (a) such sale is to a registered pharmacist or to a holder of a Poisons Licence; or
 - (b) such sale is to a person who requires the article -
 - (i) for the purpose of his trade or business; or
 - (ii) for the purposes of enabling him to comply with any requirements made by or in pursuance of any Ordinance with respect to the medical treatment of persons employed by that person in any trade or business carried on by him; or
- (2) the sale of an article to a qualified medical practitioner, qualified dentist or qualified veterinary surgeon for the purpose of his profession.

Exemption with respect to sales wholesale and sales to certain persons.

60. It shall not be lawful for any holder of a poisons licence to use in connexion with his business any title, emblem or description reasonably calculated to suggest that he is entitled to sell any poison other than a poison which he is under this Ordinance entitled to sell; and if any person acts in contravention of this section, he shall be liable, in

Use of titles, emblems and descriptions.

respect of each offence, to a fine of not more than fifty pounds, and in the case of a continuing offence, to a further penalty of five pounds for each day, subsequent to the day on which he is convicted, during which the offence continues.

Prohibition of sale of poisons by means of automatic machine. **61.** It shall not be lawful for a poison to be exposed for sale in or offered for sale by means of an automatic machine, and any person acting in contravention of this section shall be liable to a penalty of not more than one hundred pounds, and in the case of a continuing offence, to a further penalty of five pounds for each day, subsequent to the day on which he is convicted, during which the offence continues.

PART VII. MISCELLANEOUS.

General penalty. **63.**-(1) A person who acts in contravention of or fails to comply with any of the provisions of this Ordinance, or any rule made under this Ordinance, for which no specific penalty is prescribed, shall be liable to a penalty of not more than fifty pounds, and in the case of a continuing offence, to a further penalty not exceeding ten pounds for every day, subsequent to the day on which he is convicted, during which the offence continues.

(2) In the case of proceedings against a person under this section for or in connexion with the sale, exposure for sale or supply of a poison effected by an employee -

(a) it shall not be a defence that the employee acted without the authority of the employer; and

(b) any material fact known to the employee shall be deemed to have been known to the employer.

(3) Notwithstanding any enactment prescribing the period within which proceedings may be commenced, proceedings for an offence under this Ordinance may be commenced at any time within the period of twelve months next after the date of the commission of the offence; or, in the case of proceedings instituted by or by the direction of the Resident Commissioner, either within the period aforesaid or within the period of three months next after the date on which evidence sufficient, in the opinion of the Resident Commissioner, to justify a prosecution for the offence comes to his knowledge, whichever period ends on the later date. For the purposes of this subsection, a certificate purporting to be signed by the Resident Commissioner as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

Application of Customs Regulation 1912. K.R.2 of 1912. **64.** Articles the importation of which is prohibited by this Ordinance and, to the extent to which their importation is prohibited, articles the importation of which is restricted by this Ordinance, shall be deemed to be goods the importation of which is prohibited under the Gilbert and Ellice (Customs) Regulation 1912; and subject to the provisions of this Ordinance, the said Regulation and any Regulation or Ordinance amending the same shall apply to such articles.

Commencement. **65.** This Ordinance shall come into operation on a date to be fixed by the High Commissioner by proclamation.

THE SCHEDULES.

SCHEDULE C.

(Vide section 53, subsection 2.)

THE POISONS LIST

Part I

Alkaloids, the following; their salts, simple or complex:-

Acetyldihydrocodeinone; its esters.

Apomorphine.

Benzoylmorphine.

Benzylmorphine.

Coca; alkaloids of.

Cocaine.

Codeine.

Cotarnine.

Diacetylmorphine.

Dihydrocodeinone; its esters.

Dihydrohydroxycodeinone; its esters.

Dihydromorphine; its esters.

Dihydromorphinone; its esters.

Ecgonine; its esters.

Ethylmorphine.

Morphine.

Papaverine.

Thebaine.

Barbituric acid; its salts; derivatives of barbituric acid their salts; compounds of barbituric acid, its salts, its derivatives, their salts with any other substance.

Cannabis (the dried flowering or fruiting tops of Cannabis sativa Linn.) the resin of cannabis; extracts of cannabis, tinctures of cannabis; cannabin tannate.

Opium.

Part II.