

BARBADOS

DRUG ABUSE (PREVENTION AND CONTROL) REGULATIONS, 1993

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The Drug Abuse (Prevention and Control) Act, 1990 (Act 1990-14) [¹]
THE DRUG ABUSE (PREVENTION AND CONTROL) REGULATIONS, 1993
The Minister in exercise of the powers conferred on him by sections 12, 24, 34(a) and 48
of the *Drug Abuse (Prevention and Control) Act, 1990* makes the following Regulations:

PART I
Preliminary

1. Citation

These Regulations may be cited as the *Drug Abuse (Prevention and Control) Regulations, 1993*.

2. Interpretation

In these regulations

"the Act" means the *Drug Abuse (Prevention and Control) Act, 1990*; ^{Act 1990-14}

"authorized as a member of a group", in relation to a person, means a person who may be deemed to be authorized by virtue of being a member of a class in respect of which the Minister has granted an authority for the purposes of regulation 6, 7 or 8;

"controlled drug" has the meaning assigned by section 3 of the Act;

"Formulary" means the Barbados National Drug Formulary prepared under section 5 of the *Drug Service Act* and as amended or revised from time to time;

"generally authorized", in relation to a person, means authorized under regulation 9 or 11, as the case may be, by virtue of being a member of a class specified in that regulation, or by being a person of a description so specified; and

"general authority" means the authority possessed by that person;

"group authority" in relation to a person who is a member of a class, means the authority granted by the Minister in respect of that class;

"licensed" means licensed by a licence or other written authorization issued by the Minister in respect of a specified person or of premises, as the case may be;

"preparation" means any preparation, admixture, extract or other substance containing a proportion of a controlled drug;

"prescription" means a prescription given -
for a single individual by a doctor for the purposes of medical treatment,
by a dentist for the purpose of dental treatment, or
by a veterinary practitioner for the purposes of animal treatment;
" recognized preparation" has the meaning assigned by regulation 17(4);
" register" means a bound book, and does not include a form of loose leaf register or card
index;
"retail business" means the business of retailing, dispensing or compounding drugs;
" retail dealer" means a person who carries on a retail business;
" wholesale dealer" means a person who carries on the business of selling drugs to
persons who buy to sell again.

PART II

Exceptions from certain provisions of the Act

3. Exceptions in respect of preparations specified in First Schedule Sections 4(1) and 6(1) of the Act (which prohibit the importation, exportation and possession of controlled drugs) shall not apply to the controlled drugs or preparations specified in the First Schedule.

4. Effect of licences or other authorizations issued under these regulations

Where any person is authorized by a licence or other written authorization issued by the Minister under these regulations and for the time being in force to import, export, produce, supply or offer to supply or have in his possession any controlled drug or preparation, it shall not by virtue of sections 4(1), 5(1) or 6(1) of the Act be unlawful for that person to import, export, produce, supply, offer to supply or have in his possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

5. Production of a controlled drug lawful in certain circumstances

Notwithstanding the provisions of section 5(1) (a) of the Act, a person may produce or carry on any process in the production of a controlled drug or preparation if -

- (a) he is generally authorized, or licensed under these regulations to do so;
- (b) he does so on premises on which he is so permitted by his general authority or on premises licensed under these regulations;
- (c) production of such drug is conducted in accordance with these regulations.

6. Supply and offering to supply a controlled drug in certain circumstances

(1) Notwithstanding the provisions of section 5 (1)(b) of the Act, a person may supply or offer to supply a controlled drug or preparation to any person who may have that drug in his possession if

- (a) the first-mentioned person is generally authorized, or licensed under these regulations so to do; or
- (b) the first-mentioned person is authorized as a member of a group so to do

(2) For the avoidance of doubt, the administration to another of a controlled drug or preparation

- (i) by or under the direct personal supervision and in the presence of a doctor;
- (ii) by or under the direct personal supervision and in the presence of a dentist in the course of dental treatment;
- (iii) under the authority of a doctor or a dentist by the person for the time being in charge of a ward, theatre or other department in
 - (a) a government hospital or government institution; or
 - (b) a hospital or home licensed under the *Health Services (Private Hospitals and Nursing Homes) Regulations, 1969*; [S.I. 1969 No. 235]
- (iv) by a person authorized as a member of a group to supply that drug in accordance with the terms and conditions of his group authority;
- (v) under the authority of a doctor in a private home or residence, shall be deemed not to be supplying the controlled drug.

7. Possession of controlled drug lawful in certain circumstances

Notwithstanding the provisions of section 6 of the Act, a person may be in possession of a controlled drug or preparation if

- (a) he is generally so authorized, or so licensed under these regulations; or
- (b) he is so authorized as a member of a group to possess a controlled drug or preparation

8. General authority to possess a controlled drug

(1) Notwithstanding the provisions of section 6 (1) of the Act, any of the following persons may have any controlled drug or preparation in his possession

- (a) a member of the Police Force, when acting in the execution of his duty as such;
- (b) a person engaged in the business of the Post Office, when acting in the course of that business;
- (c) an officer of the Customs and Excise Department, when acting in the course of his duty as such;
- (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 conveying the drug to a person authorized by these regulations to have it in his possession;
- (f) a person carrying on the business of a carrier or an employee of such a person, acting in the course of that business.

(2) Notwithstanding the provisions of section 6 (1) of the Act, and subject to paragraph

(3) a person to whom a controlled drug or preparation -

- (a) is supplied in accordance with these regulations by a doctor or a veterinary practitioner,
- (b) is supplied in accordance with these regulations on a prescription given by a doctor, dentist or a veterinary practitioner, shall be deemed to be a person generally authorized to be in possession of the controlled drug or preparation so supplied.

(3) A person who is supplied with a controlled drug or preparation by, or upon a prescription given by a doctor shall be deemed not to be a person generally authorized to be in possession of such drug under paragraph (2) if -

(i) he was at the time being supplied with a controlled drug or preparation by, or on a prescription given by another doctor in the course of medical treatment and did not disclose the fact to the first-mentioned doctor before the supply by him or on his prescription of the controlled drug or preparation;

(ii) he or any other person on his behalf made a declaration or statement for the purpose of obtaining such supply or prescription and the declaration or statement was false in particular thereof.

9. General authority for certain classes of persons to possess and supply controlled drugs

(1) Notwithstanding the provisions of sections 5 (1) (b) and 6 (1) of the Act and subject to these regulations, a person who is

(a) a doctor,

(b) a dentist;

(c) a veterinary practitioner;

(d) pharmacist -

(i) at a government hospital, pharmacy, or other government institution;

(ii) at a hospital or home licensed under the *Health Services (Private Hospitals and Nursing Homes) Regulations, 1969*;

[S.I. 1969 No. 235]

(e) for the time being in charge of a ward, theatre or other department in a hospital, home, or institution as mentioned in sub-paragraphs (i) and (ii) of paragraph (d);

(f) in charge of a laboratory used for the purposes of research or instruction and attached to

(i) a university, a university college, technical college or government hospital, or

(ii) any other institution that is approved by the Minister for the purpose of these regulations;

(g) the Government Analyst or any other qualified analyst authorized by the Minister in writing;

(h) a sampling officer for the purposes of section 14 of the *Food and Drugs (Adulteration) Act*;

(i) an inspector within the meaning of the *Health Services (Control of Drugs) Regulations, 1970*;

(j) a pharmacist, is authorized, so far as is necessary for the practice or exercise of his profession, function or employment and in his capacity as such a person, to be in possession of and to supply any controlled drug or preparation.

(2) Notwithstanding paragraph 1 (b), a dentist is not authorized to supply any controlled drug or preparation unless that drug is administered by him, or under his direct supervision and in his presence to a person receiving treatment from him.

(3) Notwithstanding paragraph (1) (e), a person referred to in that paragraph is not authorized to procure any controlled drug or preparation except -

(a) from a pharmacist employed or engaged in dispensing medicines at a hospital, home or institution as mentioned in paragraphs (1) (d) (i) and (1) (d) (ii) and on the

written order therefore signed by that person acting in accordance with the directions of the doctor or dentist in charge of a patient in the ward, theatre or other department; or

(b) where there is no person employed or engaged as mentioned in sub-paragraph (a), from or under the authority of a prescription issued by a doctor or dentist in charge of a patient in the ward, theatre or other department.

(4) Where no pharmacist is employed or engaged in dispensing medicines at a hospital, home or institution as mentioned in paragraphs (1) (d) (i) and (1) (d) (ii), the person in charge of the hospital, home or institution is authorized in so far as is necessary for the purposes of the hospital, home or institution and in his capacity as such to be in possession of and to supply controlled drugs and preparations.

(5) Any controlled drug or preparation in the actual custody of a person who is authorized under these regulations to be in possession thereof shall, except where the necessities of the practice of the profession, function or employment by virtue of which that person is so authorized otherwise require, be kept in a locked receptacle which can be opened only by him or by some other person who is authorized under these regulations to be in possession of that drug or preparation.

(6) Where a person employed or engaged in dispensing medicines complies with a written order referred to in paragraph (3) (a), he shall signify the fact by stamping or appropriately making the order.

(7) The order so stamped or appropriately marked under paragraph (6) shall be kept in the pharmacy, and a copy thereof shall be kept by the person for the time being in charge of the ward, theatre or other department of the hospital or institution for which the controlled drug or preparation was procured.

10. General authority for pharmacists to produce and retail controlled drugs

(1) Notwithstanding the provisions of section 5 (1) (a) of the Act, and subject to these regulations and to any other enactment relating to the possession, sale or storage of drugs and poisons, pharmacist in the course of his retail business may produce, retail, dispense, compound or supply any controlled drugs or preparations.

(2) Any controlled drug or preparation, (not being a preparation specified in the First Schedule) in the actual custody of a pharmacist in accordance with these regulations shall be kept in a locked receptacle which can be opened only by him or by some assistant of his who is a pharmacist and is not a person whose authority has been withdrawn under these regulations.

11. Special provisions in respect of owners or masters of ships

(1) Notwithstanding the provisions of section 6 and 5 (1) (b) of the Act, an owner or a master of a ship which does not carry on board a doctor as part of her complement is authorized -

(i) [Fourth Schedule]

so far as is necessary for the needs of the voyage to be in possession of any controlled drug or preparation specified in the Fourth Schedule; and

(ii) subject to any conditions imposed by the Minister, to supply the controlled drug or preparation to members of the crew.

(2) Where a controlled drug or preparation is supplied to a member of the crew of a ship under paragraph (1), an entry in the official log book shall be a sufficient record of the fact, if the entry specified the controlled drug or preparation so supplied.

(3) A controlled drug or preparation in the possession of the master or owner of a ship in accordance with this regulation shall, except where the necessity of supplying it to a member of the crew otherwise requires, be kept in a locked receptacle which can be opened only by the master or owner.

(4) The owner or master of a ship which is in a port in Barbados is authorized to procure such quantity of controlled drugs and preparations as the medical officer of the port within whose jurisdiction the ship is, certifies to be necessary for the voyage from Barbados.

(5) A Person who supplies a controlled drug or preparation in accordance with a certificate given under paragraph (4) shall record on the certificate the date on which the controlled drug or preparation was supplied and keep it among his records for inspection.

12. Exemption for midwives in respect of specified controlled drugs and preparations

(1) Notwithstanding the provisions of section 5 (1) (b) and 6 (1) of the Act, a midwife may, subject to the provisions of this Regulation -

(a) so far as necessary for the practice of her profession or employment as a midwife, have in her possession any controlled drug or preparation specified in the Fifth Schedule;

(b) [Fifth Schedule]

so far as necessary for the practice of her profession or employment as a midwife, administer any controlled drug or preparation specified in the Fifth Schedule;

(c) surrender to the appropriate medical officer of health any stocks of any controlled drug or preparation specified in the Fifth Schedule in her possession which are no longer required by her.

(2) Nothing in paragraph (1) authorizes a midwife to have in her possession any controlled drug or preparation specified in the Fifth Schedule which has been obtained otherwise than on a midwife's supply order signed by the appropriate medical practitioner.

(3) In this Regulation, the expression -
"appropriate medical practitioner" means -

(a) a doctor; or

(b) a person for time being in charge of a ward, theatre or other department in a government hospital or institution or a hospital, home or institution licensed under the *Health Services (Private Hospitals and Nursing Homes) Regulations, 1969*;

[S.I. 1969 No. 235]

" midwife" means a person whose name appears in the Midwives Register under the *Nurses and Midwives (Registration) Act*;

[Cap. 372]

" midwife's supply order" means an order in writing specifying the name and occupation of the midwife obtaining any controlled drug or preparation specified in the Fifth Schedule, the purpose for which it is required and the total quantity to be obtained.

PART III

Importation and Exportation of Controlled Drugs and Related Matters

13. Application to import, import authorization, import certificate

(1) A person who wishes to import any controlled drug or preparation, (not being a preparation specified in the First Schedule) shall apply to the Minister in writing stating

- (a) full particulars of the controlled drug or preparation he wishes to import;
- (b) the name and the address of the person from whom they are to be imported;

and

- (c) any other information that the Minister requires.

(2) [Second Schedule]

An import authorization in the form "A" set out in the Second Schedule, permitting the importation of any controlled drug or preparation, may be granted by the Minister, or a person authorized by him, to a person applying under paragraph (1).

(3) Where an import authorization is granted under paragraph (2), the Minister shall, subject to paragraph (4), issue in relation to the controlled drugs or preparations intended to be imported, an import certificate in the form "B" set out in the Second Schedule, which shall be forwarded by the intended importer to the person from whom the controlled drugs or preparations are to be obtained.

(4) Where a person to whom an import authorization is granted under paragraph (2) intends to import the controlled drug or preparation to which that authorization relates in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

14. Application to export and export authorization

(1) A person who wishes to export any controlled drug or preparation (not being a preparation specified in the First Schedule) shall apply to the Minister in writing stating

- (a) full particulars of the controlled drug or preparation he wishes to export;
- (b) the name and the address of the person to whom they are to be exported;
- (c) the port or post office from which they are to be exported;
- (d) the name of the ship or particulars of the aircraft on which they are to be

exported; and

- (e) any other information that the Minister requires.

(2) An application under paragraph (1) shall be accompanied by the certificate of official approval to import controlled drugs or preparations issued by the competent authority in the country to which the drug is to be exported.

(3) Subject to paragraph (6), where the Minister approves an application made under paragraph (1), an export authorization in the form "C" set out in the Second Schedule shall, upon production of an import certificate, be issued in respect of any controlled drug or preparation mentioned in the import certificate to any person named as exporter in that certificate.

(4) The export authorization shall be prepared in triplicate, two copies of which shall be issued to the exporter who shall dispatch one copy with the controlled drug or preparation when that drug is exported, and the third copy shall be dispatched to the appropriate authority in the country of ultimate destination.

(5) At the time of the exportation of a controlled drug, the exporter shall produce to the Comptroller of Customs the controlled drug, the export authorization relating thereto,

and such other evidence as is necessary to satisfy the Comptroller that the drug is being lawfully exported to the place and person named in the authorization.

(6) The provision in relation to the production of an import certificate under paragraph (3) shall not apply where the intended exportation is to a country which is not a party to any of the Conventions mentioned in the Act.

15. Form of removal licence and of diversion certificate

(1) The removal licence to be granted by the Minister under section 15 of the Act shall be in the form "D" set out in the Second Schedule.

(2) The diversion certificate to be issued by the Minister under section 17 of the Act shall be in the form "E" set out in the Second Schedule.

16. Consignment of controlled drugs between places outside Barbados

(1) Where any controlled drugs permitted under the law of a country other than Barbados to be exported from that country to a destination other than Barbados are brought into Barbados in transit, no person shall cause or procure those drugs to be diverted to any other destination, unless he is licensed under these regulations and complies with the terms of his licence.

(2) For the purposes of paragraph (1), the destination to which any controlled drugs are permitted to be exported shall be deemed to be the destination stated in the permission for export issued by the country of export.

PART IV

Requirements as to Documentation and Record keeping

17. Form of prescription

(1) A person who in accordance with these regulations issues prescription for a controlled drug or preparation shall comply with the requirements of paragraph(2).

(2) The prescription shall

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

(b) be so written as to be indelible;

(c) specify the address of the person issuing it;

(d) specify the name and address of the person for whose treatment it is issued or of the person to whom drug or preparation is to be delivered where the person issuing the prescription is a veterinary practitioner;

(e) have written on it, if issued by

(i) a dentist, the words "For local dental treatment only,";

(ii) a veterinary practitioner, the words "For animal treatment only.";

(f) specify the dose to be taken, administered or injected and the frequency of the dose and the period of the administration of the dose and

(i) if the controlled drug or preparation prescribed is a recognized preparation or is packed in ampoules, specify the total amount of the recognized preparation or the total number of ampoules to be supplied,

(ii) in any other case, specify the total quantity of the controlled drug or preparation to be supplied.

(3) Paragraph (2) (d) shall be deemed to have been complied with if a prescription issued for the treatment of a patient in a hospital or other government institution or home mentioned in paragraph (1) (d) of regulation 9 is written on the patient's bed card or case sheet, and the usual signature of the person issuing the prescription.

(4) For the purposes of sub-paragraph (f) of paragraph (2), "recognized preparation" means a preparation contained in the Formulary.

18. Supply of controlled drugs on prescription

(1) No person shall supply a controlled drug or preparation on a prescription

(a) unless the prescription complies with regulation 17 (2);

(b) unless

(i) he is familiar with the signature of the person by whom it purports to be given and has no reason to believe that it is not genuine, or

(ii) he has taken reasonable steps to satisfy himself that it is genuine;

(c) before the date specified (if any) in the prescription.

(2) A controlled drug or preparation shall not be supplied on any one prescription more than once, unless the prescription so specifies and directs the number of times not exceeding three and the intervals at which the controlled drug or preparation may be supplied.

(3) A person who dispenses a prescription for a controlled drug or preparation shall, at the time of dispensing it, record thereon the date on which it is dispensed, and, in the case of a prescription that may be dispensed more than once, the date of each such occasion, and keep it among his records for inspection.

19. Supply of controlled drug otherwise than by prescription

(1) Where a controlled drug or preparation (not being a preparation specified in the First Schedule) is lawfully supplied to a person, in this regulation referred to as the "recipient," otherwise than by, or on a prescription given by a doctor, the person supplying the drug or preparation, in this regulation referred to as the "supplier", shall not deliver it to the person who purports to be sent by the recipient, unless that person -

(a) is generally authorized, or licensed or authorized as a member of a group, to be in possession of that controlled drug or preparation; or

(b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorized by the recipient to receive the controlled drug or preparation on behalf of the recipient and the supplier is reasonably satisfied that the document is genuine.

(2) A person to whom a controlled drug or preparation is delivered under paragraph (1) shall be deemed to be a person authorized to be in possession of that drug or preparation, but only for such period as is reasonably necessary to enable delivery to be made to the recipient.

20. Marking of bottles and other containers

(1) Subject to paragraph (2), no person shall supply a controlled drug or preparation otherwise than in a bottle, package or other container which is plainly marked

(a) in the case of a controlled drug which is not a recognized preparation, with the amount of the controlled drug contained therein;

(b) in the case of a controlled drug or preparation which is a recognized preparation

(i) in the case of a powder, solution or ointment, with the total amount of the preparation in the package, bottle or other container and the percentage of the controlled drug contained in the powder, solution or ointment;

(ii) in the case of cachets, single dose injections, lozenges, suppositories, pills, tablets or other similar articles, with the amount of the controlled drug in each article and the number of articles in the package, bottle or other container.

(2) Paragraph (1) does not apply to a controlled drug or preparation supplied by or on a prescription issued by a doctor or to the supply of any controlled drug or preparation specified in the First Schedule.

21. Keeping of registers and other records

(1) A person, other than person authorized under regulation 9 (1) (e), who is generally authorized, licensed, or authorized as a member of a group to supply any controlled drug or preparation shall in addition to complying with the requirements of regulation 22-

(a) keep a register in the form specified in Part I or Part II of the Third Schedule, as the case may be, true particulars in relation to any quantity of a controlled drug or preparation (other than a controlled drug or preparation specified in the First Schedule) that may be obtained by him and in relation to any quantity of a controlled drug or preparation (other than a controlled drug or preparation specified in the First Schedule) supplied or procured by him;

(b) use a separate register or separate part of the register for entries made in relation to each of the controlled drugs specified in Parts I, II and III of the First Schedule to the Act;

(c) where there is a difference in the strength of a controlled drug or preparation, use a separate register or separate part of the register for that drug or preparation.

(2) A pharmacist shall, in addition to complying with paragraph (1) enter in the register the quantity of any controlled drug or preparation (other than a preparation specified in the First Schedule), used by him for producing a preparation or making up a prescription.

(3) Every person required to keep a register for the purposes of this regulation shall on the 30th June and the 31st December in each year total all the entries up to date and strike a balance in the register so as to show in relation to each drug or preparation the difference between the quantity received and the quantity supplied.

(4) Notwithstanding paragraph (1) (a), a doctor shall be deemed to have complied with the requirements of keeping a register for the purposes of that paragraph, if he enters

(i) in a day book, true particulars of any controlled drug or preparation supplied by him to any person, the name and address of that person and the date of the supply;

(ii) in a separate book kept for the purposes of this regulation, a proper reference to each such entry.

(5) For the purposes of paragraph (4) (ii), "a proper reference" means a reference entered in the separate book under the same date as that on which the entry in the day book was made and is otherwise such as to enable that entry to be easily identified.

(6) A reference in the separate book referred to in paragraph (4) (ii) shall be made in chronological order and the book shall be kept in separate parts, each in respect of the

controlled drugs specified in Parts I, II, and III of the First Schedule to the Act, and the book shall be used only for the purposes of paragraph (4).

(7) The entries in the day book and in the separate book shall be made on the day on which, but for paragraph (4), an entry would have been made in the register under regulation 22(1), and paragraph (c) of that regulation applies to such entry as if it were an entry in the register kept under that regulation.

(8) A doctor, dentist or veterinary practitioner who obtains or supplies any controlled drug or preparation packed in ampoules shall be deemed to have complied with the requirements of paragraph (1) (a) or in the case of a doctor, of paragraph (4), if he enters as the amount which he has obtained or supplied, as the case may be, true particulars as to either the total quantity of the controlled drug or preparation, or the total quantity thereof intended to be administered or injected.

(9) The day book and the separate book mentioned in paragraph (4) shall be kept on the premises to which they relate, so as to be available at all reasonable times for inspection.

(10) For the purposes of this regulation a controlled drug or preparation administered by or under the direct supervision and in the presence of a doctor or dentist shall be deemed not to have been supplied by him.

(11) A producer of, or retail or wholesale dealer in, any controlled drug or preparation to which the First Schedule applies shall keep every invoice or other like record issued in respect of each quantity of any such controlled drug or preparation supplied or obtained by him, as the case may be.

22. Requirements as to the keeping of registers

(1) A person required to keep a register under regulation 21 shall comply with the following requirements, that is to say

(a) the class of controlled drugs or preparations to which the entries on any page of the register relate shall be specified at the head of that page;

(b) every entry required to be made in the register in accordance with regulation 21 shall be made on the day on which the controlled drug or preparation is obtained or, as the case may be, on which the transaction in respect of the supply of the controlled drug or preparation by the person required to make the entry takes place, or, if that is impracticable, then on the next following day;

(c) no cancellation, obliteration or alteration of any entry in the register shall be made, and a correction of any such entry shall be made only by way of a marginal note or footnote specifying the date on which the correction is made;

(d) the entries and corrections (if any) in the register shall be made in ink or otherwise so as to be indelible;

(e) the register shall not be used for any purpose other than the purposes of these regulations.

(2) A person required to keep a register under regulation 21 shall, at the request of the Minister or of any person authorized in writing by the Minister in that behalf

(a) furnish such particulars as may be requested in relation to the obtaining or supplying by him of any controlled drug or preparation or with regard to any stock of controlled drugs or preparations in his possession;

(b) produce any stock of controlled drugs or preparations in his possession for the purpose of confirming any particular furnished under the preceding subparagraph; and

(c) produce such register, book, or document in his possession relating to any dealings in controlled drugs or preparations as may be requested.

(3) A separate register shall be kept in respect of each set of premises at which the person required to keep the register carries on business, but, unless otherwise provided, not more than one register shall be kept at any one time in respect of each class of controlled drugs or preparations for which he is required to keep a separate register or part of a register, but that separate register may, with the approval of the Minister, be kept in respect of each department of the business carried on by him.

(4) The register shall be kept at the premises to which it relates and available at all reasonable times for inspection.

23. Preservation of documents

(1) All registers, records, books, prescriptions and other documents which are kept, issued or made in accordance with or for the purposes of these regulations shall be preserved

(a) in the case of a register, book or other like record, for a period of 2 years from the date on which the last entry was made;

(b) in the case of any other document, for a period of 2 years from the date on which it was issued or made.

(2) For the purposes of paragraph (1) the keeping of a copy made during the period of 2 years of any document required to be kept in accordance with regulation 21(11) shall be deemed to be the keeping of the original document.

24. Agents acting in the transfer of business and stock-in-trade

For the purposes of these regulations, a person shall not be deemed to be procuring or offering to procure a controlled drug or preparation for any person by reason only that he, in the course of his business as agent for another, offers for transfer or acts in the transfer of a business or stock-in-trade which includes controlled drugs and preparations.

25. Construction of authorization or authority

Subject to any conditions specified in or to any limitation attached to his authorization or group authority, as the case may be,

(a) a person who is generally authorized or licensed to manufacture a controlled drug or preparation shall be deemed to be generally authorized, or, as the case may be, licensed to supply that drug or preparation;

(b) a person who is generally authorized or licensed or authorized as a member of a group to supply a controlled drug or preparation shall be deemed to be generally authorized, or, as the case may be, licensed or authorized as a member of a group to be in possession of, to procure, and to advertise for sale, that controlled drug or preparation.

26. Transitional provisions

(1) Any import authorization or import certificate granted for purposes of section 4(2) of the Act and in force immediately before the coming into force of these regulations shall continue in force for the same period of time as if the *Narcotic Drugs Regulations* [2]

now repealed had not been repealed and shall have effect as if it had been issued for the purposes of regulation 13.

(2) Any export authorization granted for purposes of section 4(2) of the Act and in force immediately before the coming into force of these regulations shall continue in force for the same period of time as if the *Narcotic Drugs Regulations* now repealed had not been repealed and shall have effect as if it had been issued for the purposes of regulation 14.

(3) Any removal licence or diversion certificate issued for purposes of section 15 or 17 of the Act and in force immediately before the coming into force of these regulations shall continue in force for the same period of time as if the *Narcotic Drugs Regulations* now repealed had not been repealed and shall have effect as if it had been issued in accordance with regulation 15.

FIRST SCHEDULE

(Regulations 3, 10, 13, 14, 20, 21, 23)

Controlled drugs or preparations excepted from the provisions of sections 4(1) and 6 (1) of the Act and from regulations 10(2), 13, 14, 20(1), 21 (1) and (2) but subject to the requirements of regulations 21(11) and 23.

1. Preparations of Acetyldihydrocodeine, Codeine, Dihydrocodeine, Ethylmorphine, Nicodicodeine, Norcodeine and Pholcodine when compounded with one or more other ingredients and containing not more than one hundred milligrammes of the substance per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

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

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

5. Preparations of propiram containing not more than 100 milligrammes of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

6. Pulvis ipecacuanhae et opii compositus

10 per cent opium in powder;

10 per cent ipecacuanha root, in powder well mixed with

80 per cent of any other powdered ingredient containing no controlled drug.

7. A preparation or mixture containing not more than one substance specified in paragraphs 1 to 6 and containing no other controlled drug.

SECOND SCHEDULE

FORM "A"

BARBADOS
(Regulation 13(2))

Import Authorization No.

File No.

Applicant's Reference No

MINISTRY OF HEALTH

THE DRUG ABUSE (PREVENTION AND CONTROL) ACT

IMPORT AUTHORISATION

In pursuance of the *Drug Abuse (Prevention and Control) Act*, the Minister hereby authorizes(name and full postal address of importer) (hereinafter referred to as "the Importer") to import the controlled drugs specified in the Schedule hereto, from(name and full postal address of exporter).

[Cap. 140 A]

This authorization is issued subject to the following conditions:

- (1) The drug shall be imported before the day of 19.
- (2) This authorization shall not be deemed to be an authorization to be in possession of or to supply the controlled drug imported.
- (3) This authorization does not relieve the importer from compliance with any Customs Regulations in force for the time being relating to the importation of goods into, or trans-shipment of goods in, Barbados or any Post Office Regulations for the time being in force in Barbados.
- (4) This authorization is valid only for the importer and may be revoked at any time by the Minister to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorized person.
- (5) This authorization shall, unless sooner revoked, be produced to the Customs Officer at the time of importation and shall be surrendered to him at the time when the last consignment of controlled drugs is imported.
- (6) If the importation of all the controlled drugs specified in the Schedule hereto is not effected before the date specified in condition No. 1, this authorization shall immediately after that date be surrendered to the Minister.
- (7) The copy of the export authorization, if any, which accompanies the controlled drugs shall be forwarded to the Comptroller of Customs immediately the importation of the controlled drugs has been brought into Barbados by Parcel Post, a receipt for those drugs shall be given by the Importer on such copy when taking the drugs from the Parcel Post Office and the Postmaster-General shall immediately forward the receipted copy to the Comptroller of Customs.
- (8) The acknowledgement of the receipt of the drugs imported by virtue of this authorization shall be signed by the importer.

Date

Minister responsible for Health

(Specify the drugs and quantities thereof to be imported)

(THIS AUTHORISATION IS NOT TO LEAVE THE POSSESSION OF THE IMPORTER UNTIL IT IS SURRENDERED TO THE MINISTER OR TO THE CUSTOMS OFFICER, who will complete the certificate on the back and return the Authorization to the Minister).

If the drugs have been brought into Barbados by Parcel Post this Authorization shall be produced to the Postmaster who shall make or cause to be made the necessary entry in the endorsement on the back hereof and return it to the Importer who shall surrender it to the Customs Officer as provided by the other conditions contained herein.

ENDORSEMENT BY CUSTOMS OFFICER
at the time of Importation

Date	No. and Date of (Export Authorization)	Description of Drugs Imported	Quantity	How Imported	Customs Entry or Parcel No.	Signature of Customs and/or Post Office Officer
	No. Date					

ACKNOWLEDGEMENT OF RECEIPT BY THE IMPORTER

I,, Importer hereby acknowledge the receipt of the above mentioned controlled drugs.

(This authorization must be returned by the Custom Officer to the Minister responsible for Health when all the drugs to which it relates have been imported and the above receipt signed).

FORM "B"

BARBADOS
[(Regulation 13(3))]

No

File No.

THE DRUG ABUSE (PREVENTION AND CONTROL) ACT
IMPORT CERTIFICATE

1. To be completed in all cases	1. I hereby certify that the Minister of Health being the Authority charged with the administration of the law relating to the drugs to which the Conventions apply has approved the importation by
(a) Name, address and business of importer.	(a) of
(b) Exact description and amount of drugs to be imported, including the international non-propriety name, if any.	(b) from
(c) Name and address of firm in exporting country from which the drug is to be obtained.	(c)

	2 It is hereby certified that these drugs are required in Barbados exclusively for medical and scientific purposes and that they may not be re-exported without approval. The Certificate is valid for importation until.....19The Consignment(s) should be shipped by ocean freight, air freight or insured parcel post.
Date	Minister responsible for Health

FORM "C"

[(Regulation 14(3))]

Export Authorization

No.

File No.

Applicant's Reference No.

THE DRUG ABUSE (PREVENTION AND CONTROL) ACT

EXPORT AUTHORISATION

The Minister of Health, being the competent authority to issue export authorization for controlled drugs and having in his possession import certificate No..... dated issued by..... (competent authority in importing country) allowing the import into (country of destination) of the following kinds and amounts of controlled drugs, hereby authorizes Mr. (name and address of exporter named in import certificate) to export to (name and address of importer named in import certificate) the following controlled drugs:

Name of drugs	International Non-proprietary name (if any)	Quantity, kind and number of packages	Basic drug content in weight

The export shall take place through the Customs office at and not later than (date and year). The shipment must be made in only one consignment (alternatively in two or more consignments, if so stated in import certificate).

This authorization is issued subject to the following additional conditions:

- (1) This authorization shall not be deemed to be an authorization to obtain or be in possession of the controlled drugs named herein.
- (2) This authorization is available only for controlled drugs of the exact quantity, kind and form specified above.
- (3) This authorization does not relieve the exporter from compliance with any Customs Regulations in force for the time being relating to the exportation of goods from Barbados nor from any provision of the *Post Office Act* or any Post Office Regulations for the time being in force, nor from any rules or regulations respecting the transmission of articles by post which may for the time being in force, whether within Barbados or elsewhere.
- (4) If the controlled drugs are authorized to be exported by ship, the attached duplicate copy shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the Master of the vessel by which the consignment is dispatched.
- (5) If the controlled drugs are authorized to be exported by post, the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the controlled

drugs. If the controlled drugs are contained in more than one parcel, the duplicate copy shall be placed inside the outer wrapper of one of them; the parcel 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.

(6) The exporter shall, if so required by the Comptroller of Customs and Excise, produce to him within the time allowed, proof of his satisfaction that the said controlled drugs were duly delivered at the destination named in this authorization, and in the event of non-compliance with this condition the authorization shall be deemed to be void and of no effect whatsoever.

(7) The exporter shall furnish to the Minister such returns in respect of the controlled drugs exported by him in pursuance of this authorization as may from time to time be required by the Minister.

(8) This authorization is valid only for the exporter named above and may be revoked at any time by the Minister. It shall be produced for inspection when required by any person duly authorized in this respect.

(9) This authorization shall, unless sooner revoked, continue in force for three calendar months from the date of its issue. It must be produced at the time of export, to an officer of -

(1) [*] the Customs Department,

(2) [*] the Post Office

who will retain it. If not used, it shall be surrendered to the Minister within seven days of the date of its expiry.

Minister responsible for Health

Date

*Strike out words not applicable

FORM "D"
[(Regulation 15(1))]

THE DRUG ABUSE (PREVENTION AND CONTROL) ACT
LICENCE FOR THE REMOVAL OF CONTROLLED DRUGS IN TRANSIT

..... is hereby authorized to move the controlled drugs described hereunder fromtoNature and quantity of controlled drugsParticulars of export authorization (or diversion certificate if any) relating thereto Name of ship on which the controlled drugs were brought into Barbados Date of arrival..... Number of packages..... Marks and numbers on package..... This licence is issued subject to the following conditions:

(1) This licence is valid only for the removal of the controlled drugs specified above.

(2) The removal of the controlled drugs shall take place between a.m. and p.m. anda.m. and.....p.m. on the(insert date)

(3) If the removal of the controlled drugs does not take place within the hours and on the day specified, this licence must be returned to the Comptroller of Customs forthwith; and in any case shall be surrendered when the removal has taken place.

(4) The controlled drugs must not be removed unless an Officer of the Customs Department is present.

(5) This licence does not authorize the person named above to be in possession of the controlled drugs otherwise than for the purpose of removing them in accordance with this licence.

(6) The packages containing the controlled drugs are not to be opened or broken in the course of the removal.

(7) This licence shall be produced at any time when required by any person duly authorized in this respect.

Date

Comptroller of Customs

FORM "E"

Diversion Certificate issued in Barbados

[(Regulation 15(2))]

THE DRUG ABUSE (PREVENTION AND CONTROL) ACT
DIVERSION CERTIFICATE

I, being charged with the administration of the law relating to the controlled drugs to which the provisions of the Conventions apply hereby certify that I have authorized the diversion of the consignment of drugs, of which particulars are given below to the destination stated below:

Description and quantity of drugs

Name and vessel on which the consignment was brought to Barbados

.....

Name and address of the exporter

Number and date of export authorization, and authority by whom issued

.....

Name and address of original consignee named in the export authorization

.....

Name and address of consignee to whom the consignment is authorized to be diverted

.....

Number and date of import certificate (and authority by whom issued) by virtue of which this diversion is authorized

.....

Name of vessel on which the consignment is authorized to be carried from Barbados

.....

Period within which the consignment is to be carried from Barbados

.....

This certificate is issued subject to the following conditions:

(1) The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for the purpose shall be delivered to the Master of the vessel by which the consignment is dispatched.

(2) This certificate does not relieve any person who may be concerned with the carriage of the consignment of the controlled drugs specified above from compliance with any Customs Regulations in force for the time being relating to the exportation of goods from Barbados.

(3) This certificate is valid only for the consignment and for the period specified above, and may be revoked at any time.

(4) If the consignment of the controlled drugs is not carried from Barbados within the period specified above, this certificate shall be surrendered to the Minister.

(5) This certificate shall be produced at any time when required by any person duly authorized in this respect.

Date

Minister responsible for Health

THIRD SCHEDULE
[(Regulation 21)]
FORM OF REGISTER

Part I

(Entries to be made in case where the person making the entries obtains controlled drugs from another person)

Part II

(Entries to be made in case where the person making the entries supplied controlled drugs to another person)

FOURTH SCHEDULE
[(Regulation 11)]

Controlled drugs and Preparations in respect of which special provisions apply for use by owners and masters of ships.

1. The following substances, namely:

Benzphetamine

Phendimetrazine

Pipradrol

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 specified in any of paragraphs 1 to 3, not being a preparation specified in the First Schedule.

FIFTH SCHEDULE
[(Regulation 12)]

Controlled Drugs and Preparations in respect of which special provisions apply for use by midwives.

1. The following substances, namely:

Pethidine

Pethilorfan

2. Any stereoisomeric form of a substance specified in paragraph 1.
3. Any ester or other of a substance for the time being specified in paragraph 1 or 2.
4. Any salt a substance for the time being specified in any of paragraphs 1 or 3.
5. Any preparation or product containing a substance or product for the time being specified in any of paragraphs 1 to 4.
6. Any preparation designed for administration by injection which contains a substance or product for the time being specified in the First Schedule.

Made this 4th day February, 1993.

B. M. TAITT

Minister responsible for Health

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*Strike out words not applicable