

[Chap3502]CHAPTER 35:02

DANGEROUS DRUGS

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28 of 1955(F)

25 of 1956(F)

20 of 1995

G.N.224/1963

(F) 219/1964(N)

An Act to control the importation, exportation, production, possession, sale, distribution, and use of dangerous drugs, and for matters incidental thereto

[1ST APRIL 1956]

PRELIMINARY

[Ch3502s1]1. Short title

This Act may be cited as the Dangerous Drugs Act.

[Ch3502s2]2. Interpretation

(1) In this Act, unless inconsistent with the context—

“corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of another country to be a law providing for the control and regulation in that country of the manufacture, sale, use, export, and import of drugs in accordance with the Hague Convention, the Geneva Convention (No. 1), and the Geneva Convention (No. 2);

“Geneva Convention (No. 1)” means the International Opium Convention signed at Geneva on the 19th February, 1925;

“Geneva Convention (No. 2)” means the International Convention for limiting the manufacture, regulation, and distribution of narcotic drugs signed at Geneva on the 13th July, 1931;

“Hague Convention” means the International Opium Convention signed at the Hague on the 3rd January, 1912;

“inspector” means an inspector appointed under section 15;

“superior police officer” means a police officer above the rank of inspector of police.

(2) In any certificate such as is referred to in the definition of “corresponding law” in subsection (1), a statement as to the effect of the law mentioned in such certificate or a statement in any such certificate that any facts constitute an offence against that law shall be conclusive.

PART I

COCA LEAVES, INDIAN HEMP, AND RAW OPIUM

[Ch3502s3]3. Application of this part

(1) The drugs to which this Part applies are—

(a) coca leaves;

(b) "Indian hemp", "bhang", "camba", "dagga", "mbanje" or "intsangu", resins obtained therefrom and all preparations of which such resins form the base;

(c) raw opium.

(2) In this section—

"coca leaves" means the leaves of any plant of the genus of the erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation;

"Indian hemp", "bhang", "camba", "dagga", "mbanje" or "intsangu" means the whole or any portion, whether green or dry, of the plant, including the seeds thereof, but excluding—

(a) any fibre extracted from the plant for use as or in the manufacture of cordage, canvas or similar products; or

(b) any seed which has been crushed, comminuted or otherwise processed in such a manner as to prevent germination; or

(c) the fixed oil obtained from the seed;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

"raw opium" includes powdered or granulated opium, but does not include medicinal opium.

(3) Any reference in this Part or in any regulation made thereunder to plants from which such drugs are derived shall include a reference to the plant "Indian hemp", "bhang", "camba", "dagga", "mbanje" or "intsangu".

[Ch3502s4]4. Restriction on import and export of drugs to which this Part applies and of plants from which such drugs are derived

No person shall import into or export from Malawi any drugs to which this Part applies, or plants from which such drugs are derived, except under and in accordance with the terms of a licence issued by the Minister.

[Ch3502s5]5. Special restriction on export to certain countries of drugs to which this Part applies and of plants from which such drugs are derived

If at any time the importation into a foreign country of a drug to which this Part applies or plant from which any such drug is derived is prohibited or restricted by the laws of that country, there shall, while that prohibition or restriction is in force, be attached to every licence which is issued under this Act authorizing the export of that drug or plant from Malawi, such conditions as appear necessary for preventing or restricting, as the case may be, the exportation of that drug or plant from Malawi to that

country during such time as the importation of that drug or plant into that country is so prohibited or restricted, and any such licences issued before the prohibition or restriction came into force shall, if the Minister by order so directs, be deemed to be subject to the like conditions.

[Ch3502s6]6. Regulations

The Minister may by regulation—

(a) prohibit, control, or restrict the production, possession, sale, or distribution of drugs to which this Part applies, and the cultivation of plants from which such drugs are derived;

(b) prescribe measures to be taken for the eradication of plants, to which regulations made under paragraph (a) apply, found to be growing wild.

PART II

PREPARED OPIUM

[Ch3502s7]7. Interpretation in this Part

In this Part "prepared opium" means opium prepared for smoking and dross and any other residue remaining after opium has been smoked.

[Ch3502s8]8. Import and export of prepared opium prohibited

No person shall import into or export from Malawi any prepared opium.

[Ch3502s9]9. Offences

No person shall—

(a) manufacture, sell, or otherwise deal in prepared opium;

(b) have in his possession any prepared opium;

(c) being the occupier of any premises, permit those premises to be used for the purpose of the preparation of opium for smoking or the sale or smoking of prepared opium;

(d) be concerned in the management of any premises used for any purpose referred to in paragraph (c);

(e) have in his possession any pipes or other utensils for use in connexion with the smoking of opium or any utensils used in connexion with the preparation of opium for smoking; or

(f) smoke or otherwise use prepared opium or frequent a place used for the purpose of opium smoking.

PART III

MEDICINAL OPIUM, COCAINE, MORPHINE, AND OTHER DRUGS

[Ch3502s10]10. Application of this Part

(1) Save as is provided in Part IV, the drugs to which this Part applies are the drugs specified in the Schedule.

(2) If it appears to the Minister that any derivative of morphine or cocaine or of any salts of morphine or cocaine or any alkaloid of opium or any other drug of whatever kind not specified in the Schedule—

(a) is or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as or analogous to those produced by morphine or cocaine; or

(b) is capable of being converted into a substance which is likely to be productive, if improperly used, of such effects;

he may by notice published in the Gazette apply this Part to such derivative or alkaloid or drug in the same manner as it applies to drugs specified in the Schedule.

(3) The Minister may by notice published in the Gazette apply this Part, with such modifications as may be specified, to any of the following drugs—

methylmorphine (commonly known as codeine);

and ethylmorphine;

and their respective salts.

(4) If it is made to appear to the Minister that a finding with respect to a preparation containing any of the drugs to which this Part applies has, in pursuance of article 8 of the Geneva Convention (No. 1), been communicated by the Economic and Social Council of the United Nations to the parties to the said Convention, the Minister may by notice published in the Gazette, declare that this Part shall, as from such date as may be specified in the notice, cease to apply to the preparation specified therein.

[Ch3502s11]11. Restriction on import and export of drugs to which this Part applies

No person shall import into or export from Malawi any drugs to which this Part applies, except under and in accordance with the terms of a licence issued by the Minister.

[Ch3502s12]12. Power to control manufacture, sale, etc., of drugs to which this Part applies

(1) For the purpose of preventing the improper use of the drugs to which this Part applies, the Minister may by regulation prohibit, control, or restrict the manufacture, sale, possession, or distribution of those drugs and in particular, but without prejudice to the generality of the foregoing—

(a) prohibit the manufacture of any such drug except on premises licensed for the purpose by the Minister and subject to any conditions specified in the licence;

(b) prohibit the manufacture, sale, or distribution of any such drug except by persons licensed or otherwise authorized under the regulations by the Minister and subject to any conditions specified in the licence or authority;

(c) regulate the issue of prescriptions containing any such drug and the dispensing of any such prescriptions; and

(d) require persons engaged in the manufacture, sale, or distribution of any such drug to keep such books and furnish such information either in writing or otherwise as may be prescribed by the regulations.

(2) Regulations made under this section shall provide for authorizing a person lawfully carrying on business in accordance with any law relating to pharmacy and poisons as an authorized seller of poisons—

(a) in the ordinary course of his retail business to manufacture, at any premises duly registered under any such law, any preparation, admixture or extract of a drug to which this Part applies; or

(b) to carry on at any such premises as aforesaid the business of retailing, dispensing, or compounding any such drug,

subject to the power of the Minister to withdraw the authorization in the case of a person who has been convicted of an offence against this Act and who cannot, in the opinion of the Minister, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any regulations made under this section shall be deemed to authorize the sale by retail of poisons by a person who is not qualified in that behalf under or otherwise than in accordance with any law relating to pharmacy and poisons or to be in derogation of any such law prohibiting, restricting, or regulating the sale of poisons.

PART IV

CONTROL OF TRADE IN NEW DRUGS

[Ch3502s13]13. Prohibition of trade, etc., in new drugs

No person shall trade in or manufacture for the purposes of trade any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the 13th July, 1931, being used for medical or scientific purposes:

Provided that if the Minister is satisfied that any such product is of medical or scientific value, he may by notice published in the Gazette direct that this section shall cease to apply to that product.

[Ch3502s14]14. Power to apply Part III to new drugs

If it is made to appear to the Minister that a decision with respect to any product mentioned in section 13 has, in pursuance of article 11 of the Geneva Convention (No. 2), been communicated by the Secretary-General of the United Nations to the parties to the said Convention, the Minister may by notice published in the Gazette, as the circumstances require, either declare that Part III shall apply to that product in the same manner as they apply to the drugs to which Part III applies, or apply Part III to that product with such modifications as may be specified in the notice.

PART V

GENERAL

[Ch3502s15]15. Appointment of Inspectors

(1) Subject to subsection (2), the Minister shall appoint one or more inspectors for the purpose of enforcing this Act.

(2) No person shall be qualified for appointment as an inspector unless he is a person duly authorized to act as a compounder or dispenser of poisons or drugs in terms of any law relating to pharmacy and poisons.

[Ch3502s16]16. Powers of inspection

(1) Any inspector shall, for enforcing this Act, have power at all reasonable times to enter the premises on which any chemist and druggist, general dealer, or licensed manufacturer of any drug to which this Act applies carries on business, and any premises owned or occupied by any person authorized to be in possession of any such drug, and to enter any other premises in which he has reasonable cause to suspect that an offence against this Act has been committed, and in either case shall have power to make such examination and inquiry and do such other things, including the checking of stocks and the taking, on payment therefor, of samples as may be necessary for ascertaining whether this Act is being complied with.

(2) All books, records, and documents required to be kept by any person under this Act shall be open to inspection by any superior police officer or by any other police officer authorized in writing by a magistrate or by a superior police officer.

(3) If any person wilfully delays or obstructs an inspector or a police officer in the exercise of his powers under this section, or refuses to allow any sample to be taken in accordance with this section, or fails without reasonable excuse to give any information which he is duly required under this section to give, he shall be guilty of an offence.

[Ch3502s17]17. Powers of search, seizure, and forfeiture

(1) Any inspector, any customs officer, any police officer of or above the rank of sergeant, and any other police officer authorized thereto in writing by a magistrate or by a superior police officer may at any time—

(a) search any person suspected upon reasonable grounds of being in unlawful possession of drugs to which this Act applies or plants from which such drugs are derived:

Provided that a person shall be searched only by a person of like sex;

(b) search any premises, place, receptacle, aircraft, ship, train, or other vehicle of whatsoever description wherein or whereby it is suspected upon reasonable grounds that such drugs are being produced, kept, used, sold, or distributed in contravention of this Act.

(2) Any inspector, any customs officer, any superior police officer, and any other police officer authorized thereto in writing by a magistrate or by a superior police officer may at any time enter upon and inspect any land, building, or other structure on or in which plants, from which drugs to which this Act applies are derived, may be found, for the purpose of ascertaining if any such plants are being cultivated in contravention of this Act.

(3) If on any search or inspection made under this section any drug to which this Act applies, pipe, receptacle, or appliance for smoking or using the same, or any plant which it is suspected upon reasonable grounds is being cultivated in contravention of this Act is found, it may be seized and removed, together with any books, accounts, or documents relating thereto.

(4) Notwithstanding subsections (1) and (2), if any delay involved in securing written authority from a magistrate or a superior police officer would defeat the objects of this section, it shall be lawful for any police officer who is required by those subsections to have that written authority, to exercise, on the production by him, if he is not in uniform, of proof of his identity, the powers conferred by this section without written authority, but he shall as soon as possible thereafter report to his commanding officer or to a magistrate what he has done.

(5) Any person who resists, hinders, or obstructs an inspector or other person in the lawful exercise of his powers under this section shall be guilty of an offence.

(6) If on the trial of any person for contravening or failing to comply with any provision of this Act or any condition of any authority or licence issued thereunder it is proved that any drug, pipe, receptacle, appliance, or plant seized under this section was produced, possessed, kept, used, sold, distributed, or cultivated in contravention of this Act, it shall be forfeited.

[Ch3502s18]18. Persons upon whom powers of inspection, etc., are conferred to produce proof of identity

Any person upon whom powers of inspection, search, seizure, or forfeiture are conferred under this Act who fails on demand to produce—

(a) in the case of an inspector, a certificate under the hand of the Secretary for Health of his appointment as an inspector;

(b) in the case of—

(i) a customs officer; or

(ii) a superior police officer, who is not in uniform, proof of his identity.

(c) in the case of a police officer authorized in writing by a magistrate or by a superior police officer to exercise those powers, his authority in writing;

shall not, save as is provided in section 17 (4), thereafter be entitled to exercise those powers until he has produced that certificate, proof of identity, or authority in writing, as the case may be.

[Ch3502s19]19. Offences and penalties

(1) Any person—

20 of 1995(a) who acts in contravention of or fails to comply with any provision of this Act;

(b) who acts in contravention of, or fails to comply with, the conditions of a licence issued or authority granted under, or in pursuance of this Act;

(c) who for the purpose of obtaining, whether for himself or for any other person, the issue, grant, or renewal of any such licence or authority as aforesaid, makes a declaration or statement which is false in any particular, or knowingly utters, produces, or makes use of any such declaration or statement or a document containing the same; or

(d) who in Malawi aids, abets, counsels, or procures the commission in a place outside Malawi of an offence punishable under a corresponding law in force in that place, or does an act preparatory to or in furtherance of an act which, if committed in Malawi, would constitute an offence against this Act,

20 of 1995shall subject to subsection (2), be liable to a fine of K500,000 and to imprisonment for life.

20 of 1995(2) No person shall, on conviction for any offence or contravening or failing to comply with any provisions of this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing any drug to which this Act applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding K2,000 if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission or intended commission of any other offence against this Act.

(3) Any drug or other article forfeited under this Act shall, unless the court otherwise directs, be burned or otherwise destroyed in the presence of a police officer of or above the rank of sergeant, who shall transmit to the court a certificate under his hand stating the circumstances in which the forfeiture took place, the quantity forfeited, and other particulars showing his compliance with the Act.

[Ch3502s20]20. Power of arrest

Any police officer may arrest without warrant a person who has committed, or attempted to commit, or is reasonably suspected by such officer of having committed or attempted to commit an offence against this Act if he has reasonable grounds for believing that that person will abscond unless arrested, or if the name and address of that person are unknown to, and cannot be ascertained by, him.

[Ch3502s21]21. Licences and authorities

(1) A licence or authority issued for the purposes of this Act by the Minister may be issued on such terms and subject to such conditions, including in the case of a licence, the payment of a fee, as the Minister may fix.

(2) Whenever the Minister is empowered under any provision of this Act to issue any licence or authority, he may delegate to the Secretary for Health such power, subject to the right of any person to whom the issue of such licence or authority has been refused to appeal in writing to the Minister against such refusal.

SCHEDULE s. 10

DRUGS TO WHICH PART III APPLIES

1. Medicinal Opium.
2. Any medicinal extract or tincture derived from the plant *Cannabis sativa* L. and any preparation, not being a preparation capable of external use only, made from such medicinal extract or tincture.
3. Morphine and its salts.
4. Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts. (For the purposes of this Act, the expression "ecgonine" means laevoecgonine and includes any derivatives of ecgonine from which it may be recovered industrially).
5. Any solution or dilution of morphine or cocaine or their salts in an inert substance, whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract, or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine.
6. Diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts.
7. Dihydrohydroxycodone (also known as Oxycodone);
Dihydrocodeinone (also known as Hydrocodone);
Dihydromorphinone (also known as Hydromorphone);

Acetyldihydrocodeinone;

Dihydromorphine;

their esters, and the salts of any of these substances and of their esters.

8. Morphine-N-oxide (commonly known as genomorphine) also the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.

9. Thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, and their respective salts), benzylmorphine and the other ethers of morphine and their respective salts.

10. Any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraphs 6,7, 8 and 9.

11. The following substances and their salts, and any preparation, admixture, extract, or other substance containing any proportion of any of the substances or salts—

Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester);

Ketobemidone (4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-propionyl-piperidine);

Hydroxypethidine (1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenylpiperidine-4-carboxylic acid ethyl ester);

Alphaprodine(a-1,3-dimethyl-4-phenyl-4-propionoxypiperidine);

Betaprodine (b-1,3-dimethyl-4-phenyl-4-propionoxypiperidine);

Betameprodine(b-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine);

Methadone (4,4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4,4-diphenyl-3-heptanone);

Isomethadone (4,4-diphenyl-5-methyl-6-dimethylaminohexanone-3 or 6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone);

Methadol (4,4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4,4-diphenyl-3-heptanol);

a-Methadol(a-6-dimethylamino-4,4-diphenyl-3-heptanol);

Methadyl acetate(4,4-diphenyl-6-dimethylamino-3-acetoxyheptane or 6-dimethylamino-4,4-diphenyl-3-acetoxyheptane);

a-Acetylmethadol (a-6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane);

b-Acetylmethadol (b-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane);

Phenadoxone (4,4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4,4-diphenyl-3-heptanone);

Racemorphan (d,1-3-hydroxy-N-methylmorphinan);

Levorphan (1-3-hydroxy-N-methylmorphinan);

Racemethorphan (d,1-3-methoxy-N-methylmorphinan);

Levomethorphan. (1 -3-methoxy-N-methylmorphinan);

3-dimethylamino-1,1-di-(2'-thienyl)-1-butene;

3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene.

SUBSIDIARY LEGISLATION

DANGEROUS DRUGS REGULATIONS

ARRANGEMENT OF SECTIONS

REGULATION

PRELIMINARY

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PART I DRUGS

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G.N. 59/1956(F)

227/1956(F)

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138/1961(F)

250/1963(F)

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DANGEROUS DRUGS REGULATIONS

under s. 2(1)

PRELIMINARY

1. Citation

These regulations may be cited as the Dangerous Drugs Regulations.

2. Interpretation

(1) In these Regulations, unless inconsistent with the context—

“authorized person” means a person authorized or treated as authorized in terms of regulation 8, 16 (1), 17, 18, 19, 20 or 39 (2), as the context in each case requires, to supply, administer, distribute, procure, advertise for sale, acquire, possess, carry on any process in the manufacture of or manufacture any drug by virtue of being a person or a member of a class of persons specified in that section, and “authorized” shall be construed accordingly;

“authorized seller of poisons” means any person authorized to sell poisons in terms of any pharmacy or poisons law;

“dangerous drugs register” means the register required to be kept in terms of regulation 9,28 or 33;

“dental surgeon” means a person (registered or exempted from registration as a dental surgeon or dentist under the Medical Practitioners and Dentists Registration Act; Cap. 36:01

“drug” means any Part I drug, any Part III drug, any any Part III preparation or any partially controlled drug;

“licensed person” means a person authorized to supply, distribute, procure, advertise for sale, acquire, possess or, as the case may be, carry on any process in the manufacture of or manufacture any

drug or cultivate any plant from which a drug is derived by virtue of the terms and conditions of a licence issued to him for that purpose, and “licence” and “licensed” shall be construed accordingly;

“medical practitioner” means a person registered or exempted from registration as a medical practitioner under the Medical Practitioners and Dentists Registration Act; Cap. 36:01

“midwife” means a fully trained practising midwife who is in possession of a valid midwife’s supply order;

“midwife’s supply order” means an order in the form prescribed in the First Schedule for the supply of tincture of opium and any preparation containing pethidine;

“Part I drug” means any drug to which Part I of the Act applies, other than an extract or tincture of Indian hemp;

“Part III drug” means any drug to which Part III of the Act applies which is not—

- (a) a partially controlled drug; or
- (b) a Part III preparation;

“Part III preparation” means a preparation containing such proportion of any drug to which Part III of the Act applies, other than a partially controlled drug, as is sufficient to make the preparation a drug to which Part III of the Act applies, but does not include—

- (a) any preparation with respect to which the Minister has, in terms of section 10 (4) of the Act, declared that Part III of the Act shall not or shall cease to apply; or
- (b) any preparation specified in the Second Schedule;

“partially controlled drug” means any drug or product to which the Minister has, in terms of section 10 (3) or, as the case may be, section 14 of the Act, applied Part III of the Act with the modification that the said drug or product shall not be treated as a drug to which Part III of the Act applies for the purposes of Part II of these Regulations;

“pharmacist” means a pharmacist or chemist and druggist registered or exempted from registration in terms of the Pharmacy and Poisons Act; Cap. 35: 01

“prescription” means a prescription given for a single individual by—

- (a) a medical practitioner for the purpose of medical treatment;
- (b) a dental surgeon for the purpose of dental treatment;
- (c) a veterinary surgeon for the purpose of animal treatment;

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

“registered premises” means premises registered in terms of the Pharmacy and Poisons Act;
Cap. 35: 01

“retail business” means the business of retailing, dispensing or compounding drugs carried on at a shop;

“wholesale dealer” means any person who carries on the business of selling drugs to persons who buy to sell again.

(2) Any reference in the Fourth Schedule to the percentage of a drug contained in any substance or preparation shall, unless it is otherwise expressly provided, be construed in the following manner, that is to say, a reference to a substance or preparation containing one per centum of any drug means—

(a) in the case of a solid, that one gramme of the drug is contained in every hundred grammes of the substance or preparation;

(b) in the case of a liquid, that one millilitre of the drug or, if the drug itself is a solid, one gramme of the drug is contained in every hundred millilitres of the substance or preparation;

and so in proportion for any greater or lesser percentage.

PART I

PART I DRUGS

3. Occupier and owner

On this Part, in relation to land—

(a) “occupier” shall include any person in actual occupation of land or premises without regard to the title under which he occupies and, in case of premises subdivided and let to one or more tenants, the person receiving the rent payable by the tenants whether on his own account or as an agent for any person entitled thereto or interested therein;

(b) “owner” shall include any person, other than the Government, receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person other than the Government, entitled thereto or interested therein. The term includes any lessee or licensee from the Government and any superintendent, overseer or manager of such lessee or licensee residing on the lands or premises.

4. Restrictions on authorized or licensed persons

No person who is not an authorized or licensed person shall—

(a) acquire or possess a Part I drug; or

(b) supply to or procure for any person including himself a Part I drug or advertise for sale a Part I drug.

5. Restrictions on authorized or licensed persons

No authorized or licensed person shall—

(a) acquire or possess a Part I drug otherwise than in accordance with this Part and, in the case of a licensed person, otherwise than in accordance with the terms and conditions of his licence; or

(b) supply to or procure for or offer to supply to or procure for any person who is not an authorized or licensed person a Part I drug.

6. Cultivation

(1) No person who is not a licensed person shall cultivate any plant from which a Part I drug is derived.

(2) No licensed person shall cultivate any plant from which a Part I drug is derived otherwise than in accordance with the terms and conditions of his licence.

7. Clearing of land

(1) Every owner or occupier of land shall clear or cause to be cleared from his land any plant from which a Part I drug is derived which is found to be growing wild or which is being cultivated in contravention of these Regulations.

(2) The owner or occupier of land who has cleared or caused to be cleared from his land any plants from which a Part I drug is derived shall destroy the plants so cleared by fire.

8. Persons permitted to acquire, possess, and supply Part I drugs

(1) Subject to these Regulations, any person who is—

(a) a medical practitioner;

(b) a veterinary surgeon;

(c) a pharmacist and an authorized seller of poisons;

(d) a pharmacist—

(i) employed by an authorized seller of poisons;

(ii) employed in a hospital, clinic, dispensary or like institution administered by the Government or by a local authority or in any other hospital, clinic, dispensary or like institution approved by the Minister; or

- (iii) employed in any medical store of the Government;
- (e) a person in charge of a laboratory used for the purposes of research or instruction and attached to—
 - (i) a university, university college or other educational institution approved by the Minister; or
 - (ii) any hospital referred to in paragraph (d) (ii);
- (f) an analyst employed by the Government; or
- (g) an inspector appointed under the Act or under the Pharmacy and Poisons Act; Cap. 35:01

is authorized in that capacity and so far as is necessary for the practice or exercise of his profession, function or employment to acquire, possess and supply Part I drugs.

(2) Every person authorized in terms of subregulation (1) to possess a Part I drug shall, unless the exigencies of the practice or exercise of his profession, function or employment otherwise require, keep every Part I drug in his custody in a locked receptacle which can only be opened by him or another authorized person.

9. Records

Every person authorized or licensed to supply Part I drugs shall—

- (a) keep in accordance with this regulation and regulation 42, a register and enter therein in chronological sequence in the form specified in the Third Schedule true particulars with respect to—
 - (i) every quantity of a Part I drug acquired by him;
 - (ii) every quantity of a Part I drug supplied by him;
 - (iii) every quantity of a Part I drug used by him;
- (b) use a separate part of his register for entries relating to—
 - (i) raw opium;
 - (ii) coca leaves;
 - (iii) Indian hemp and the resins obtained from Indian hemp and all preparations, other than extract and tincture of Indian hemp, of which such resins form the base.

PART II

PART III DRUGS

10. Manufacture only by authorized persons

No person who is not an authorized or licensed person shall manufacture or carry on any process in the manufacture of a Part III drug.

11. Conditions of manufacture

No authorized or licensed person shall manufacture or carry on any process in the manufacture of a Part III drug—

(a) otherwise than in accordance with this Part and, in the case of a licensed person, otherwise than in accordance with the terms and conditions of his licence; and

(b) otherwise than on authorized or licensed premises.

12. Supply by unauthorized person

No person who is not an authorized or licensed person shall supply to or procure for or offer to supply to or procure for any person including himself or advertise for sale a Part III drug or Part III preparation.

13. Supply and administration

(1) Subject to subregulation (2), no authorized or licensed person shall supply to or procure for or offer to supply to or procure for any person a Part III drug or Part III preparation otherwise than in accordance with this Part and, in the case of a licensed person, otherwise than in accordance with the terms and conditions of his licence.

(2) The administration of a Part III drug or Part III preparation by or under the direct personal supervision of and in the presence of a medical practitioner or by or under the direct personal supervision of and in the presence of a dental surgeon or by a midwife in accordance with regulation 19 shall not be treated, for the purposes of subregulation (1), as the supply to any person of a Part III drug or Part III preparation.

14. Possession

No person who is not an authorized or licensed person shall possess a Part III drug or Part III preparation.

15. Conditions on authorized possession

No authorized or licensed person shall possess a Part III drug or Part III preparation otherwise than in accordance with this Part and, in the case of a licensed person, in accordance with the terms and conditions of his licence.

16. Treatment

(1) Subject to subregulation (2), a person to whom a Part III drug or Part III preparation is lawfully supplied—

(a) by a medical practitioner or a veterinary surgeon; or

(b) on a prescription lawfully given by a medical practitioner, a dental surgeon or a veterinary surgeon,

shall be treated, for the purposes of this Part, as a person authorized to be in possession of that Part III drug or Part III preparation.

(2) A person who is supplied by a medical practitioner or on a prescription lawfully given by a medical practitioner with a Part III drug or Part III preparation shall not be treated, for the purposes of this Part, as a person authorized to be in possession of that Part III drug or Part III preparation if, at the time he is so supplied, he is also being supplied with a Part III drug or Part III preparation by or on a prescription given by another medical practitioner in the course of treatment and did not disclose that fact to the first-mentioned medical practitioner.

17. Persons authorized to administer treatment

(1) Subject to these Regulations, any person who is—

(a) a medical practitioner;

(b) a dental surgeon;

(c) a veterinary surgeon;

(d) a pharmacist—

(i) employed by an authorized seller of poisons;

(ii) employed in a hospital, clinic, dispensary or like institution administered by the Government or by a local authority or in any other hospital, clinic, dispensary or like institution approved by the Minister; or

(iii) employed in any medical store of the Government;

(e) a qualified nurse in charge of a ward, theatre or out-patients department in any hospital referred to in paragraph (d) (ii);

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

(i) a university, university college or other educational institution approved by the Minister; or

(ii) any hospital referred to in paragraph (d) (ii);

(g) an analyst employed by the Government; or

(h) an inspector appointed under the Act or under the Pharmacy and Poison Act; Cap. 35:01

is authorized in that capacity and so far as is necessary for the practice or exercise of his profession, function or employment to acquire, administer, possess and supply Part III drugs and Part III preparations.

(2) Nothing in subregulation (1) contained shall authorize—

(a) the supply by a dental surgeon of a Part III drug or Part III preparation which is not administered by him or under his direct supervision and in his presence to persons receiving treatment from him; or

(b) any qualified nurse in charge of a ward, theatre or out-patients department in a hospital—

(i) to procure a Part III drug or Part III preparation otherwise than from a person employed or engaged in dispensing medicines at that hospital and except upon a written order signed by her;

(ii) to supply a Part III drug or Part III preparation otherwise than in accordance with the directions of a medical practitioner in charge of any patient in that ward, theatre or, as the case may be, out-patients department.

(3) The matron of any hospital referred to in subregulation (1) (d) (ii) in which no pharmacist is employed or engaged in dispensing medicines is authorized in her capacity as matron and so far as is necessary for the purposes of that hospital and the exercise of her duties to procure Part III drugs and Part III preparations on the order in writing of a medical practitioner employed or engaged in that hospital and to be in possession of and to supply Part III drugs and Part III preparations so procured.

(4) Every person authorized in terms of this section to acquire, administer, possess or supply a Part III drug or Part III preparation shall, unless the exigencies of the practice or exercise of his profession, function or employment otherwise require, keep every Part III drug and Part III preparation in his custody in a locked receptacle which can only be opened by him or another authorized person.

(5) An order in writing signed by a qualified nurse to which subregulation (2) (b) (i) relates shall be marked, in such a way as to show that it has been fulfilled, by the person employed or engaged in dispensing medicines who fulfils that order and be kept in the dispensary, and a copy or note of the order shall be kept by the qualified nurse in charge of the ward, theatre or out-patients department of the hospital for use in which that Part III drug or Part III preparation was procured.

18. Authority of authorized seller

(1) Any person who is an authorized seller of poisons is authorized—

(a) in the ordinary course of his retail business to manufacture at his registered premises—

(i) any extract or tincture of Indian hemp; and

(ii) any Part III preparation;

(b) to carry on, subject to these Regulations, at his registered premises the business of retailing, dispensing and compounding Part III drugs and Part III preparations.

(2) Nothing in subregulation (1) contained shall be construed as authorizing any authorized seller of poisons to possess a Part III drug or Part III preparation otherwise than on his registered premises.

(3) Every authorized seller of poisons authorized in terms of subregulation (1) to manufacture and to carry on the business of retailing, dispensing and compounding Part III drugs and Part III preparations shall unless the exigencies of the exercise of his profession, function or employment otherwise require keep every Part III drug and Part III preparation in his possession in a locked receptacle which can only be opened by him or another authorized person.

19. Midwife's use of drugs

(1) In this regulation—

“drug” means tincture of opium and any preparation containing pethidine.

(2) An application for a midwife's supply order shall be made in writing to the Secretary for Health.

(3) A midwife's supply order shall be valid until the thirty-first day of December in the year it is issued.

(4) Subject to subregulation (5), a midwife is authorized, so far as is necessary for the practice of her profession or employment, to procure, be in possession of and administer drugs.

(5) The following provisions shall apply to the supply to a midwife and the possession and administration by a midwife of drugs—

(a) on each occasion a midwife procures drugs she shall, in addition to a signed order referred to in regulation 24, produce her midwife's supply order;

(b) the supplier shall note on the midwife's supply order the date on which the drugs are supplied, the name and quantity of the drugs supplied, and his name and registered address;

(c) on each occasion a midwife procures a drug, she shall enter in a drugs book to be kept by her and used solely for the purposes of this section the name and amount of the drug and the form in which it is procured and the date and the name and address of the supplier;

(d) a midwife shall not in any one year procure a quantity of a drug greater than the total amount of that drug specified in her midwife's supply order;

(e) a midwife shall, when she administers a drug, as soon as practicable thereafter, enter in her drugs book the name of the drug administered, the name and address of the woman to whom it was administered, the amount administered and the form in which it was administered;

(f) a midwife shall, except when the exigencies of the practice or exercise of her profession or employment as a midwife otherwise require, keep every drug in her custody in a locked receptacle which can only be opened by her.

20. Use of drugs by an aircraft operator

(1) In this regulation—

“aircraft” means any aircraft in which passengers are carried for hire or reward;

“operator” means any person who is the owner or operator of any aircraft;

“passengers carried for hire or reward” has the meaning assigned to it in regulation 2 of the Air Navigation Regulations. p. 14, Cap. 70:01

(2) Subject to subregulation (3), an operator is authorized to procure and possess Part III drugs and Part III preparations for the purposes of regulation 34 of the Air Navigation Regulations.

(3) The following provisions shall apply to the supply to and the possession by an operator of Part III drugs and Part III preparations—

(a) an order referred to in regulation 24 for the supply of Part III drugs and Part III preparations shall be made in duplicate on the official notepaper of the operator and shall be signed and dated by the operator or his authorized representative;

(b) it shall be stated in the order whether the order is for the initial supply of Part III drugs or Part III preparations or for the replacement of any Part III drugs or Part III preparations previously supplied in terms of this regulation, and in the latter case, the reasons for the replacement;

(c) the order shall be countersigned by the Director of Civil Aviation who shall send the duplicate to the Secretary for Health;

(d) Part III drugs and Part III preparations shall be in single dose ampoule-syringe form and shall be kept in a sealed container, adequately labelled to indicate the method of use and the quantity and nature of the contents, in the first-aid kit of the aircraft;

(e) the quantity of Part III drugs and Part III preparations carried in any aircraft shall not amount to more than the equivalent of one-quarter grain of morphine for any person who may lawfully be on board that aircraft at any one time;

- (f) a responsible official appointed by the operator shall—
 - (i) satisfy himself at intervals not exceeding one month that the Part III drugs and Part III preparations carried in each aircraft have not been removed from the first-aid kit for any unauthorized purpose;
 - (ii) inspect and check at intervals not exceeding six months the Part III drugs and Part III preparations carried in each aircraft;
- (g) the operator shall keep a permanent record at his principal place of business in Malawi of the receipt, distribution and disposal of all Part III drugs and Part III preparations obtained in terms of this section;
- (h) Part III drugs and Part III preparations procured by an operator in terms of this section shall not be transferred, on the change of ownership of any of his aircraft, to another person without the permission of the Secretary for Health.

(4) Any person who ceases to be an operator shall—

- (a) notify the Secretary for Health of that fact; and
- (b) dispose of the Part III drugs and Part III preparations in his possession in accordance with the directions of the Secretary for Health.

21. Licensing by the Minister

(1) The Minister may at his discretion licence—

- (a) any officer of the Government in charge of a station at which no Government medical officer is stationed or from which a Government medical officer is for the time being absent;
- (b) any officer of the Government who undertakes a journey on duty during which he will be more than twenty-four hours distance from any Government station;
- (c) any person in charge of a mission station of a missionary society;
- (d) a police officer in charge of a police station,

to procure, possess and administer Part III drugs and Part III preparations, subject to subregulation (2) and such terms and conditions as he may fix.

(2) The following provisions shall apply to the supply to and the possession and administration by a person licensed in terms of subregulation (1) of Part III drugs and Part III preparations—

- (a) on each occasion he procures a Part III drug or Part III preparation, he shall, in addition to a signed order referred to in regulation 24, produce to the supplier his licence;

(b) on each occasion he procures a Part III drug or Part III preparation, he shall enter in a drugs book to be kept by him and used solely for the purposes of this regulation the name and the amount of the Part III drug or Part III preparation and the form in which it is procured and the date and the name and address of the supplier;

(c) he shall, when he administers a Part III drug or Part III preparation, as soon as practicable thereafter, enter in his drugs book the name of the Part III drug or Part III preparation administered, the name and address of the person to whom it was administered, the amount administered and the form in which it was administered;

(d) he shall, except when a Part III drug or Part III preparation is to be administered, keep every Part III drug or Part III preparation in his custody in a locked receptacle which can only be opened by him or another authorized person;

(e) he shall not administer a Part III drug or Part III preparation procured in terms of this regulation otherwise than for strictly medical, surgical or dental purposes.

22. Form of prescription

(1) In this regulation—

“recognized preparation” means a preparation contained in the British Pharmacopoeia or the British Pharmaceutical Codex.

(2) The following provisions shall apply to prescriptions prescribing Part III drugs and Part III preparations—

(a) a prescription shall be in writing and shall be signed and dated by the person giving it;

(b) a prescription shall specify the address of the person giving it;

(c) a prescription shall specify the name and address of the person for whose treatment it is given or, if it is given by a veterinary surgeon, the name and address of the person to whom the Part III drug or Part III preparation is to be delivered;

(d) a prescription shall have endorsed thereon, if given by a dental surgeon, the words “for dental treatment only” and, if given by a veterinary surgeon, “for animal treatment only”;

(e) if one or more recognized preparations are prescribed, the prescription shall specify the total amount of the preparation or, as the case may be, of each preparation, or, in the case of a preparation packed in ampoules, specify the total amount of the preparation or, as the case may be, of each preparation which it is intended to be administered;

(f) if the preparation prescribed is not a recognized preparation, the prescription shall specify the total amount of the Part III drug prescribed or, if the preparation is packed in ampoules, either the total amount to be supplied or the total amount intended to be administered.

(3) For the purposes of this Part, a prescription to be dispensed in a hospital and given for the treatment of a patient in that hospital which is written on the patient's bed-card or case-sheet and signed by the person giving it shall be treated as a prescription which complies with subregulation (2).

23. Preconditions to supplying Part III drug or preparation

(1) No person shall supply a Part III drug or Part III preparation on a prescription unless—

- (a) the prescription complies with this Part; and
- (b) he is acquainted with the signature of the person by whom the prescription purports to be given and has no reason to suppose that it is not genuine; or
- (c) he has taken reasonably sufficient steps to satisfy himself that it is genuine.

(2) Save as is provided in subregulation (3), no prescription shall authorize the supply of a Part III drug or Part III preparation more than once.

(3) If a prescription prescribing a Part III drug or Part III preparation states that it may, subject to the lapse of an interval or intervals specified in the prescription, be dispensed a second, third or fourth time, the Part III drug or Part III preparation thereby prescribed may be supplied a second, third or, as the case may be, fourth time after the specified interval or intervals.

(4) A person dispensing a prescription prescribing a Part III drug or Part III preparation shall—

- (a) at the time he dispenses it, mark thereon the date on which it is dispensed or, if it is a prescription which may be dispensed a second, third or fourth time, the date of each occasion on which it is dispensed; and
- (b) retain and keep the prescription on the premises where it is dispensed and so as to be at all times available for inspection.

(5) No person shall make or supply a copy of any prescription prescribing a Part III drug or Part III preparation, other than a copy of a prescription for submission to the Government or a medical aid society for the purpose of receiving payment for Part III drugs or Part III preparations supplied thereon, unless he is requested to do so by the Secretary for Health, an inspector, a superior police officer or any other police officer authorized in writing by a magistrate or by a superior police officer.

(6) A copy of a prescription made in terms of subregulation (5) shall be clearly and indelibly marked "Copy only. Not to be dispensed".

(7) Notwithstanding anything contained in these Regulations, where an authorized seller of poisons is reasonably satisfied that a person ordering any Part III drug or Part III preparation is a medical practitioner who is by reason of some emergency unable to furnish a prescription immediately, he may, notwithstanding that no prescription has been given, if the said person undertakes to furnish him within the seven days next following with a prescription, deliver the Part III drug or Part III preparation ordered

in accordance with the directions of the said person, so, however, that, notwithstanding anything in any such directions, the supply shall not be repeated unless such a prescription has been given.

If any person by whom any such undertaking has been given fails to deliver to the seller a prescription in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any Part III drug or Part III preparation under this subregulation makes a statement which is to his knowledge false, he shall be deemed to have contravened this regulation.

24. Procurement by an authorized or licensed person

An authorized or licensed person shall not procure a Part III drug or Part III preparation unless he produces to the supplier an order in writing signed and dated by him in which is stated—

- (a) the name and address of the person by whom the Part III drug or Part III preparation is required or the institution for which it is ordered;
- (b) the name and quantity of the Part III drug or Part III preparation required;
- (c) the use to which the Part III drug or Part III preparation is to be put; and
- (d) the name, address and profession or qualification of the person signing the order.

25. Report of necessity of prescribing a Part III drug

Any medical practitioner who considers it necessary for the purpose of the treatment of any patient to prescribe for him a Part III drug or a Part III preparation for a period greater than four months shall report the case to the Secretary for Health.

26. Addiction

(1) Save as otherwise provided in this regulation, no medical practitioner shall supply or administer to or prescribe for any person a Part III drug or Part III preparation merely for the purposes of addiction.

(2) A medical practitioner who considers it necessary for the purpose of the treatment or care of a patient who is a drug addict that he should receive rational supplies of a Part III drug or Part III preparation shall report the case to the Secretary for Health.

(3) Where a case is reported to the Secretary for Health in terms of subregulation (2), he may at his discretion permit, in writing, a medical practitioner to supply and additionally or alternatively administer and additionally or alternatively prescribe such quantities of the Part III drug or Part III preparation to which the patient is addicted as the Secretary for Health may in the circumstances consider necessary.

(4) No medical practitioner shall supply or prescribe for the treatment of a drug addict a Part III drug or Part III preparation in excess of the quantity permitted by the Secretary for Health. (5) No person authorized or licensed to have in his possession a Part III drug or Part III preparation who is not a person

referred to in subregulation 16 (1) shall use or prescribe that Part III drug or Part III preparation for the purposes of self-administration.

27. Marking of package or bottle

(1) Subject to these Regulations, no person shall—

(a) supply a Part III drug unless the package or bottle in which it is contained is plainly marked with the amount of the Part III drug contained therein; or

(b) supply a Part III preparation unless the package or bottle in which it is contained is plainly marked—

(i) in the case of a powder, solution or ointment, with the total amount of the powder, solution or ointment in the package or bottle and the percentage of the Part III drug contained in the powder, solution or ointment;

(ii) in the case of tablets or other similar articles, with the amount of the Part III drug in each article and the number of articles in the package or bottle.

(2) Nothing in this regulation contained shall apply to a Part III preparation lawfully supplied in accordance with this Part by or on a prescription lawfully given by a medical practitioner, a dental surgeon or a veterinary surgeon.

28. Register of quantity dispersed

(1) Every person authorized or licensed to supply Part III drugs or Part III preparations shall—

(a) keep, in accordance with this regulation and regulation 42, a register and enter therein in chronological sequence in the form specified in the Third Schedule true particulars with respect to—

(i) every quantity of a Part III drug or Part III preparation acquired by him;

(ii) every quantity of a Part III drug or Part III preparation supplied by him;

(iii) every quantity of a Part III drug or Part III preparation used by him;

(b) use a separate page in the register for each Part III drug and Part III preparation specified in the Fourth Schedule.

(2) For the purposes of subregulation (1) (b)—

(a) any ester, ether or derivative specified in item (41) of the Fourth Schedule shall be treated as including its salts and any preparation containing any such ester, ether or derivative or its salts;

(b) any substance specified in items (46) to (72) of the Fourth Schedule shall be treated as including its salts and any preparation, admixture, extract or other substance containing any proportion of the substance or its salts.

(3) Tablets, and other similar articles shall be recorded in the register by number and not by number of packages, and liquids, extracts and powders shall be recorded in volume or weight, according to their nature.

(4) Notwithstanding subregulation (1) an authorized seller of poisons may transfer to his dispensary small quantities of Part III drugs and Part III preparations for the dispensing of prescribed medicines containing less than the amount of Part III drugs or Part III preparations as is sufficient to make the medicine a drug to which Part III of the Act applies, but only if the transfer and the date of the transfer are recorded in his register and a copy of each original prescription and a record of each repeat prescription is made in the prescription book.

29. Diacetylmorphine

No licence shall be issued to any person for the manufacture of diacetylmorphine or the import or export of diacetylmorphine or its preparations.

PART III

PARTIALLY CONTROLLED DRUGS

30. Possession and manufacture

No person who is not a licensed person shall—

- (a) possess a partially controlled drug in a quantity exceeding one pound avoirdupois; or
- (b) manufacture or carry on any process in the manufacture of a partially controlled drug.

31. Restrictions

(1) A wholesale dealer shall not possess, sell, supply or distribute a partially controlled drug unless he is licensed and otherwise than in accordance with this Part and the terms and conditions of his licence.

(2) Nothing in subregulation (1) contained shall apply to any wholesale dealer who is an authorized seller of poisons.

32. Marking and quantity

No wholesale dealer in or manufacturer of partially controlled drugs shall—

- (a) supply a partially controlled drug unless the package or bottle in which it is contained is plainly marked with the amount of the partially controlled drug contained therein;

(b) supply a partially controlled drug in a quantity exceeding one pound avoirdupois unless the person to whom it is supplied is a licensed person.

33. Register of quantity and purchase

Every wholesale dealer in and every manufacturer of partially controlled drugs shall—

(a) keep, in accordance with this regulation and regulation 42, a register and enter therein in chronological sequence in the form specified in the Third Schedule true particulars with respect to—

(i) every quantity of a partially controlled drug manufactured or, as the case may be, acquired by him;

(ii) every quantity of a partially controlled drug supplied by him;

(iii) every quantity of a partially controlled drug used by him;

(b) use a separate part of his register for entries relating to each partially controlled drug.

34. Exceptions

It is hereby declared for the avoidance of doubt that nothing contained in regulations 31 to 33 inclusive shall apply—

(a) to the sale, supply or distribution of a partially controlled drug by any person who is not a wholesale dealer in or a manufacturer of a partially controlled drug; or

(b) to the carrying on at his registered premises by an authorized seller of poisons who is not a wholesale dealer of the business of retailing, dispensing or compounding a partially controlled drug.

PART IV

GENERAL

35. Possession

A person shall be treated as in possession of a drug for the purposes of these Regulations if that drug is in his actual custody or is held by some other person subject to his control or for him or on his behalf.

36. Interpretation

Save as is otherwise expressly provided in these Regulations and, in the case of a licensed person, subject to the terms and conditions of his licence—

(a) a person authorized or licensed to manufacture a drug shall be treated, for the purposes of these Regulations, as authorized or, as the case may be, licensed to supply that drug;

(b) a person authorized or licensed to supply a Part I drug, Part III drug or Part III preparation shall be treated, for the purposes of these Regulations, as authorized or, as the case may be, licensed to be in possession of, to procure, to offer to supply or to procure and to advertise for sale that Part I drug, Part III drug or Part III preparation;

(c) a wholesale dealer licensed to supply a partially controlled drug shall be treated, for the purposes of these Regulations, as licensed to be in possession of more than one pound avoirdupois of that drug.

37. Revocation

The Minister may revoke a licence or permit at any time.

38. Withdrawal of authority

(1) If any authorized person is—

(a) convicted of an offence against the Act or these Regulations;

(b) adjudged or certified or otherwise lawfully proved to be mentally disordered or defective under the Mental Treatment Act; Cap. 34:02

(c) undergoing treatment as a temporary or voluntary patient in terms of the Mental Treatment Act; or Cap. 34:02

(d) proved to the satisfaction of the Minister to have become a drug addict,

the Minister may, if he is of the opinion that that person cannot properly be allowed to remain an authorized person, by notice published in the Gazette withdraw the authority of that person.

(2) If a person whose authority is withdrawn by the Minister in terms of subregulation (1) is a medical practitioner, a dental surgeon or a veterinary surgeon, the Minister may by notice published in the Gazette direct that it shall not be lawful for that person to give prescriptions prescribing a drug.

(3) The Minister may at any time—

(a) restore any authority withdrawn in terms of subregulation (1);

(b) suspend the withdrawal of any such authority; or

(c) cancel the suspension of the withdrawal of any such authority.

(4) If the withdrawal of the authority of a person is suspended by the Minister as in subregulation (3) (b) is provided, that person shall continue to be an authorized person as if the authority had not been withdrawn.

39. Delivery to an agent of the recipient

(1) If a Part I drug, Part III drug or Part III preparation is to be lawfully supplied to a person (hereinafter in this regulation called the recipient) otherwise than by or on a prescription given by a medical practitioner, a dental surgeon or a veterinary surgeon, the person supplying that Part I drug, Part III drug or Part III preparation (hereinafter in this section called the supplier) shall not deliver it to any person who purports to be sent by or on behalf of the recipient unless—

(a) that person is authorized or licensed to be in possession of that Part I drug, Part III drug or Part III preparation; or

(b) that person produces to the supplier a statement in writing signed by the recipient stating that he is empowered by the recipient to receive that Part I drug, Part III drug or Part III preparation on behalf of the recipient and the supplier is reasonably satisfied that the document is a genuine document.

(2) A person to whom a Part I drug, Part III drug or Part III preparation is lawfully delivered as in subregulation (1) is provided shall be treated, for the purposes of these Regulations, as authorized to be in possession of that Part I drug, Part III drug or Part III preparation for such period as in the circumstances is reasonably sufficient to enable delivery to be made to the recipient.

40. Export from another country

(1) If a Part I drug, Part III drug or Part III preparation permitted under the law of any country outside Malawi to be exported therefrom to any destination outside Malawi is brought into Malawi no person shall cause or procure that Part I drug, Part III drug or Part III preparation to be diverted to any other destination unless he has been issued with a permit by the Minister and otherwise than in accordance with the terms and conditions of that permit.

(2) For the purposes of this regulation, the destination to which a Part I drug, Part III drug or Part III preparation is permitted to be exported shall be the destination stated in the permission for the export thereof from the country of export.

41. Exemption

No provision of these Regulations relating to the possession of any drug shall apply to a common carrier, his agent or servant who is in possession of a drug in the ordinary course of his business or, as the case may be, the business of his principal or employer.

42. Method of keeping a register

Any person required to keep a register in terms of regulation 9,28 or 33 shall—

(a) specify the type of drug to which the entries on any page of his register relate at the head of that page;

(b) make every entry required to be made in terms of regulation 9, 28 or 33, as the case may be, in his register on the day on which the drug is received, or as the case may be, on which the

transaction with respect to the supply of the drug by him takes place or, if that is not reasonably practicable, on the day next following that day;

- (c) not make any cancellation, obliteration or alteration of any entry;
- (d) make any correction to an entry only by way of a marginal note or footnote which shall specify the date on which the correction is made;
- (e) make all entries and corrections in ink or otherwise so as to be indelible;
- (f) not use his register for any purpose other than the purposes of these Regulations;
- (g) on the demand of the Secretary for Health or of any person empowered in writing by the Secretary for Health in that behalf or of an inspector—
 - (i) furnish such particulars as may be required with respect to the procuring or supplying by him of any drug or with respect to any stock of drugs in his possession;
 - (ii) for the purpose of confirming any such particulars, produce any stock of drugs in his possession; and
 - (iii) produce his register and such other books or documents in his possession relating to any dealings in drugs as may be required;
- (h) keep a separate register in respect of each set of premises at which he carries on business;
- (i) keep each register at the premises to which it relates and so as to be at all times available for inspection;
- (j) save as in paragraph (h) is provided, not keep more than one register for each class of drug with respect to which he is required to keep a separate register or a separate part of a register unless the Secretary for Health has approved the keeping of a separate register for each department of the business carried on by him;
- (k) if he is a wholesale dealer, submit to the Secretary for Health by the 7th of each month details of all entries made in his register during the preceding month.

43. Preservation of records

(1) All registers, records, books, prescriptions, signed orders and other documents issued, made or kept in pursuance of these Regulations 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 two years from the date on which the last entry therein is made;

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

(2) Every person required by the Act or by these Regulations to be in possession of any permit, licence, order or prescription shall be deemed to be without such permit, licence, order or prescription unless he produces or gives satisfactory proof of possessing it.

44. Form of application for a licence or permit

An application for a licence under section 4 or 11 of the Act or for a licence or permit under these Regulations shall be—

(a) made in a form from which shall be obtained from the Secretary for Health;

(b) accompanied, if the application is for a licence to export any drug from Malawi, by the original copy of the certificate of the country of importation officially approving the import of that drug;

(c) accompanied by the appropriate fee, if any, prescribed in the Fifth Schedule.

45. Import and export restrictions

In addition to such terms and conditions as may be fixed in his licence to import or export any drug, the importer, or, as the case may be, the exporter shall comply with the following provisions—

(a) he shall not import or export any drug by ordinary or registered letter post;

(b) he shall, if he is an exporter of a drug—

(i) which is to be exported in one package, place the duplicate licence to export that drug inside the outer wrapper of that package;

(ii) which is to be exported in more than one package—

(A) place the duplicate licence to export that drug inside the outer wrapper of one package;

(B) consecutively number on the outer wrapper all the packages in which the drug is contained; and

(C) indicate on each package the number of the package in which the duplicate licence is to be found;

(c) he shall advise the Secretary for Health within seven days of the import or export of any drug imported or exported by him.

46. Consignment of drugs

(1) No person shall in the course of supplying a drug to a person in Malawi consign that drug by road or rail by a route which entails the carriage of that drug beyond the borders of Malawi unless he is in possession of a movement licence.

(2) The holder of a movement licence shall comply with regulation 45 (b) and (c), as if the drugs to which that movement licence relates were drugs to be exported by him.

47. Cessation of practice

Any authorized or licensed person in possession of drugs shall, before ceasing to practise or exercise his profession, function or employment at any place—

(a) if he is being succeeded by an authorized or licensed person—

(i) physically check with and hand over to his successor all drugs in his possession;

(ii) submit to the Secretary for Health a statement, signed by himself and by his successor, certifying that the said drugs have been physically checked and handed over in accordance with subparagraph (i); and

(iii) after handing over the drugs, rule off each page of the dangerous drugs register on which an entry has been made, and both he and his successor shall, when satisfied that it is a true record of the drugs on hand, sign each such page. If either person is not satisfied that it is a true record, he shall refuse to sign such page and shall immediately inform the Secretary for Health of the reasons for his refusal;

(b) if he is not being succeeded by an authorized or licensed person, inform the Secretary for Health of the arrangements he has made for the disposal of the drugs in his possession. If such arrangements have not been made or are not to the satisfaction of the Secretary for Health, the drugs shall be disposed of in such manner as the Secretary for Health shall order. Immediately after disposing of the drugs in accordance with the arrangements or order, as the case may be, previously made, such authorized or licensed person shall notify the Secretary for Health that he has done so and shall, at the same time forward the dangerous drugs register and the supporting prescriptions and written orders to the Secretary for Health who shall retain them for a period of two years from the latest date of entry.

FIRST SCHEDULE reg. 2

MIDWIFE'S SUPPLY ORDER

I hereby certify that of is a fully trained practising midwife and is authorized in pursuance of regulation 19 (4) of the Dangerous Drugs Regulations to procure during the period of validity of this supply order and for the purpose of her profession, tincture of opium and pethidine preparations not exceeding the quantities stated below.

.....

.....

This supply order shall remain valid until the 31st December of the year in which it is issued, and shall be returned to me immediately on becoming invalid.

Place Signed

Date of Issue Secretary for Health

MIDWIFE'S SUPPLY ORDER

(TO BE PRINTED ON REVERSE)

(1) This supply order shall be produced to the person from whom the drugs are procured.

(2) The supplier shall, at the time the transaction takes place, note under the appropriate heading in this order the date on which the drugs are supplied, the name and quantity of the drugs supplied, and his name and registered address.

PETHIDINE PREPARATIONS

Date SuppliedDetails of preparation (strength of tablets, ampoules, etc.)Quantity SuppliedTotal Supplied to dateName and Address of Supplier

TINCTURE OF OPIUM

Date SuppliedQuantity SuppliedTotal Supplied to dateName and Address of Supplier

SECOND SCHEDULE reg. 2

PREPARATIONS WHICH ARE NOT PART III PREPARATIONS

Ipecacuanha Pills with Squill B.P.C. 1934.

Pills of Mercury with Chalk and Opium B.P.C. 1949.

Aromatic Powder of Chalk with Opium B.P. 1953.

Powder of Ipecacuanha and Opium B.P. 1953.

Suppository of Lead with Opium B.P.C. 1949.

Eye-drops of Cocaine and Mercuric Chloride, Oily B.P.C. 1954.

Mixtures of Powder of Ipecacuanha and Opium B.P. 1953 with any of the following: —

Mercury with Chalk B.P. 1914 and B.P. 1948.

Acetylsalicylic Acid,
Phenacetin,
Quinine and its salts,
Sodium Bicarbonate.

NOTE.—

Only those provisions of the Act and regulations which relate to the import or export of drugs and the movement of drugs by road or rail beyond the borders of Malawi apply to the preparations specified in this Schedule.

THIRD SCHEDULE reg. 9, 28 and 33

FORM OF REGISTER

Name of drug or preparation—

Date on which acquired or supplied
Name and address of person from whom acquired or to whom supplied
Reference Amount acquired
Amount supplied
Amount on hand

FOURTH SCHEDULE reg. 2 and 28

Part III drugs and Part III preparations with respect to which entries shall be made separately:

- (1) medicinal opium;
- (2) any extract or tincture of Indian hemp, and any preparation, not being a preparation capable of external use only, made from extract or tincture of Indian hemp;
- (3) morphine and its salts, and any solution or dilution of morphine or its salts in an inert substance whether liquid or solid containing any proportion of morphine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth of one per centum of morphine (calculated in respect of anhydrous morphine);
- (4) diacetylmorphine (also known as diamorphine or heroin) and its salts, and any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;
- (5) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and any solution or dilution of cocaine or its salts in an inert substance, whether liquid or solid, containing any proportion of cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-tenth of one per centum of cocaine or any proportion of ecgonine;

(6) dihydrohydroxycodone (also known as eucodal) and its salts, and any preparation, admixture, extract or other substance containing any proportion of dihydrohydroxycodone or its salts;

(7) dihydrocodeine (also known as dicodide) and its salts, and any preparation, admixture, extract or other substance containing any proportion of dihydrocodeine or its salts;

(8) dihydromorphine (also known as dilaudide) and its salts, and any preparation, admixture, extract or other substance containing any proportion of dihydromorphine or its salts;

(9) 6-methyldihydromorphine and its salts, and any preparation, admixture, extract or other substance containing any proportion of 6-methyldihydromorphine or its salts;

(10) acetyldihydrocodeine and its salts, and any preparation, admixture, extract or other substance containing any proportion of acetyldihydrocodeine or its salts;

(11) dihydromorphine and its salts, and any preparation, admixture, extract or other substance containing any proportion of dihydromorphine or its salts;

(12) morphine-N-oxide (also known as genomorphine) and any preparation, admixture, extract or other substance containing any proportion of morphine-N-oxide;

(13) thebaine and its salts, and any preparation, admixture, extract or other substance containing any proportion of thebaine or its salts;

(14) benzylmorphine and its salts, and any preparation, admixture, extract or other substance containing any proportion of benzylmorphine or its salts;

(15) dihydrodesoxymorphine (also known as desormorphine) and its salts, and any preparation, admixture, extract or other substance containing any proportion of dihydrodesoxymorphine or its salts;

(16) pethidine and its salts, and any preparation, admixture, extract or other substance containing any proportion of pethidine or its salts;

(17) the isopropyl and other esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid (other than pethidine) and their salts, and any preparation, admixture, extract or other substance containing any proportion of the isopropyl or other esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid or their salts;

(18) methyldihydromorphine (also known as metopon) and its salts, and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphine or its salts;

(19) alphaprodine and its salts, and any preparation, admixture, extract or other substance containing any proportion of alphaprodine or its salts;

(20) methadone (also known as amidone) and its salts, and any preparation, admixture, extract or other substance containing any proportion of methadone or its salts;

(21) betaprodine and its salts, and any preparation, admixture, extract or other substance containing any proportion of betaprodine or its salts;

(22) hydroxypethidine and its salts, and any preparation, admixture, extract or other substance containing any proportion of hydroxypethidine or its salts;

(23) isomethadone (also known as isoamidone) and its salts, and any preparation, admixture, extract or other substance containing any proportion of isomethadone or its salts;

(24) ketobemidone and its salts, and any preparation, admixture, extract or other substance containing any proportion of ketobemidone or its salts;

(25) methadol and its salts, and any preparation, admixture, extract or other substance containing any proportion of methadol or its salts;

(26) a-methadol and its salts, and any preparation, admixture, extract or other substance containing any proportion of a-methadol or its salts;

(27) b-methadol and its salts, and any preparation, admixture, extract or other substance containing any proportion of b-methadol or its salts;

(28) methadyl acetate and its salts, and any preparation, admixture, extract or other substance containing any proportion of methadyl acetate or its salts;

(29) a-acetylmethadol and its salts, and any preparation, admixture, extract or other substance containing any proportion of a-acetylmethadol or its salts;

(30) b-acetylmethadol and its salts, and any preparation, admixture, extract or other substance containing any proportion of b-acetylmethadol or its salts;

(31) phenadoxone and its salts, and any preparation, admixture, extract or other substance containing any proportion of phenadoxone or its salts;

(32) betameprodine and its salts, and any preparation, admixture, extract or other substance containing any proportion of betameprodine or its salts;

(33) methorphan other than dextrorphan (that is to say levorphan and racemorphan) and its salts, and any preparation, admixture, extract or other substance containing any proportion of methorphan or its salts;

(34) 3-methoxy-N-methylmorphinan other than dextromethorphan (that is to say levomethorphan and racemethorphan) and its salts, and any preparation, admixture, extract or other substance containing any proportion of 3-methoxy-N-methylmorphinan or its salts;

(35) methyl-desomorphine (6-methyl- and 6-desoxymorphine) and its salts, and any preparation, admixture, extract or other substance containing any proportion of methyl-desomorphine or its salts;

(36) 3-dimethylamino-1, 1-di-(2'-thienyl)-1-butene and its salts, and any preparation, admixture, extract, or other substance containing any proportion of 3-dimethylamino-1, 1-di-(2'-thienyl)-1-butene or its salts;

(37) 3-ethylmethylamino-1, 1-di-(2'-thienyl)-1-butene and its salts, and any preparation, admixture, extract or other substance containing any proportion of 3-ethylmethylamino-1, 1-di-(2'-thienyl)-1-butene or its salts;

(38) 3-diethylamino-1, 1-di-(2'-thienyl)-1-butene (diethylthiambutene) and its salts, and any preparation, admixture, extract or other substance containing any proportion of 3-diethylamino-1, 1-di-(2'-thienyl)-1-butene or its salts;

(39) 4,4-diphenyl -6-dimethylamino-3-hexanone and its salts, and any preparation, admixture, extract or other substance containing any proportion of 4, 4-diphenyl -6-dimethylamino -3-hexanone or its salts;

(40) 4, 4-diphenyl -6- piperidino -3- heptanone and its salts, and any preparation, admixture, extract or other substance containing any proportion of 4, 4-diphenyl -6- piperidino -3- heptanone or its salts;

(41) the esters of morphine (other than diacetylmorphine), ecgonine, dihydrohydroxycodone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone and dihydromorphine and their respective salts, the ethers of morphine (other than benzylmorphine, methylmorphine, ethylmorphine and morpholinylethylmorphine) and their salts, and the morphine-N-oxide derivatives and any other pentavalent nitrogen morphine derivatives, and any preparation, admixture, extract or other substance containing any proportion of any drug included in this paragraph.

(42) 1 : 3-Dimethyl-4-phenyl-4-propionyloxyhexamethyl-eneimine, its salts and any preparation, admixture, extract or other substance containing any proportion of 1 : 3-dimethyl-4-phenyl-4-propionyloxyhexamethyleneimine.

(43) 3-Hydroxy-N-phenethylmorphinan, its salts and any preparation, admixture, extract or other substance containing any proportion of 3-hydroxy-N-phenethylmorphinan.

(44) 4-Morpholino-2: 2-diphenyl ethyl butyrate, its salts and any preparation, admixture, extract or other substance containing any proportion of 4-morpholino-2: 2-diphenyl ethyl butyrate.

(45) 4-Dimethylamino-1: 2-diphenyl-3-methyl-2-propionyloxybutane, its salts and any preparation, admixture, extract or other substance containing any proportion of 4-dimethylamino-1: 2-diphenyl-3-methyl-2-propionyloxybutane.

- (46) Anileridine (1- [2- (p-aminophenyl)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- (47) Etoxeridine (1- [2- (2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).
- (48) Dextromoramide, levomoramide and racemoramide [1- (3 methyl-4-morpholino-2: 2 diphenylbutyryl)-pyrrolidine].
- (49) Morpheridine [1- (2-morpholinoethyl)-4-phenylpiperidine-4 carboxylic acid ethyl ester].
- (50) Myrophine (myristyl ester of benzylmorphine).
- (51) Oxymorphone (dihydro-14-hydroxymorphinone).
- (52) Trimeperidine (1: 2: 5-trimethyl-4-phenyl-4-propionyloxy piperidine).
- (53) Benzethidine [ethyl 1 (2-benzoyloxyethyl)-4-phenylpiperidine-4-carboxylate].
- (54) Dimenoxadole (2-dimethylaminoethyl-2-ethoxy-2: 2 diphenylacetate).
- (55) Furethidine [ethyl 1 (2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylate].
- (56) Norcodeine.
- (57) Normorphine.
- (58) Phenazocine [2'-hydroxy-5: 9 dimethyl-2- (2-phenylethyl)-6: 7-benzomorphan].
- (59) Allyprodine (3 allyl-1 methyl-4 phenyl-4 propionoxypiperidine).
- (60) Clonitazene (2-p-chlorobenzyl-1-1- (2-diethylaminoethyl)-5-nitrobenzimidazole).
- (61) Diphenoxylate [ethyl 1- (3-cyano-3: 3 diphenylpropyl)-4-phenylpiperidine-4-carboxylate].
- (62) Etonitazine [1- (2-diethylaminoethyl)-2-p-ethoxybenzyl-5-nitrobenzimidazole],
- (63) Hydromorphinol(14-hydroxydihydromorphine).
- (64) Levophenacymorphan [(-)-3 hydroxy-N-phenacymorphinan].
- (65) Metazocine (2'-hydroxy-2: 5: 9-trimethyl-6:7-benzomorphan).
- (66) Diampromide (N-[2- N-methylphenethylamino) propyl] propionanilide).
- (67) Norlevorphanol [(-)-3 hydroxymorphinan].
- (68) Phenampromide [N- (1-methyl-2-piperidincethyl) propionanilide].

- (69) Phenoperidine (ethyl 1 [3-hydroxy-3-phenylpropyl]-4-phenylpiperidine-4-carboxylate).
- (70) Piminodine [ethyl 1- (3-anilinopropyl)-4-phenylpiperidine-4-carboxylate].
- (71) Nicocodine.
- (72) Noracymethadol (oe-dl-3 acetoxy-6 methylamino-4:4 diphenylheptane).

NOTE.—

No entries are required to be made with respect to any preparation containing a drug specified in this Schedule which is a preparation specified in the Second Schedule or a preparation specified in any notice published in terms of section 10 (4) of the Act.

FIFTH SCHEDULE reg. 44

PRESCRIBED FEES

tLicence to Import50Licence to Export25

APPLICATION OF PART III OF THE ACT

under s. 10 (2)

G.N. 57/1956(F)

226/1956(F)

4/1959(F)

96/1960(F)

222/1961(F)

249/1963(F)

104/1982

The Minister has applied Part III of the Act to the substances set out in the Schedule in the same manner as Part II of the Act applies to drugs specified in the First Schedule to the Act.

SCHEDULE

I. The following substances, namely—

- (1) Allylprodine (3-allyl-1-methyl-4 phenyl-4-propionoxypiperidine);
- (2) Anileridine (1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester);

- (3) Benzethidine (Ethyl 1(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylate);
- (4) Clonitazene (2-p-chlorobenzyl-1-(2-diethylaminoethyl)-5-nitrobenzimidazole);
- (5) Dextromoramide, levomoramide and racemoramide 1-(3-methyl-4-morpholino-2:2-diphenylbutyryl)-pyrrolidine;
- (6) Diampromide (N-[2-(N-methylphenethylamino)-propyl]-propionanilide);
- (7) 3-Diethylamino-1, 1-di-(2'-thienyl)-l-butene (diethylthiambutene);
- (8) Dimenoxadole (2-dimethylaminoethyl-2-ethoxy-2: 2-diphenylacetate);
- (9) 3-Dimethyl-4-phenyl-4-propionyloxyhexamethyleneimine;
- (10) Diphenoxylate (ethyl 1-(3-cyano-3 : 3-diphenylpropyl)-4-phenyl piperidine-4-carboxylate);
- (11) 4,4-Diphenyl-6-dimethylamino-3-hexanone;
- (12) 4,4-Diphenyl-6-piperidino-3-heptanone;
- (13) Etonitazene (1-(2-diethylaminoethyl)-2-p-ethoxybenzyl-5-nitrobenzimidazole);
- (14) Etoxeridine (1- [2- (2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester);
- (15) Furethidine (Ethyl 1(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylate);
- (16) Hydromorphenol (14-hydroxydihydromorphine);
- (17) 3-Hydroxy-N-phenethylmorphinan;
- (18) Levophenacymorphan ((-)-3-hydroxy-N-phenacymorphinan);
- (19) Metazocine (2/-hydroxy-2 : 5 : 9-trimethyl-6 : 7-benzomorphan);
- (20) b-methadol;
- (21) N-[2-(N-methylphenethylainino) propyl] propionanilide;
- (22) The esters of l-methyl-4-phenylpiperidine-4-carboxylic acid (other than pethidine);
- (23) Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester);
- (24) 4-Morpholino-2: 2-diphenyl ethyl butyrate;
- (25) Myrophine (myristyl ester of benzylmorphine);
- (26) Noracymethadol (œ-3 acetoxy-6 methylamino-: 4-diphenylheptane);

(27) Norcodeine;

(28) Methaqualone (3, 4-dihydro-2-methyl-3-O-tolylquinazolin-4-one), its salts and any preparation, admixture, extract or other substance containing any proportion of Methaqualone.

(28) Norlevorphanol ((-)-3-hydroxymorphinan);

(29) Normorphine;

(30) Oxymorphone (dihydro-14-hydroxymorphinone);

(31) Phenampromide (N-(1-methyl-2-piperidinoethyl) propionanilide);

(32) Phenazocine (2'-hydroxy-5:9-dimethyl-2-(2-phenylethyl)-6 : 7-benzomorphan);

(33) Phenoperidine (ethyl 1(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylate);

(34) Piminodine (ethyl 1-(3-anilinopropyl)-4-phenylpiperidine-4-carboxylate);

(35) Trimeperidine (1:2:5-trimethyl-4-phenyl-4-propionyloxypiperidine).

II. Any salt of a substance specified in paragraph I above.

III. Any preparation, admixture, extract or other substance containing any proportion of a substance for the time being specified in paragraph I or II above.

APPLICATION OF PART III OF THE ACT

under ss. 10 (3) and 14

G.N. 57/1956(F)

The Minister has applied Part III of the Act to the drugs specified in the Schedule hereto and their preparations with the modifications that—

(a) those drugs and products and their preparations shall not be treated as drugs to which Part III of the Act applies for the purposes of Part II of the Dangerous Drugs Regulations; Above p. 13

(b) section 11 of the Act shall not apply to the import into or export from Malawi of Syrup of Codeine Phosphate B.P.C. 1954 or to any preparation containing not more than 2.5 per centum of methylmorphine, ethylmorphine or morpholinylethylmorphine calculated as a pure drug, associated with other medicinal substances.

SCHEDULE

Methylmorphine (commonly known as codeine);

Ethylmorphine;

Morpholinylethylmorphine;

Dihydrocodeine;

Acetyldihydrocodeine;

and their salts.

NOTE.—

The drugs and products specified in the Schedule to this notice are the drugs and products defined as “partially controlled drugs” for the purposes of the Dangerous Drugs Regulations.

DANGEROUS DRUGS (SECTION 10 EXEMPTION) NOTICE

under s. 10(4)

G.N. 58/1956(F)

223/1961(F)

1. Citation

This notice may be cited as the Dangerous Drugs (Section 10 Exemption) Notice.

2. Application

The provisions of Part III of the Act shall cease to apply to the preparations specified in the Schedule hereto.

SCHEDULE para. 2

A.—MORPHINE PREPARATIONS: Substance Formula
1. Cereoli iodoformi et morphinae Iodoform 0.320 gramme Morphine Hydrochloride 0.016 gramme Oil of theobroma, sufficient to fill a 1-gramme mould.
2. Emplastrum opii Elemi 20 grammes Terebinthina 30 grammes Cera flava 15 grammes Olibanum pulvis 18 grammes Benzoes pulvis 10 grammes Opii pulvis 5 grammes Balsamum peruvianum 2 grammes
3. Emplastrum opii Extract of opium 25 grammes Refined elemi 25 grammes Diachylon plaster with gum 50 grammes
4. Emplastrum opii Elemi 8 grammes Terebinthinae communis 15 grammes Cerae flavae 5 grammes Olibani pulveratae 8 grammes Benzoes pulveratae 8 grammes Opii pulveratigammes Balsami peruviani 1 gramme
5. Emplastrum opii Opium, in very fine powder 10 grammes Resin plaster 90 grammes
6. Emplastrum opii (see formula under 5) mixed with other plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex.
7. Linimentum opii Tincture of opium 500 millilitres Liniment of soap 500 millilitres
8. Linimentum opii (see formula under 7) mixed with any other liniment of the British Pharmacopoeia or of the British Pharmaceutical Codex.
9. Linimentum opii ammoniatum Ammoniated liniment of camphor 30 Tincture of opium 30 Liniment

of Belladonna 5 Strong solution of ammonia 5 Liniment of soap to 100 10. Linimentum opii ammoniatum (see formula under 9) mixed with any other British Pharmacopoeia or British Pharmaceutical Codex liniment. 11. Caustic "Nerve Pastes" Preparations containing, in addition to morphine salts, or morphine and cocaine salts, at least 25 per centum of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.

12. Diarrhoea pills Camphor 0.0648 gramme Lead acetate 0.013 gramme Bismuth subnitrate 0.162 gramme Tannic acid 0.0648 gramme Opium powder 0.026 gramme 13. Pilulae digitalis et Opii compositae Digitalis leaves, in powder 0.31 gramme Opium, in powder 0.19 gramme Ipecacuanha root, in powder 0.13 gramme Quinine sulphate 0.78 gramme Syrup of glucose, a sufficient quantity to make 12 pills. 14. Pilulae hydrargyri cum Opio Mercury pill 3.89 grammes Opium, in powder 0.19 gramme To make 12 pills. 15. Pilulae hydrargyri cum Creta et Mercurio Mercury with chalk 0.78 gramme Opii Compound powder of ipecacuanha The formula of this powder is given under 21. * 0.78 gramme Milk sugar, a sufficient quantity Syrup of glucose, a sufficient quantity To make 12 pills. 16. Pilulae ipecacuanhae cum Scilla Compound powder of ipecacuanha The formula of this powder is given under 21. * 30 grammes Squill, in powder 10 grammes Ammoniacum, in powder 10 grammes Syrup of glucose, a sufficient quantity. 17. Pilulae hydrargyri bichlorati Bichloride of mercury cum Opii extract triturated 10 centigrammes Extract of opium 20 centigrammes Extract of couchgrass 20 centigrammes Liquorice root in powder, q.s. for 10 pills. 18. Pilulae hydrargyri iodati cum Opii pulvere Hydrargyrum iodatum freshly prepared 50 centigrammes Opium powder 20 centigrammes Powdered Liquorice 30 centigrammes White honey, q.s. for 10 pills. 19. Pilula plumbi cum Opio Lead acetate, in powder 80 grammes Opium, in powder 12 grammes Syrup of glucose (or a sufficient quantity) 8 grammes 20. Pilulae terebinthinae compositae Opium 0.5 gramme Chinina sulfas 2 grammes Styrax liquidus 2 grammes Terebinthina laricina 8 grammes Magnesii subcarbonas, a sufficient quantity to make 100 pills. 21. Pulvis Ipecacuanhae et Opii (Dover's Powder) Powdered Ipecacuanha 100 grammes Powdered Opium 100 grammes Potassium sulphate in powder 800 grammes 22. Mixtures of Dover's Powder (see formula under 21) with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate. 23. Pulvis kino compositus Kino, in powder 75 grammes Opium, in powder 5 grammes Cinnamon bark, in powder 20 grammes 24. Suppositoria plumbi composita Lead acetate, in powder 2.4 grammes Syn.: Suppositoria plumbi Opium, in powder 0.8 gramme cum opio Oil of theobroma, a sufficient quantity for 12 suppositories, each weighing about 1 gramme. 25. Coryza Tablets, No. 2 Powdered opium 0.0043 gramme Quinine sulph. 0.022 gramme Ammon. chlor. 0.022 gramme Camphor 0.022 gramme Ext. belladonna leaves 0.0043 gramme Ext. aconite root 0.0043 gramme

26. Diarrhoea Tablets, No. 2 Powdered opium 0.016 gramme Camphor 0.016 gramme Powdered ipecacuanha 0.008 gramme Lead acetate 0.011 gramme 27. Dysentery Tablets Powdered opium 0.013 gramme Powdered ipecacuanha 0.0648 gramme Powdered calomel 0.0324 gramme Lead acetate 0.0324 gramme Bismuth betanaphthol 0.1944 gramme 28. Tabella hydrargyri cum Opio Mercurous chloride powder 0.065 gramme Antimony oxide powder 0.065 gramme Ipecacuanha-root powder 0.065 gramme Powdered opium 0.065 gramme Milk sugar 0.065 gramme Gelatine solution, a sufficient quantity to make one tablet. 29. Tabella plumbi. cum Opio Sugar of lead 0.195 gramme Powdered opium 0.065 gramme Gelatine solution, a sufficient quantity to make 1 tablet. 30. Tablettae plumbi cum Opio Lead

acetate, in fine powder 19.44 grammes
 Opium, in powder 3.24 grammes
 Refined sugar, in powder 6.48 grammes
 Ethereal solution of theobroma 3.60 mils.
 Alcohol 0.90 mil. 31. Unguentum gallae compositum
 Galls in very fine powder 20
 Extract of opium 4
 Distilled water 16
 Wool fat 10
 Soft paraffin, yellow 50
 32. Unguentum gallae compositum (see formula under 31) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex.
 33. Unguentum gallae cum Opio
 Gall ointment 92.5 grammes
 Opium in powder 7.5 grammes
 34. Unguentum gallae cum Opio (see formula under 33) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex.
 35. Yatren—105 (Iodoxyquinoline-sulphonic acid) with 5 per centum opium admixture.
 B.—COCAINE PREPARATIONS:
 1. Bernatzik's Injections (a) Hydrargyrum bicyanatum 0.03 gramme
 Cocainum 0.02 gramme (b) Hydrargyrum succinatum 0.03 gramme
 Cocainum 0.01 gramme
 2. Stila's Injections (a) Hydrargyrum succinatum 0.03 gramme
 Cocainum muriaticum 0.01 gramme (b) Hydrargyrum succinatum 0.05 gramme
 Cocainum muriaticum 0.03 gramme
 3. Natrium boricum compositum cum Cocaino
 In tablets, compressed tablets, lozenges, pastilles and the like, difficult to break up, and containing not more than 0.2 per centum of cocaine salts in conjunction with not less than 20 per centum borax and not less than 20 per centum antipyrine, or some similar analgesic, and not more than 40 per centum of flavouring matter. Maximum weight of each tablet, etc., 1 gramme.
 4. Caustic "Nerve Pastes" Preparations containing, in addition to cocaine salts or cocaine and morphine salts, at least 25 per centum of arsenious acid, and made up with the requisite proportion of creosote or phenol to produce the consistency of a paste.

5. Cocaine and Atropine Tablets, Atropinum sulphuricum 0.0003 grammes with a content of not more than 0.0003 gramme of co-Mannite 0.003 grammes
 Cocainum hydrochloricum 0.0003 grammes
 than 0.0003 gramme of cocaine salts and not less than 0.0003 gramme of atropine
 Weight of one tablet 0.0036 grammes
 salts to each tablet
 Cocaine content, 8.3 per centum.
 C.—DICODIDE PREPARATIONS:
 1. Cardiazol-Dicodide Solutions
 Solutions containing not less than 10 per centum of cardiazol and not more than 0.5 per centum of dicodide salts.
 D.—EUCODAL PREPARATIONS:
 1. Anti-Opium Tablets
 Eucodal 1 gramme
 Pulvis gentianae 35 grammes
 Pulvis ipecacuanhae 20 grammes
 Quinine sulphate 20 grammes
 Caffeine 5 grammes
 Sugar of milk 25 grammes
 Mix up and make up 5-grain tablets.
 2. Tablets B.B. Compound
 Berberis vulgaris powder 0.0324 gramme
 Nux vomica 0.013 gramme
 Eucodal 0.0032 gramme
 Ipecacuanha 0.0648 gramme
 Rhubarb 0.013 gramme
 Pulvis cinnamoni compositus 0.0324 gramme
 Aromatic chalk 0.0032 gramme
 E.—DIPHENOXYLATE PREPARATIONS:
 1. Tablets each weighing 0.8 gramme and containing 2.5 milligrammes of diphenoxylate hydrochloride and 0.025 milligramme of atropine sulphate.
 2. Preparations containing 2.5 milligrammes of diphenoxylate hydrochloride 0.025 milligramme of atropine sulphate, 85 milligrammes of lactose 7 milligrammes of sugar, 21.6 milligrammes of starch, 3 milligrammes of talc, 1 milligramme of magnesium stearate and 0.7 milligramme of tartrazine.

DANGEROUS DRUGS (SECTION 13 EXEMPTION) NOTICE

under s. 13

G.N. 3/1959(F)

97/1960(F)

224/1961(F)

252/1963(F)

1. Citation

This notice may be cited as the Dangerous Drugs (Section citation 13 Exemption) Notice.

2. Application

Section 13 of the Act shall cease to apply to the products specified in the Schedule, being products obtained from any of the phenanthrene alkaloids of opium.

SCHEDULE para. 2

EXEMPTED PRODUCTS

1. Methyldesomorphine.
2. Dihydrodesoxymorphine.
3. 6-Methyldihydromorphine.
4. Methyldihydromorphinone.
5. N-allylnormorphine.
6. Diacetyl-N-allylnormorphine.
7. Myrophine (myristyl ester of benzylmorphine).
8. Oxymorphine (dihydro-14-hydroxymorphinone).
9. Norcodeine.
10. Normorphine.
11. Hydromorphinol (14-hydroxydihydromorphine).
12. Nicocodeine.

APPLICATION OF PART III OF THE ACT

under s. 14

G.N. 57/1956(F)

144/1961(F)

251/1963(F)

The Minister has applied Part III of the Act—

(a) to the drugs and products specified in the First Schedule hereto without any modification; and

(b) to the products specified in the Second Schedule hereto with the modification that such products shall not be treated as a drug to which Part III of the Act applies for the purposes of Part II of the Dangerous Drugs Regulations. Above p. 13

FIRST SCHEDULE

Methyldesomorphine (6-methyl- μ -trif; 6-desoxymorphine) and its salts, and any preparation, admixture, extract or other substance containing any proportion of methyldesomorphine or its salts; Dihydrodesoxymorphine and its salts, and any preparation, admixture, extract or other substance containing any proportion of dihydrodesoxymorphine or its salts;

6-Methyldihydromorphine and its salts, and any preparation, admixture, extract or other substance containing any proportion of 6-methyldihydromorphine or its salts;

Methyldihydromorphinone and its salts, and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphinone or its salts.

SECOND SCHEDULE

4-Dimethylamino-1:2 diphenyl-3-methyl-2-propionyloxybutane, its salts and any preparation, admixture, extract or other substance containing any proportion of 4-dimethylamino-1: 2-diphenyl-3-methyl-2-propionyloxybutane - commonly known as propoxyphene.

Nicocodine, and its salts, and any preparation, admixture, extract or other substance containing any proportion of nicocodine or its salts.