
STATUTORY INSTRUMENTS

1973 No. 798

The Misuse of Drugs (Safe Custody) Regulations 1973

1. These Regulations may be cited as the Misuse of Drugs (Safe Custody) Regulations 1973 and (with the exception of Regulations 3 and 4 and Schedule 2 which shall come into operation on 1st October 1974) shall come into operation on 1st July 1973.

2.—(1) In these Regulations, unless the context otherwise requires, the expression—

“the Act” means the Misuse of Drugs Act 1971;

“retail dealer” means a person lawfully conducting a retail pharmacy business or a pharmacist engaged in supplying drugs to the public at a health centre within the meaning of the Medicines Act 1968.

(2) In these Regulations any reference to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any other enactment.

(3) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) This Regulation applies to the following premises, that is to say:—

- (a) any premises occupied by a retail dealer for the purposes of his business;
- (b) any nursing home within the meaning of Part VI of the Public Health Act 1936 or the Nursing Homes Registration (Scotland) Act 1938;
- (c) any residential or other establishment provided under or by virtue of section 59 of the Social Work (Scotland) Act 1968;
- (d) any mental nursing home within the meaning of Part III of the Mental Health Act 1959;
- (e) any private hospital within the meaning of the Mental Health (Scotland) Act 1960.

(2) Subject to paragraph (4) of this Regulation, the occupier and every person concerned in the management of any premises to which this Regulation applies shall ensure that all controlled drugs (other than those specified in Schedule 1 to these Regulations) on the premises are, so far as circumstances permit, kept in a locked safe, cabinet or room which is so constructed and maintained as to prevent unauthorised access to the drugs.

(3) Subject to Regulation 4 of these Regulations, the relevant requirements of Schedule 2 to these Regulations shall be complied with in relation to every safe, cabinet or room in which controlled drugs are kept in pursuance of paragraph (2) of this Regulation.

(4) It shall not be necessary to comply with the requirements of paragraph (2) of this Regulation in respect of any controlled drug which is for the time being under the direct personal supervision of—

- (a) in the case of any premises falling within paragraph (1)(a) of this Regulation, a pharmacist in respect of whom no direction under section 12(2) of the Act is for the time being in force; or
- (b) in the case of premises falling within paragraph (1)(b) to (e) of this Regulation, the person in charge of the premises or any member of his staff designated by him for the purpose.

4.—(1) Paragraph (3) of Regulation 3 of these Regulations shall not have effect in relation to a safe, cabinet or room situated on any premises occupied for the purposes of his business by a person lawfully conducting a retail pharmacy business (hereafter in this Regulation referred to as “the occupier”) if a certificate has been issued in pursuance of paragraph (2) of this Regulation (hereafter in this Regulation referred to as a “certificate”) in respect of that safe, cabinet or room and the certificate is for the time being in force.

(2) On receiving written application in that behalf from the occupier, the chief officer of police for the police area in which the premises in question are situated may—

- (a) cause the said premises and, in particular, any safe, cabinet or room in which controlled drugs are to be kept, to be inspected; and
- (b) if satisfied that, in all the circumstances of the case, the safes, cabinets or rooms in which controlled drugs (other than those specified in Schedule 1 to these Regulations) are to be kept provide an adequate degree of security, issue a certificate in respect of those safes, cabinets or rooms.

(3) Every certificate shall specify—

- (a) every safe, cabinet or room to which the certificate relates; and
- (b) any conditions necessary to be observed if the safes, cabinets and rooms to which the certificate relates are to provide an adequate degree of security.

(4) Where a certificate is in force in respect of any safe, cabinet or room on any premises, the chief officer of police may cause the premises to be inspected at any reasonable time for the purpose of ascertaining whether any conditions specified in the certificate are being observed and whether as a result of any change of circumstances the safes, cabinets and rooms to which the certificate relates have ceased to provide an adequate degree of security.

(5) A certificate may be cancelled by the chief officer of police if it appears to him that—

- (a) there has been a breach of any condition specified in the certificate; or
- (b) as a result of any change of circumstances, the safes, cabinets and rooms to which the certificate relates no longer provide an adequate degree of security; or
- (c) the occupier has refused entry to any police officer acting in pursuance of paragraph (4) of this Regulation.

(6) A certificate shall, unless previously cancelled in pursuance of paragraph (5) of this Regulation, remain in force for a period of one year from the date of issue thereof, but may from time to time be renewed for a further period of one year.

5.—(1) Where any controlled drug (other than a drug specified in Schedule 1 to these Regulations) is kept otherwise than in a locked safe, cabinet or room which is so constructed and maintained as to prevent unauthorised access to the drug, any person to whom this Regulation applies having possession of the drug shall ensure that, so far as circumstances permit, it is kept in a locked receptacle which can be opened only by him or by a person authorised by him.

(2) Paragraph (1) of this Regulation applies to any person other than—

- (a) a person to whom the drug has been supplied by or on the prescription of a practitioner for his own treatment or that of another person or an animal; or
- (b) a person engaged in the business of a carrier when acting in the course of that business; or
- (c) a person engaged in the business of the Post Office when acting in the course of that business.

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Whitehall
19th April 1973

Robert Carr
One of Her Majesty's Principal Secretaries of
State
Home Office