DANGEROUS DRUGS

1952 No. 347

The Dangerous Drugs Act, 1951 (Application) Order, 1952

Made - - - - 22*nd February*, 1952
Coming into Operation 1*st March*, 1952

At the Court at Clarence House, the 22nd day of February, 1952

Present

The Queen's Most Excellent Majesty in Council

Whereas from time to time various Orders in Council have been made under subsection (2) of section eight of the Dangerous Drugs Act, 1920(**a**), both as originally enacted and as amended by subsection (2) of section one of the Dangerous Drugs Act, 1932(**b**), declaring that Part III of the said first-mentioned Act should apply to the drugs specified in the Orders in the same manner as it applies to the drugs mentioned in subsection (1) of the said section eight:

And Whereas on the eighth day of August, 1933, an Order in Council(**c**) was made under subsection (3) of section two of the Dangerous Drugs Act, 1932, applying the said Part III from the first day of October, 1933, with the modifications specified in the Order, to the drugs methylmorphine and ethylmorphine and their respective salts:

And Whereas the aforesaid enactments, together with certain other enactments, have been repealed and replaced by the Dangerous Drugs Act, 1951(**d**), and it is provided in that Act that any Order in Council made under an enactment repealed by that Act which is in force at the commencement of that Act shall continue in force, and, so far as it could have been made under the corresponding provision of that Act, shall have effect as if it had been made under that corresponding provision:

And Whereas certain of the aforesaid Orders in Council are spent, and it is expedient that they should be revoked, and it is expedient that the provisions of the remaining Orders in Council aforesaid, being Orders in Council in force at the commencement of the said Act, should be consolidated:

Now, therefore, Her Majesty, in pursuance of the powers conferred upon Her by subsections (2) and (3) of section ten of the Dangerous Drugs Act, 1951, is pleased, by and with the advice of Her Privy Council, to order and declare, and it is hereby ordered and declared, as follows:—

1. Part III of the Dangerous Drugs Act, 1951 (which provides that it shall not be lawful to import or export any drug to which that Part applies except under licence, and empowers the Secretary of State to make regulations for the purpose of preventing the improper use of such drugs), shall apply to the drugs specified in the First Schedule to this Order in the same manner as the said Part III applies to the drugs mentioned in subsection (1) of section ten of that Act.

(a) 10 & 11 Geo. 5. c. 46.
(b) 22 & 23 Geo. 5. c. 15.
(c) S.R. & O. 1933/800; Rev. V, p. 617; 1933, p. 723.
(d) 14 & 15 Geo. 6. c. 48.

2. The aforesaid Part III shall, with the modifications specified in the Second Schedule to this Order, apply to the following drugs, that is to say, methylmorphine (also known as codeine), ethylmorphine (also known as dionin) and their respective salts.

3. The Interpretation Act, 1889(**a**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and subsection (2) of section thirty-eight of the said Act shall apply as if this Order were an Act of Parliament and as if any Orders repealed by this Order were Acts of Parliament repealed by an Act of Parliament.

4.—(1) The Orders in Council specified in the Third Schedule to this Order are hereby revoked.

(2) Nothing in this Order shall affect the operation of any regulation having effect under or by virtue of any Order in Council revoked by this Order, and any such regulation shall continue in force and have effect as if this Order had not been made.

5. This Order may be cited as the Dangerous Drugs Act, 1951 (Application) Order, 1952, and shall come into operation on the first day of March, 1952.

F. J. Fernau.

FIRST SCHEDULE

Article 1.

DRUGS TO WHICH PART III OF THE DANGEROUS DRUGS ACT, 1951, IS APPLIED BY THIS ORDER

Any preparation, admixture or other substance (except syrupus Codeinae Phosphatis B.P.C. 1934 or 1949) containing any proportion of methylmorphine (also known as codeine) or ethylmorphine (also known as dionin) associated with any inert substance whether solid or liquid, and any preparation, admixture or other substance containing more than 2.5 per cent. of methylmorphine or ethylmorphine (calculated as pure drug) associated with any other medicinal substance.

All preparations of esters of ecgonine or of their respective salts and all preparations of ecgonine containing less than one-tenth per cent. of ecgonine and all preparations of esters of morphine.

Dihydrodesoxymorphine (also known as desomorphine), its salts and any preparation, admixture, extract or other substance containing any proportion of dihydrodesoxymorphine.

Pethidine, its salts and any preparation, admixture, extract or other substance containing any proportion of pethidine.

Any preparation, not being a preparation capable of external use only, made from extract or tincture of Indian Hemp.

Methyldihydromorphinone (also known as metopon), its salts and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphinone.

Alphaprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of alphaprodine.

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

Betaprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of betaprodine.

Hydroxypethidine (also known as bemidone), its salts and any preparation, admixture, extract or other substance containing any proportion of hydroxypethidine.

(a) 52 & 53 Vict. c. 63.

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

Ketobemidone, its salts and any preparation, admixture, extract or other substance containing any proportion of ketobemidone.

Methadol, its salts and any preparation, admixture, extract or other substance containing any proportion of methadol.

Methadyl acetate, its salts and any preparation, admixture, extract or other substance containing any proportion of methadyl acetate.

Phenadoxone, its salts and any preparation, admixture, extract or other substance containing any proportion of phenadoxone.

Alphameprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of alphameprodine.

Betameprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of betameprodine.

Dihydrocodeine, its salts and any preparation, admixture, extract or other substance containing any proportion of dihydrocodeine.

Acetyldihydrocodeine, its salts and any preparation, admixture, extract or other substance containing any proportion of ecetyldihydrocodeine.

Methorphinan, its salts and any preparation, admixture, extract or other substance containing any proportion of methorphinan.

SECOND SCHEDULE Article 2.

MODIFICATION OF PART III OF THE DANGEROUS DRUGS ACT, 1951, IN ITS APPLICATION TO METHYLMORPHINE AND ETHYLMORPHINE AND THEIR RESPECTIVE SALTS

1.—(1) The power of a Secretary of State under subsection (1) of section nine to make regulations shall be exercisable—

(*a*) in relation to sale or distribution of methylmorphine (also known as codeine) or ethylmorphine (also known as dionin) or their respective salts, only as respects the sale or distribution by a wholesale dealer, and in the case of a wholesale dealer who is also a person lawfully carrying on business in accordance with the provisions of the Pharmacy and Poisons Act, 1933(**a**), as an authorised seller of poisons, only as respects sale or distribution otherwise than in the course of any retail business carried on by him,

(*b*) in relation to possession of any of the said drugs, only as respects possession thereof in a quantity exceeding one pound avoirdupois.

(2) In this paragraph—

" retail business " means the business of retailing, distributing or compounding drugs carried on in a shop ;

" wholesale dealer " means a person who carries on a business of selling drugs to persons who buy to sell again.

2. Subsection (2) of section nine and so much of subsection (4) thereof as provides for the substitution of a different subsection (2) in the application of section nine to Northern Ireland shall not apply in relation to any of the aforesaid drugs.

(a) 23 & 24 Geo. 5. c. 25.

THIRD SCHEDULE Article 4.

ORDERS IN COUNCIL REVOKED

Order in Council made under subsection (2) of section eight of the Dangerous Drugs Act, 1920, and dated the fourteenth day of August, 1928(a), applying Part III of the Dangerous Drugs Act, 1920, to certain other drugs.

Order in Council made under subsection (2) of section eight of the Dangerous Drugs Act, 1920, and dated the fifteenth day of August, 1929(b), applying Part III of the Dangerous Drugs Act, 1920, to certain other drugs.

Order in Council made under subsection (2) of section eight of the Dangerous Drugs Act, 1920, and dated the thirteenth day of June, 1930(c), applying Part III of the Dangerous Drugs Act, 1920, to di-hydro-morphinone.

Order in Council made under subsection (2) of section eight of the Dangerous Drugs Act, 1920, and dated the tenth day of June, 1932(d), applying Part III of the Dangerous Drugs Act, 1920, to acetyldihydrocodeinone.

Order in Council made under subsection (3) of section two of the Dangerous Drugs Act, 1932, and dated the eighth day of August, 1933(e), as to the application of Part III of the Dangerous Drugs Act, 1920.

Order in Council made under subsection (2) of section eight of the Dangerous Drugs Act, 1920, as amended by subsection (2) of section one of the Dangerous Drugs Act, 1932, and dated the thirteenth day of April, 1937(f), applying Part III of the Dangerous Drugs Act, 1920, to certain preparations, etc., containing methylmorphine or ethylmorphine.

Order in Council made under subsection (2) of section eight of the Dangerous Drugs Act, 1920, as amended by subsection (2) of section one of the Dangerous Drugs Act, 1932, and dated the eighth day of June, 1937(g), applying Part III of the Dangerous Drugs Act, 1920, to certain preparations of ecgonine and morphine.

The Dangerous Drugs Act (Application) Order, 1946(h).

The Dangerous Drugs Act (Application) Order, 1947(i).

The Dangerous Drugs Act (Application) Order, 1950(j).

The Dangerous Drugs Act (Application) Order, 1951(k).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Orders in Council named in the Third Schedule. The first four are spent, the substance thereof having been incorporated in the Acts now consolidated as the Dangerous Drugs Act, 1951. The provisions of the remaining Orders in Council are consolidated in this Order without any amendment of substance.

(a) S.R. & O. 1928/644; Rev. V, p. 614; 1928, p. 432.
(b) S.R. & O. 1929/650; Rev. V, p. 615; 1929, p. 395.
(c) S.R. & O. 1930/520; Rev. V, p. 615; 1930, p. 436.
(d) S.R. & O. 1932/435; Rev. V, p. 616; 1932. p. 343.
(e) S.R. & O. 1933/800; Rev. V. p. 617; 1933, p. 723.
(f) S.R. & O. 1937/305; Rev. V. p. 618; 1937. p. 621.
(g) S.R. & O. 1937/533; Rev. V, p. 619; 1937, p. 622.
(h) S.R. & O. 1946/2018; Rev. V, p. 620; 1946 I, p. 349.
(i) S.R. & O. 1947/2740; Rev. V, p. 620; 1947 I, p. 481.
(j) S.I. 1950/527; 1950 I, p. 526.
(k) S.I. 1951/1181; 1951 I, p. 506.