STATUTORY INSTRUMENTS

1963 No. 885

DANGEROUS DRUGS

The Dangerous Drugs Act 1951 (Application) Order 1963

Made - - - - 2*nd May* 1963
Coming into Operation 9*th May* 1963

At the Court at Buckingham Palace, the 2nd day of May 1963

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 10(2) of the Dangerous Drugs Act 1951(a), power is conferred upon Her Majesty by Order in Council to declare that Part III of that Act shall apply to any drug of whatever kind in the same manner as it applies to the drugs mentioned in section 10(1) if it appears to Her Majesty that the drug 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 is capable of being converted into a substance which is, or is likely to be, productive, if improperly used, of such effects:

And whereas by section 10(3) of the said Act power is conferred upon Her Majesty by Order in Council to apply the said Part III, with such modifications as may be specified in the Order, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts:

And whereas various Orders in Council have from time to time been made under the aforesaid powers, and it is expedient that the said Orders in Council should be consolidated:

And whereas it appears to Her Majesty that the drugs specified in Schedule 1 to this Order are 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 are capable of being converted into substances which are, or are likely to be, productive, if improperly used, of such effects:

Now, therefore, Her Majesty, in pursuance of the powers conferred upon Her by sections 10(2) and (3) and 22(1) 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 Schedule 1 to this Order in the same manner as the said Part III applies to the drugs mentioned in section 10(1) of that Act.

(a) 14 & 15 Geo. 6. c. 48.

2. The aforesaid Part III shall, with the modifications specified in Schedule 2 to this Order, apply to the following drugs, that is to say, methylmorphine (commonly known as codeine), ethylmorphine (commonly 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.

4.—(1) The Orders in Council specified in Schedule 3 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 1963 and shall come into operation on 9th May 1963.

W. G. Agnew.

SCHEDULE 1

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.

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

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

Allylprodine, its salts and any preparation, admixture, extract or other substance containing any proportion of allylprodine.

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

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.

Anileridine, its salts and any preparation, admixture, extract or other substance containing any proportion of anileridine.

Benzethidine, its salts and any preparation, admixture, extract or other substance containing any proportion of benzethidine.

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

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

Clonitazene, its salts and any preparation, admixture, extract or other substance containing any proportion of clonitazene.

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

Dextromoramide, its salts and any preparation, admixture, extract or other substance containing any proportion of dextromoramide.

Diampromide, its salts and any preparation, admixture, extract or other substance containing any proportion of diampromide.

Diethylthiambutene, its salts and any preparation, admixture, extract or other substance containing any proportion of diethylthiambutene.

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

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

Dimenoxadole, its salts and any preparation, admixture, extract or other substance containing any proportion of dimenoxadole.

Dimethylthiambutene, its salts and any preparation, admixture, extract or other substance containing any proportion of dimethylthiambutene.

Dioxaphetyl butyrate, its salts and any preparation, admixture, extract or other substance containing any proportion of dioxaphetyl butyrate.

Diphenoxylate, its salts and any preparation, admixture, extract or other substance containing any proportion of diphenoxylate.

Dipipanone, its salts and any preparation, admixture, extract or other substance containing any proportion of dipipanone.

Ethylmethylthiambutene, its salts and any preparation, admixture, extract or other substance containing any proportion of ethylmethylthiambutene.

Etonitazene, its salts and any preparation, admixture, extract or other substance containing any proportion of etonitazene.

Etoxeridine, its salts and any preparation, admixture, extract or other substance containing any proportion of etoxeridine.

Furethidine, its salts and any preparation, admixture, extract or other substance containing any proportion of furethidine.

Hydromorphinol, its salts and any preparation, admixture, extract or other substance containing any proportion of hydromorphinol.

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

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.

Levomethorphan, its salts and any preparation, admixture, extract or other substance containing any proportion of levomethorphan.

Levophenacylmorphan, its salts and any preparation, admixture, extract or other substance containing any proportion of levophenacylmorphan.

Metazocine, its salts and any preparation, admixture, extract or other substance containing any proportion of metazocine.

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.

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

Methyldesomorphine, its salts and any preparation, admixture, extract or other substance containing any proportion of methyldesomorphine.

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

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

Morpheridine, its salts and any preparation, admixture, extract or other substance containing any proportion of morpheridine.

Myrophine, its salts and any preparation, admixture, extract or other substance containing any proportion of myrophine.

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

Noracymethadol, its salts and any preparation, admixture, extract or other substance containing any proportion of noracymethadol.

Norcodeine, its salts and any preparation, admixture, extract or other substance containing any proportion of norcodeine.

Norlevorphanol, its salts and any preparation, admixture, extract or other substance containing any proportion of norlevorphanol.

Normethadone, its salts and any preparation, admixture, extract or other substance containing any proportion of normethadone.

Normorphine, its salts and any preparation, admixture, extract or other substance containing any proportion of normorphine.

Oxymorphone, its salts and any preparation, admixture, extract or other substance containing any proportion of oxymorphone.

Pethidine and all other esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid, their salts and any preparation, admixture, extract or other substance containing any proportion of pethidine or the said esters.

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

Phenampromide, its salts and any preparation, admixture, extract or other substance containing any proportion of phenampromide.

Phenazocine, its salts and any preparation, admixture, extract or other substance containing any proportion of phenazocine.

Phenomorphan, its salts and any preparation, admixture, extract or other substance containing any proportion of phenomorphan.

Phenoperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of phenoperidine.

Piminodine, its salts and any preparation, admixture, extract or other substance containing any proportion of piminodine.

Proheptazine, its salts and any preparation, admixture, extract or other substance containing any proportion of proheptazine.

Propoxyphene, its salts and any preparation, admixture, extract or other substance containing any proportion of propoxyphene.

Racemethorphan, its salts and any preparation, admixture, extract or other substance containing any proportion of racemethorphan.

Trimeperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of trimeperidine.

SCHEDULE 2 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 section 9(1) 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 9 and so much of subsection (4) thereof as provides for the substitution of a different subsection (2) in the application of section 9 to Northern Ireland shall not apply in relation to any of the aforesaid drugs.

Article 4.

SCHEDULE 3

ORDERS IN COUNCIL REVOKED

The Dangerous Drugs Act 1951 (Application) Order 1952(b).
The Dangerous Drugs Act 1951 (Application) (No. 2) Order 1952(c).
The Dangerous Drugs Act 1951 (Application) Order 1954(d).
The Dangerous Drugs Act 1951 (Application) (No. 2) Order 1954(e).
The Dangerous Drugs Act 1951 (Application) Order 1955(f).
The Dangerous Drugs Act 1951 (Application) Order 1956(g).
The Dangerous Drugs Act 1951 (Application) Order 1958(h).
The Dangerous Drugs Act 1951 (Application) Order 1959(i).
The Dangerous Drugs Act 1951 (Application) Order 1961(j).
The Dangerous Drugs Act 1951 (Application) Order 1962(k).

EXPLANATORY NOTE

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

This Order consolidates the Orders which it revokes and which are set out in Schedule 3 thereto, and takes account of changes in nomenclature of various drugs.

(a) 23 & 24 Geo. 5. c. 25.
(b) S.I. 1952/347 (1952 I, p. 778).
(c) S.I. 1952/2106 (1952 I, p. 782).
(d) S.I. 1954/1029 (1954 I, p. 677).
(e) S.I. 1954/1367 (1954 I, p. 679).
(f) S.I. 1955/872 (1955 I, p. 635).
(g) S.I. 1956/817 (1956 I, p. 675).
(h) S.I. 1958/767 (1958 I, p. 948).
(i) S.I. 1959/2211 (1959 I, p. 959).
(j) S.I. 1961/837 (1961 I, p. 1636).
(k) S.I. 1962/2349 (1962 III, p. 3259).