The Poisons (Amendment) (No. 2) Rules, 1948

1948 No. 1379

Made - - - -	*23rd June*, 1948
Laid before Parliament	*24th June*, 1948
Coming into Operation	*5th July*, 1948

In pursuance of section twenty-three of the Pharmacy and Poisons Act, 1933(**a**), I hereby made the following Rules:—

1.—(1) In sub-paragraphs (*a*) and (*b*) of paragraph (4) of Rule 7 and in paragraph (1) of Rule 27 of the Poisons Rules, 1935(**b**), after the word " infirmary " there shall be inserted the words " health centre ".

(2) In paragraph (5) of Rule 12 and in paragraph (3) of Rule 26 of the said Rules after the words " duly qualified medical practitioner " there shall be inserted the words " or registered dentist ", and for the words " the Acts relating to national health insurance " there shall be substituted the words " the National Health Service Act, 1946(**c**), or the National Health Service (Scotland) Act, 1947(**d**) ".

(3) In paragraph (1) of Rule 26 of the said Rules after the word " infirmary " there shall be inserted the words " health centre ", and the words from " or from any institution " to the end of sub-paragraph (*a*) shall be omitted.

2.—(1) At the end of paragraph (1) of Rule 12 of the said Rules (which prohibits the sale of certain poisons without a written prescription containing specified particulars), there shall be added the following words:—

" Provided that where an authorised seller of poisons is reasonably satisfied that a person ordering any such poison is a duly qualified medical practitioner who is by reason of some emergency unable to furnish such a prescription immediately, he may, notwithstanding that no such prescription has been given, if the said person undertakes to furnish him within the twenty-four hours next following with such a prescription, deliver the poison 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 poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have contravened the provisions of this Rule."

(2) In sub-paragraph (*c*) of paragraph (4) of the said Rule 12 (which provides that at the time of dispensing there must be noted on the prescription the name and address of the seller and the date on which the prescription is dispensed) after the words " at the time of dispensing " there shall be

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(**a**) 23 & 24 Geo. 5. c. 25.
(**b**) S.R. & O. 1935 (No. 1239) p. 1386; and *see* S.R. & O. 1938 (No. 1548) II, p. 2830.
(**c**) 9 & 10 Geo. 6. c. 81.
(**d**) 10 & 11 Geo. 6. c. 27.

inserted the words " or, where a poison has been delivered under the proviso to paragraph (1) of this Rule, on the subsequent receipt of the prescription ", and at the end of the said sub-paragraph there shall be added the words " or, as the case may be, the poison was delivered ".

3.—(1) In sub-paragraph (*a*) of paragraph (4) of Rule 12 of the said Rules (which provides that a prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once) for the words " has stated thereon that it may be dispensed more than once " there shall be substituted the words " has directed thereon either that it may be dispensed a stated number of times or that it may be dispensed at stated intervals ".

(2) After sub-paragraph (*b*) of the said paragraph (4) there shall be inserted the following sub-paragraph:—

" (*bb*) a prescription which contains a direction that it may be dispensed a stated number of times but no direction as to the intervals at which it may be dispensed shall not be dispensed more often than once in three days, and a prescription which contains a direction that it is to be dispensed at stated intervals but no direction as to the number of times that it may be dispensed shall not be dispensed more often than three times; ".

4.—(1) In paragraph (2) of Rule 27 of the said Rules (which provides that in certain institutions no medicine containing a poison shall be supplied from the dispensary or pharmaceutical department, except in cases of emergency, for use in the institution except in accordance with the requirements contained in the said Rule) the words " except in cases of emergency " shall be omitted.

(2) At the end of paragraph (3) of the said Rule 27 there shall be added the following proviso:—

" Provided that in a case of emergency a medicine containing a poison may be supplied, notwithstanding that no such said written order is produced, on an undertaking by the person ordering the medicine to furnish such a said written order within the twenty-four hours next following."

5. In paragraph (2) of Rule 29 of the said Rules (which relates to the qualifications of persons manufacturing certain preparations) before the words " Institute of Chemistry ", in both places where those words occur, there shall be inserted the word " Royal ".

6. In the First Schedule to the said Rules (which specifies the poisons in respect of which special restrictions as to the persons to whom the poisons may be sold, and special requirements as to the keeping of records of sales, are imposed)—

(*a*) under the heading relating to alkaloids, in the item " Codeine except substances containing less than one per cent. of codeine " for the words " one per cent." there shall be substituted the words " 1.5 per cent.";

(*b*) after the words " Tribromethyl alcohol " there shall be inserted the words " Tridione (3:5:5-trimethyl-oxazolidine-2:4-dione) ".

7. In Group II in the Third Schedule to the said Rules(a) (in which group is specified in the second column the substances exempted, so far as the

(a) *See* S.R. & O. 1937 (No. 1030) p. 1918.

poisons specified in the first column are concerned, from the provisions of Part II of the Pharmacy and Poisons Act, 1933(a), and from the provisions of the Rules) there shall be inserted in the first column after the words " Oxalic acid; metallic oxalates " the words " Paranitrobenzyl cyanide ", and opposite those words there shall be inserted in the second column the words " Photographic solutions containing less than the equivalent of 0.1 per cent., weight in weight, of hydrocyanic acid (HCN) ".

8. In the Fourth Schedule to the said Rules (which specifies the poisons the sale of which without a written prescription containing specified particulars is prohibited) after the words " Sulphonal; alkyl sulphonals " there shall be added the words " Tridione (3:5:5-trimethyl-oxazolidine-2:4-dione) ".

9.—(1) These Rules may be cited as the Poisons (Amendment) (No. 2) Rules, 1948, and the Poisons Rules, 1935 to 1947, the Poisons (Amendment) Rules, 1948(b), and these Rules may be cited together as the Poisons Rules, 1935 to 1948.

(2) These Rules shall come into operation on the fifth day of July, 1948.

J. Chuter Ede,

One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
23rd June, 1948.

EXPLANATORY NOTE

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

Rule 1 makes amendments consequential upon the coming into operation of the National Health Service Act, 1946, and the National Health Service (Scotland) Act, 1947. The amendments made by Rule 2 enable poisons, which cannot otherwise be dispensed without a written prescription, to be dispensed in emergency without such a prescription on the order of a duly qualified medical practitioner who undertakes to give a prescription within twenty-four hours. The amendments made by Rule 3 prevent the dispensing of such poisons an indefinite number of times. Rule 27 of the Poisons Rules, 1935 (S.R. & O. 1935 No. 1239), permits medicine containing a poison to be dispensed in a hospital or like institution for use in the institution in emergency without a written order; the amendments made by Rule 4 restrict this permission to cases where an undertaking is given to furnish a written order within twenty-four hours.

(a) 23 & 24 Geo. 5. c. 25. (b) S.I. 1948 No. 840, p. 3365 above.