



## FALKLAND ISLANDS

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### Camp Medicine Chests Order 1989

(S.R. & O. No. 7 of 1989)

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### Camp Medicine Chests Order 1989

*[DATE OF COMMENCEMENT: 30TH JUNE 1989]*

#### 1 Citation

This Order may be cited as the Camp Medicine Chests Order 1989.

#### 2 Interpretation

In this Order, unless the context otherwise requires-

**"keeper"** means the person authorized by the Chief Medical Officer under paragraph 4(1) to have custody of a medicine chest; and

**"medicine chest"** includes any box, trunk, cupboard or store approved by the Chief Medical Officer for the storage of controlled drugs for the purposes of this Order.

#### 3 Application of this Order

This Order applies to-

- (a) medicine chests kept or maintained on any farm, at any settlement or at any house in Camp (that is to say outside the boundaries of Stanley) and containing any controlled drugs, and notwithstanding that there may also be contained therein any medicines or supplies of any kind which are not controlled drugs;
- (b) the supply by a keeper of controlled drugs contained in a medicine chest to any person, including self-supply;
- (c) the supply by the Chief Medical Officer or any person acting with his authority of controlled drugs to a keeper for the purpose of re-supply by that keeper to any person (including re-supply by the keeper of those drugs to himself);
- (d) the records to be kept by the Chief Medical Officer and every keeper of controlled drugs-

- (i) by the Chief Medical Officer, in relation to controlled drugs supplied by the Chief Medical Officer or any person acting with his authority to any keeper for the purpose of re-supply (including re-supply of those drugs to himself);
- (ii) by every keeper of controlled drugs in relation to-
  - (aa) controlled drugs supplied to him by the Chief Medical Officer or any person acting with his authority;
  - (bb) controlled drugs supplied by him from the medicine chest to any person (including self-supply to himself);
  - (cc) the destruction or other disposal in accordance with this Order of controlled drugs supplied to him; and
- (e) the conveyance of controlled drugs by a carrier to a keeper for the purposes of storage in a medicine chest.

#### **4 Approval of keepers**

(1) The Chief Medical Officer may approve and appoint, subject to this paragraph, any person residing in Camp to be a keeper of controlled drugs, that is to say to have custody of a medicine chest.

(2) The Chief Medical Officer shall not approve and appoint any person under subparagraph (1) who-

- (a) is under eighteen years of age; or
- (b) the Chief Medical Officer has reason to believe has been convicted anywhere of an offence of unlawful supply or possession of any controlled drug under the Ordinance or any corresponding law.

(3) The Chief Medical Officer shall maintain a book or register ("the Register of Keepers") in which he shall enter in respect of each keeper-

- (a) his full name;
- (b) his address;
- (c) the place in which he is authorized to keep the medicine chest; and
- (d) the date of his approval and appointment.

(4) The Chief Medical Officer may, at any time, and without assigning any reason, revoke any approval and appointment under this paragraph and, on every occasion on which he does so shall-

- (a) make an appropriate entry in the Register of Keepers; and
- (b) notify the former keeper that his appointment as a keeper has been revoked.

#### **5 Inspection of Register of Keepers**

The chief police officer and any other police officer authorized by him may at all reasonable times inspect and copy extracts from the Register of Keepers.

## **6 Register of Keepers as evidence**

The Register of Keepers or an extract therefrom certified by the Chief Medical Officer as a true copy of the Register or the relevant part thereof shall be admissible as evidence in any proceedings and, unless in respect of any matter it is shown to be in error in respect thereof, shall be accepted as conclusive proof of all matters appearing therefrom.

## **7 Directions as to keeping of drugs**

Every keeper shall comply with all directions given to him by the Chief Medical Officer as to-

- (a) the form, location and security of the medicine chest in which he keeps controlled drugs; and
- (b) the form and content of the records to be kept by him and specified in paragraph 3(d).

## **8 Medicine chests and records to be produced for inspection**

Every keeper shall, whenever required by a medical officer or a police officer so to do, produce for inspection-

- (a) the medicine chest of which he is a keeper;
- (b) all drugs or medicines contained therein, whether or not all such drugs or medicines are controlled drugs; and
- (c) all records kept by him in accordance with foregoing paragraphs of this Order.

## **9 Authority to supply a controlled drug**

(1) Save in the case of an emergency, a keeper shall not supply to any other person or to himself any controlled drug, or a controlled drug of any kind or quality, except in accordance with an authority given to him by a medical officer.

(2) An authority to which subparagraph (1) relates may be given-

- (a) orally; or
- (b) in writing;

and if given orally, may be given in personal meeting, by radio, by telephone or telegraphically.

(3) An authority to which subparagraph (1) relates shall-

- (a) specify the person to whom the controlled drug may be supplied;
- (b) specify the type or kind of controlled drug which may be supplied;
- (c) specify the quantity of the controlled drug which may be supplied; and
- (d) contain any directions which may be necessary as to-
  - (i) the times;
  - (ii) the quantity to be taken at any such time; and
  - (iii) the circumstances,

at or in which the person to whom the drugs are authorized to be supplied shall administer the same to himself or, alternatively have the same administered to him by another.

(4) In addition to any records which are required under any foregoing paragraph, the keeper and the medical officer shall each forthwith make a sufficient record (which shall record the particulars required by subparagraph (3)) of any authority to which this paragraph of this Order relates and received or given by him. Such record shall be made in a form and maintained in a manner approved by the Chief Medical Officer.

(5) In the event of an emergency a keeper may supply a controlled drug without the prior authority of a medical officer, but if he does so, he shall-

(a) forthwith record the following particulars-

- (i) the nature of the emergency;
- (ii) the person to whom the controlled drug was supplied;
- (iii) the day and time at which the controlled drug was supplied; and
- (iv) the type or kind of controlled drug and the quantity thereof supplied.

(b) as soon as is possible report the particulars mentioned in (a) to a medical officer.

(6) For the purposes of this paragraph, "emergency" means circumstances in which all of the following elements are satisfied:

- (a) the keeper has made all reasonable efforts in the circumstances to contact by radio, telephone or other means a medical officer for the purpose of obtaining authority to supply a controlled drug, but in spite of such efforts he has been unable to contact any medical officer; and
- (b) the person to whom the controlled drug is supplied or administered is, by reason of some sudden accident (and not as an incident of disease) in severe pain and, in the opinion of the keeper, would suffer unnecessarily if the controlled drug is not supplied or administered; and
- (c) the controlled drug is supplied or administered in accordance with all relevant directions which the Chief Medical Officer may have given for supply of a controlled drug in such circumstances.

## **10 Controlled drugs to be supplied in labelled containers**

(1) Whenever a keeper supplies a controlled drug from a medicine chest other than for the purpose of administering it himself to the person to whom it is supplied he shall supply the same in a sealed container which bears a label bearing the particulars specified in subparagraph (2).

(2) The particulars to be borne by the label mentioned in subparagraph (1) are-

- (a) the name of the person to whom the controlled drug is supplied;
- (b) the name or description of the controlled drug supplied, and the quantity thereof; and
- (c) any directions as to the times, quantities or circumstances in which the controlled drug is to be taken or administered.

## **11 Controlled drugs to be yielded up**

(1) A keeper of controlled drugs, shall upon being so required to do by a medical officer yield up to him or such person as he may direct any controlled drug or controlled drugs in his possession.

(2) A requirement under subparagraph (1) may be made for the purpose of destruction of a controlled drug or any other good and sufficient reason.

## **12 Custody of medicine chests**

A keeper shall not, otherwise than he is authorized or required so to do by a medical officer, yield custody of a medicine chest to any person and shall-

- (a) keep the keys or combination thereof in his personal possession;
- (b) not permit any unauthorized person to have access thereto; and
- (c) immediately report to the Chief Medical Officer any deficiency in the quantity of controlled drugs therein which he suspects to be occasioned by theft, vandalism or other incident of a like kind.

## **13 Stocking of medicine chests**

(1) It shall be the duty of the Chief Medical Officer to ensure that every medicine chest is stocked, and from time to time re-stocked as may be necessary, with a sufficient quantity and sufficient kinds of controlled drugs in accordance with the medical need of the persons he anticipates may be supplied therewith from the medicine chest in question but in the performance of such duty, the Chief Medical Officer shall have regard to-

- (a) the need to prevent drug abuse and drug addiction;
- (b) the need, so far as is possible to prevent unlawful supply of controlled drugs; and
- (c) the danger to the life or health of a person which may result from the medically unsupervised administration of controlled drugs of certain kinds.

(2) The Chief Medical Officer shall also supply to keepers a sufficient quantity of containers of such kinds and seals and labels therefor as he considers necessary.

(3) The Chief Medical Officer shall maintain a book or register ("the Camp Medicine Chest Drug Supply Register") in which he shall record the supply of all things supplied under subparagraph (1) or (2) to any keeper, individually and in relation to each keeper.

(4) Paragraphs 5 and 6 of this Order shall also apply, with all necessary modifications, to the Camp Medicine Chest Drug Supply Register as they do to the Register of Keepers.

## **14 Conveyance to keepers**

(1) Controlled drugs may be entrusted by a medical officer to a person ("a carrier") for the purpose of carriage and delivery thereof to a keeper.

(2) Any controlled drugs entrusted to a carrier under subparagraph (1) shall be contained in an envelope, package or box to which a label is affixed bearing prominently thereon a notice or label in the following terms:

"Misuse of Drugs Ordinance

NOTICE TO CARRIER:

- (a) This consignment must be delivered UNOPENED to the person to whom it is addressed or returned undelivered and UNOPENED to the Chief Medical Officer, Stanley:
- (b) Breach of this requirement may render the person concerned liable to prosecution.

You may hand this package to another person (to whom this warning will then apply) for delivery to the consignee IF YOU HAVE BEEN AUTHORIZED TO DO SO BY A MEDICAL OFFICER. You must IMMEDIATELY report to the Chief Medical Officer loss or theft of this consignment."

(3) A carrier may if authorized by a medical officer transfer possession of an envelope, package or box entrusted to him under subparagraph (1) to another person, who shall himself then be a carrier for the purpose of this subparagraph and for the purposes of subparagraphs (4) and (5).

(4) A carrier shall forthwith report to the Chief Medical Officer the loss or theft of any envelope, package or box entrusted to him under subparagraph (1) or (3).

(5) A carrier who is in possession of an envelope, package or box entrusted to him under subparagraph (1) or (3)-

- (a) for a period which, in the circumstances, is reasonable; and
- (b) who has not opened or suffered any other person to open the same,

shall, notwithstanding that he might otherwise be regarded as being unlawfully in possession of the controlled drugs contained therein, be in lawful possession thereof:

Provided always that this subparagraph shall not apply so as to render his possession lawful if he appropriates for his own use or for the use of another the contents of the envelope, package or box.

**15 Keepers lawfully in possession, etc.**

(1) For as long as a keeper is in possession of or supplies controlled drugs in accordance with the provisions of this Order, he shall be deemed lawfully to possess or supply the same, as the case may be.

(2) A keeper who contravenes any provision of this Order may be convicted of any offence under the Ordinance of which he could have been convicted if this Order had not been made.