

# **LAWS OF FIJI**

## **CHAPTER 114**

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### **DANGEROUS DRUGS**

*Ordinances Nos. 31 of 1937, 2 of 1945, 1 of 1963, 37 of 1969,  
Act Nos. 14 of 1972, 6 of 1978*

## **AN ACT TO REGULATE THE IMPORTATION, EXPORTATION, MANUFACTURE, CULTIVATION, SALE OR USE OF OPIUM AND OTHER DANGEROUS DRUGS.**

[1st January, 1938.]

### **PART I-PRELIMINARY**

#### **1. *Short title***

This Act may be cited as the Dangerous Drugs Act.

#### **2. *Interpretation***

In this Act, unless the context otherwise requires-

"cocaine" means methyl-benzoyl laevo-ecgonine ( $[\alpha]_D^{20} = -16^\circ 4$ ) in twenty per cent solution of chloroform of which the formula is  $C_{17}H_{21}O_4N$ ;

"coca leaf" means the leaf of the *Erythroxylon coca* Lamarck and the *Erythroxylon novo-granatense* (Morris) *Hieronymus* and their varieties belonging to the family *Erythroxylaceae* and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation;

"Comptroller" means the Comptroller of Customs and Excise;

"Convention" means any International Convention relating to the control in the manufacture of and traffic in drugs to which Fiji is or becomes a party;  
(Substituted by 14 of 1972, s. 2.)

"conveyance" includes ship, motor vehicle, aircraft, train and any other means of transport by which goods may be brought into or taken from Fiji;

"corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any place outside Fiji to be a law passed by that Government to accord with the provisions of any Convention and any statement in a certificate as to the effect of that law mentioned in a certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive;  
(Substituted by 14 of 1972 s. 2.)

"crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine;

"dangerous drug" means any of the substances which may be from time to time subject to the provisions of this Act;

"diacetylmorphine" means diacetylmorphine (diamorphine, heroin) having the formula  $C_{21}H_{23}O_5N$  ( $C_{17}H_{17}(C_2H_3O)_2O_3N$ );

"diversion certificate" means a certificate issued by a competent authority in a country through which a dangerous drug passes in transit authorising the diversion of such drug to a country other than that specified as the country of ultimate destination in the export authorisation and containing all the particulars required to be included in an export authorisation together with the name of the country from which the consignment was originally exported;

"ecgonine" means laevo-ecgonine ( $[\alpha]_D^{20} = -45^\circ 6$  in five per cent solution of water) of which the formula is  $C_9H_{15}O_3NH_2O$  and all the derivatives of laevo-ecgonine which may serve industrially for its recovery;

"export" with its grammatical variations and cognate expressions in relation to Fiji means to take or cause to be taken out of Fiji by land, air or water otherwise than in transit;

"export authorisation" means an authorisation issued by a competent authority in a country from which a dangerous drug is exported containing full particulars of such drug and the quantity authorised to be exported, together with the names and addresses of the exporter and the person to whom it is to be sent, and stating the country to which and the period within which it is to be exported;

"import" with its grammatical variations and cognate expressions in relation to Fiji means to bring or cause to be brought into Fiji by land, air or water otherwise than in transit;

"import authorisation" means a licence issued by a competent authority authorising the importation of a specified quantity of a dangerous drug and containing full particulars of the drug together with the name and address of the person authorised to import the drug, the name and address of the person from whom the drug is to be obtained and specifying the time within which the importation must be effected;

"import certificate" means a certificate substantially in the Form A set out in the First Schedule issued by a competent authority in a country into which it is intended to import dangerous drugs;

"Indian hemp" means either of the plants *Cannabis sativa* or *Cannabis indica* or any portion thereof;

"in transit" means taken or sent from any country and brought into Fiji by land, air or water (whether or not landed or trans-shipped in Fiji) for the sole purpose of being carried to another country either by the same or another conveyance;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether in powder form, or granulated, or otherwise, or mixed with neutral materials;

"morphine" means the principal alkaloid of opium having the formula  $C_{17}H_{19}O_3N$ ;

"Permanent Secretary" means the Permanent Secretary for Health;

"prepared opium" means the product of raw opium obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption, and includes dross and all other residues remaining after opium has been smoked;

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum* which has been submitted only to the necessary manipulations for packing and transports whatever its morphine content;

"store" means a place appointed by the Minister for the storage of any drug to which this Act applies on its arrival in Fiji;

"traffic" means:

(a) to sell, give, administer, transport, send, deliver or distribute; or

(b) to offer to do anything mentioned in paragraph (a),

otherwise than under the authority of this Act or the regulations made thereunder; and "trafficking" has a corresponding meaning.

### ***3. Dangerous drugs to be dealt with through port of Suva***

No person shall import, export, tranship or divert dangerous drugs except through the port of Suva.

## **PART II-RAW OPIUM, INDIAN HEMP AND COCA LEAF**

### ***4. Application of Part I***

(1) The provisions of this Part shall apply to raw opium, coca leaf, and Indian hemp, and resins obtained from Indian hemp and preparations of which such resins form the base.

(2) No person shall import or export any of the substances to which this Part applies.

### ***5. Offences***

No person shall import or export of any seed of the opium poppy or any seed of Indian hemp or any seed of the coca leaf or any portion of the aforesaid plants.

### ***6. Forfeiture of articles***

If any substance to which this Part applies is unlawfully imported or exported, the same shall be absolutely and peremptorily seized, and shall be disposed of in any way the Comptroller may direct without any further proceedings.

### ***7. Cultivation of certain plants prohibited***

No person shall cultivate in Fiji the opium poppy or Indian hemp or coca leaf plant.

### ***8. Offences***

Every person:

(a) growing opium poppy, Indian hemp or coca leaf, whether for private use or otherwise; or

(b) found in possession of or sells or otherwise traffics or engages in the trafficking of any substance to which this part applies,

shall be guilty of an offence and upon conviction shall be sentenced to imprisonment in accordance with the Third Schedule of this Act:

Provided that a sentence imposed under this section shall be custodial.

### ***9. Power of entry and power of arrest of police***

(1) Any police officer may, upon a warrant, enter any place in which there is a reasonable ground for suspicion that raw opium, Indian hemp or coca leaf is kept or may be found so as to constitute an offence against this Act, and seize any raw opium, Indian hemp or coca leaf found there together with baskets, jars or packages holding the same, and apprehend and detain any person suspected of owning the same.

(2) Any police officer or constable may without warrant apprehend and detain any person carrying or conveying any raw opium, Indian hemp or coca leaf.

(3) Any person apprehended under the provisions of the foregoing subsections shall be taken as soon as may be possible before a magistrates' court to be dealt with according to law:

Provided that no person so apprehended shall be detained in custody by any police officer longer than is reasonably necessary for bringing him before a magistrates' court.

*(Amended by 2 of 1945, s. 113.)*

### ***10. Seizure and destruction of certain plants***

All opium poppy, Indian hemp or coca leaf found upon any plantation, whether growing or not, may be seized and destroyed by the owner or manager or any person duly authorised by them.

## **PART III-PREPARED OPIUM**

### ***11. Importation or exportation of prepared opium***

No person shall import or export any prepared opium or any pipes or other utensils for use in connexion with the smoking of opium or any utensil for use in connexion with the preparation of opium for consumption.

### ***12. Manufacturing, selling, using, etc., prepared opium***

(1) If any person:

(a) manufactures, sells or otherwise traffics or engages in the trafficking of prepared opium, or

(b) has in his possession any prepared opium; or

(c) being the occupier of any premises, permits those premises to be used for the preparation of opium for consumption or for the sale, trafficking or smoking of prepared opium; or

(d) is concerned in the management of any premises used for any such purposes as aforesaid; or

(e) has in his possession any pipes or other utensils used in connection with the smoking of opium or any utensils used in connection with the preparation of opium for smoking; or

(f) smokes or otherwise uses prepared opium or frequents any place used for the purpose of opium smoking:

he shall be guilty of an offence and upon conviction shall be sentenced to imprisonment in accordance with the Third Schedule of this Act:

Provided that a sentence imposed under this Section shall be custodial.

(2) If any prepared opium or any article used in the preparation of or used in connexion with the smoking of prepared opium is imported or exported or found in Fiji the same shall be peremptorily seized and shall be disposed of in such manner as the Comptroller or the Commissioner of Police, as the case may be, shall deem fit without further proceedings.

#### **PART IV-LYSERGIDE, MESCALINE AND PEYOTL**

##### **13. *Application***

The provisions of this Part shall apply to the following substances-

- (a) lysergide (N, N diethyl-lysergamide);
- (b) mescaline (3, 4, 5-trimethyloxphenethylamine);
- (c) peyotl, being any part of the plant of the species *Lopophora williamsi* or *Lopophora lewinii*.

##### **14. *Possession of lysergide, etc.***

If any person-

- (a) manufactures, sells or otherwise disposes of; or
- (b) has in his possession; or
- (c) being the occupier of any premises permits those premises to be used for the preparation, consumption, use or sale of, any substance to which this Part applies,

he shall be guilty of an offence against this Act.

*(Part inserted by 37 of 1969, s. 2.)*

#### **PART V-MEDICINAL OPIUM, MORPHINE, COCAINE AND CERTAIN OTHER DRUGS**

##### **15. *Application***

(1) The provisions of this Part shall apply to the following substances-

- (a) medicinal opium;
- (b) any extract or tincture of Indian hemp;
- (c) morphine and its salts and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;
- (d) cocaine (including synthetic cocaine) and ecgonine and their respective salts and the esters of ecgonine and their respective salts;
- (e) any dilution or solution of morphine or cocaine or their salts in an inert substance, whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a dilution or solution as aforesaid) containing not less than one-fifth per cent of morphine or one-tenth per cent of cocaine or of ecgonine;
- (f) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;
- (g) dihydrohydroxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters, and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives and any other pentavalent nitrogen morphine derivatives;
- (h) thebaine and its salts and (with the exception of methylmorphine commonly known as codeine and ethylmorphine commonly known as dionin and their respective salts) benzylmorphine and other ethers of morphine and their respective salts;
- (i) any preparation, admixture, extract or other substance containing any preparation of any of the substances mentioned in paragraph (g) or in paragraph (h).

For the purposes of the foregoing provisions-

- (i) the expression "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine;
- (ii) percentages in the case of liquid preparations shall be calculated on the basis that a preparation containing one per cent of any substance means a preparation in which one gram of the substance if a solid or one millilitre of the substance if a liquid is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

(2) The Minister may by notification in the Gazette apply this Part to any new derivative of morphine or cocaine, or of any salts of morphine or cocaine, or any alkaloid of opium, or any other drug of whatsoever kind which is or is likely to be or which is capable of being changed into any drug which 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.

(3) If the Minister thinks fit by order to declare that a finding with respect to any preparation containing any of the drugs to which this Part applies has, in pursuance of Article 8 of the International Opium Convention signed at Geneva on 19th February, 1925, been communicated to the parties to the said Convention, the provisions of this Part shall, as from such date as may be specified in the order, cease to apply to the preparation specified therein.

### ***16. Importation or exportation of certain substances***

No person shall import or export any substance to which this Part applies except in accordance with the provision of sections 24 to 32, inclusive.

### ***17. Regulations***

(1) For the purpose of preventing the improper use of the dangerous drugs to which this Part applies, the Minister may make regulations not inconsistent with the provisions of this Act for controlling the manufacture, sale, possession, distribution and custody of any or all of the dangerous drugs to which this Part relates, and in particular, but without prejudice to the generality of the foregoing power, for-

(a) prohibiting the manufacture of any dangerous drugs to which this Part applies except on premises licensed for the purpose and subject to any conditions specified in the licence;

(b) prohibiting the manufacture, sale or distribution of any such dangerous drugs except by persons licensed or otherwise authorised under the regulations and subject to any conditions specified in the licence or authority;

(c) regulating the issue by medical practitioners of prescriptions containing any such dangerous drug and the dispensing of any such prescription;

(d) requiring persons engaged in the manufacture, sale or distribution of any such dangerous drug to keep such books and to furnish such information either in writing or otherwise as may be prescribed; and

(e) requiring persons engaged in the manufacture, sale or distribution of any such dangerous drug to furnish such estimates of amounts of any such dangerous drug as are likely to be required annually.

(2) The regulations made under the provisions of this section shall provide for authorising any person lawfully carrying on the business of a pharmaceutical chemist or chemist and druggist in accordance with the Pharmacy and Poisons Act:

*(Cap. 115.)*

(a) to manufacture at his shop in the ordinary course of his retail business any preparation, admixture or extract of any dangerous drug to which this Part applies; and

(b) to carry on at his shop the business of retailing, dispensing or compounding any such dangerous drug,

subject to the power of the Minister to withdraw the authorisation in the case of any person convicted of an offence against the enactments relating to the customs as applied by this Act and who cannot in the opinion of the Permanent Secretary properly be allowed to carry on the business of manufacturing, selling or distributing, as the case may be, or of an offence against this Act.

(3) Any regulations made under the provisions of this section may prescribe penalties for the breach thereof.

(4) Nothing in any regulations made under this section shall be taken to authorise the sale or the keeping of an open shop for the retailing, dispensing or compounding of poisons by any person who is not qualified in that behalf under or otherwise than in accordance with the provisions of the Pharmacy and Poisons Act, or to be in derogation of the provisions of the said Act for prohibiting, restricting or regulating the sale of poisons.

*(Cap. 115.)*

#### ***18. Certain drugs to be deposited in store***

(1) All dangerous drugs to which this Part applies imported into Fiji shall be deposited at the cost, risk and peril of the persons importing the same in such store as shall be appointed by the Minister for that purpose.

(2) Any person in possession of any dangerous drug to which this Part applies shall keep a stock book in such form as shall be prescribed by regulation.

#### ***19. Drugs may be withdrawn on authority of Permanent Secretary***

No dangerous drug to which this Part applies shall be delivered or withdrawn from store except on the written authority of the Permanent Secretary or an officer authorised by him as hereinafter provided.

#### ***20. Permanent Secretary may delegate authority***

The Permanent Secretary may authorise in writing an officer in his department to sign the authority required by this Act for the withdrawal from the store of the dangerous drugs to which this Part applies.

#### ***21. Withdrawals***

No officer shall authorise the withdrawal of any dangerous drug to which this Part applies from the store except to registered medical or dental practitioners, licensed pharmacists, registered veterinary surgeons, or to any hospital attendant approved by the Permanent Secretary at a plantation hospital.

#### ***22. Drugs not to be kept in a place other than a store without authority***

When any dangerous drug to which this Part applies is found in the possession of any person, or kept in any place other than the store as aforesaid, such person or the occupier of such place, unless he can prove that the same was obtained under the authority of this Act or in accordance with the prescription of a registered medical practitioner or from a person having authority to sell it or was deposited there without his knowledge or consent, and also the owner of or any person guilty of keeping the said dangerous drug, shall be guilty of an offence against this Act.

### ***23. Prohibition of trade, etc., in new drugs***

(1) No person shall trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf not being a product which was on the thirteenth day of July, 1931, being used for medical or scientific purposes:

Provided that if the Minister is at any time satisfied as respects any such product that it is of medical or scientific value, he may by notification in the Gazette direct that this subsection shall cease to apply to that product.

(2) If it is made to appear to the Minister that a decision with respect to any such product as is mentioned in subsection (1) has, in pursuance of Article 11 of the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs signed at Geneva on 13th July, 1931, been communicated to the parties to the said Convention, the Minister by notification in the Gazette may as the case requires either declare that the provisions of this Part shall apply to that product in the same manner as they apply to the drugs mentioned in subsection (1) of section 15, or apply the said Part to that product with such modifications as may be specified in the notification.

(3) The Minister may by notification in the Gazette apply this Part with such modifications as may be specified in the notification to any of the following drugs, that is to say, methylmorphine (commonly known as codeine), and ethylmorphine (commonly known as dionin), and their respective salts.

### ***24. Export of dangerous drugs***

Upon the production of an import certificate duly signed by the competent authority in any country, it shall be lawful for the Permanent Secretary to issue an export authorisation in the Form B set out in the First Schedule in respect of any dangerous drugs to which this Part applies referred to in the import certificate to any person who is named as the exporter in such certificate and is, under the provisions of this Act, otherwise lawfully entitled to export such drugs from Fiji. The export authorisation shall be prepared in triplicate, and two copies shall be issued to the exporter who shall send one copy with the drug to which it refers when such drug is exported. The Permanent Secretary shall send the third copy direct to the appropriate authority of the country of ultimate destination. Where the intended exportation is to a country which is not a party to the Convention it shall not be necessary to produce an import certificate as aforesaid. In all cases it shall be in the absolute discretion of the Permanent Secretary to issue or refuse an export authorisation as he may deem fit.

### ***25. Exportation without authorisation prohibited***

No dangerous drug to which this Part applies shall be exported from Fiji unless the consignor is in possession of a valid and subsisting export authorisation relating to such drug granted under this Act.

***26. Export authorisation to be produced***

At the time of exportation of any dangerous drug the exporter shall produce to the Comptroller the dangerous drug, the export authorisation relating thereto, and such other evidence as the Comptroller may require to satisfy him that the dangerous drug is being lawfully exported to the place and person named in the authorisation which refers to it.

***27. Exportation to be in accordance with Act***

No person shall export, cause to be exported, or take any steps preparatory to exporting, any dangerous drug from Fiji except in accordance with and in pursuance of the provisions of this Act.

***28. Importation of dangerous drugs***

(1) An import authorisation in the Form C set out in the First Schedule permitting the importation into Fiji of any dangerous drug specified therein may be granted by the Permanent Secretary, subject to such conditions as he shall deem fit, to any person who may lawfully import such drug.

(2) When an importation authorisation is issued in pursuance of the provisions of subsection (1), the Permanent Secretary shall also issue in relation to the dangerous drug intended to be imported an import certificate as set out in Form A in the First Schedule, which shall be forwarded by the intended importer to the person from whom the drug is to be obtained. When an importer to whom an import authorisation is issued under this section intends to import the drug or drugs to which such authorisation related in more than one consignment, a separate import certificate shall be issued to him in respect of each such consignment.

***29. Permission to withdraw drugs from store***

Upon the arrival of any dangerous drugs in Fiji, the person to whom such drugs are sent shall apply in writing to the Permanent Secretary for permission to withdraw such drugs from store. Such application shall state the manner in which imported, the number and date of import authorisation, and the quantity of such drugs. The Permanent Secretary or the officer authorised by the Permanent Secretary under section 20, if satisfied that the said drugs agree in all particulars with the drugs specified in the import authorisation, may authorise the removal of the said drugs from the store in the Form F as set out in the First Schedule.

***30. Importation without authorisation prohibited***

No dangerous drug shall be imported into Fiji unless the person to whom the drug is consigned is in the possession of a valid and subsisting import authorisation granted in pursuance of this Act.

***31. Export authorisation or diversion certificate to accompany drug***

Every dangerous drug imported into Fiji from a country which is a party to the Convention shall be accompanied by a valid and subsisting export authorisation or diversion certificate.

### **32. Importation to be in accordance with Act**

(1) No person shall import, cause to be imported, or take any steps preparatory to importing, any dangerous drug to which this Part applies into Fiji except in accordance with the provisions of this Act.

(2) No person except the Government Pharmacist shall import, cause to be imported or take any steps preparatory to importing, any dangerous drug contained in the list in the Second Schedule.

*(Inserted by 1 of 1963, s. 2.)*

(3) The Minister on the advice of the Permanent Secretary may amend the said list. *(Inserted by 1 of 1963, s. 2.)*

## **PART VI-DANGEROUS DRUGS IN TRANSIT AND DIVERSION OF DANGEROUS DRUGS**

### **33. Dangerous drugs in transit**

(1) No person shall bring any dangerous drug to Fiji in transit unless-

(a) the drug is in course of transit from a country from which it may be lawfully exported to another country into which such drug may lawfully be imported; and

(b) except where the drug comes from a country not a party to the Convention, it is accompanied by a valid and subsisting export authorisation or diversion certificate as the case may be.

(2) When any dangerous drug in transit is accompanied by an export authorisation or diversion certificate, and the Comptroller has reasonable grounds for believing that such authorisation or certificate is false or that it has been obtained by fraud or wilful misrepresentation of a material particular, the Comptroller may seize and detain the drug to which such authorisation or certificate relates. Upon being satisfied that such authorisation or certificate is valid or has not been obtained by fraud or misrepresentation as aforesaid, the Comptroller shall release the drug.

(3) When a dangerous drug in course of transit is not accompanied by an export authorisation or diversion certificate by reason of the fact that the drug comes from a country not a party to the Convention, and the Comptroller has reasonable grounds for believing it is being conveyed in an unlawful manner or for an unlawful purpose or is in course of transit for the purpose of being imported into another country in contravention of the laws of that country, the Comptroller may seize and detain the drug.

(4) When a dangerous drug in course of transit is landed or trans-shipped in Fiji, it shall remain under the control of the Permanent Secretary and shall be moved only under and in accordance with a removal licence granted in pursuance of section 34.

(5) Nothing in this section contained shall be deemed to apply to any dangerous drug in transit by post, or in transit by air if the aircraft passes over Fiji without landing, or to such quantities of dangerous drugs as may *bona fide* reasonably form part of the medical stores of any ship or aircraft.

### **34. Removal licences**

(1) No person shall-

(a) remove any dangerous drug from any conveyance in which it is brought into Fiji in transit; or

(b) in any way move any such drug in Fiji at any time after removal from such conveyance,

except under and in accordance with a licence (in the Form D set out in the First Schedule and in this Act referred to as a removal licence) issued by the Permanent Secretary. In all cases it shall be in the absolute discretion of the Permanent Secretary to issue or refuse a removal licence as he shall deem fit.

(2) No removal licence for the transfer of any such drug to any conveyance for removal out of Fiji shall be issued unless and until a valid and subsisting export authorisation or diversion certificate relating to it is produced to the Permanent Secretary, save that when the drug has come from a country not a party to the Convention this subsection shall not apply.

(3) The provisions of this section shall not apply to dangerous drugs in transit by post.

### **35. Dangerous drugs not to be tampered with**

No person shall cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully open or break any package containing any dangerous drug in transit, except upon the instructions of the Permanent Secretary and in such a manner as he may direct.

### **36. Diversion of dangerous drugs**

(1) No person shall, except under the authority of a diversion certificate in the Form E set out in the First Schedule, cause or procure any dangerous drug brought into Fiji in transit to be diverted to any destination other than that to which it was originally consigned. In the case of any dangerous drug in transit accompanied by an export authorisation or a diversion certificate issued by a competent authority of some other country, the country to which the drug was originally consigned shall be deemed to be the country stated in such export authorisation or diversion certificate, as the case may be, to be the country of destination.

(2) The Permanent Secretary may, in his absolute discretion, issue a diversion certificate in respect of any dangerous drug in transit on the production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is intended to divert the drug, or, if that country is not a party to the Convention, on such evidence as may satisfy him that the drug is to be sent in a lawful manner and for a proper purpose.

(3) A diversion certificate shall be issued in duplicate and one copy thereof shall accompany the drug when it is exported from Fiji and another copy shall be despatched by the Permanent Secretary to the proper authority in the country to which the dangerous drug has been diverted.

(4) Upon the issue of a diversion certificate the export authorisation or diversion certificate, if any, accompanying the drug on its arrival in Fiji shall be detained by the Permanent Secretary and returned to the authority issuing such authorisation or diversion certificate together with a notification of the name of the country to which such drug has been diverted.

## **PART VII-LEGAL PROCEEDINGS, PENALTIES AND GENERAL**

### ***37. Application of Customs Act***

(1) Articles prohibited to be imported or the importation of which is restricted by virtue of this Act shall be deemed to be included amongst the goods enumerated and described in the prohibitions and restrictions referred to in Part VI of the Customs Act, and the provisions of this Act relating to the prohibition or restriction of the export of the articles shall have effect as though they were included in that Act, and the provisions of that Act and of any Act extending or amending that Act shall apply accordingly.

(2) If any goods prohibited to be exported or of which the exportation is restricted by virtue of this Act are exported from Fiji in contravention thereof or brought to a wharf or other place to be shipped in any conveyance, the exporter or his agent shall be liable for each offence to forfeit either treble the value of the goods or two hundred dollars at the option of the Comptroller.

(3) The provisions of the Customs Act shall apply to every suit or proceeding under this section.

*(Cap. 196)*

### ***38. Search warrant***

(1) A magistrate may, if satisfied by information on oath that any drug or other substance to which this Act applies is being unlawfully kept, landed, conveyed or sold in contravention of this Act in any place, whether a building or not, or in any ship not having the status of a ship of war, or in any vehicle, grant a warrant to enter at any time, and if need be by force, on Sundays as well as any other days, the place, ship or vehicle named in such warrant and every part thereof to examine and to search for any such drug or other article unlawfully kept therein, and to demand from the owner or occupier thereof the production of the authority for being in possession of the same.

### ***Seizure of drugs***

(2) When the officer or other person executing such warrant has reasonable cause to believe that any drug or other article to which this Act applies found by him in any place, ship or vehicle is being kept, conveyed, landed or sold in contravention of this Act, he may seize and detain the same until the magistrate has decided whether the same is liable to be forfeited or not.

## ***Procedure***

(3) Proceedings in a magistrates' courts shall be commenced as soon as possible after the seizure.

### ***39. Exemption from liability***

Any person acting under the aforementioned warrant shall not be liable to any suit for seizing or detaining any drug or other article to which this Act applies.

### ***40. Powers of inspection***

(1) Any Government medical officer, Customs officer or police officer or other person authorised in that behalf by any general or special order of the Minister shall, for the purposes of this Act, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller, or distributor of any drug to which this Act applies, and to demand the production of and to inspect any books or documents relating to dealings in any such drugs, and to inspect any stocks of any such drugs.

(2) If a magistrate or a justice of the peace is satisfied by information on oath that there is a reasonable ground for suspecting that any drugs to which this Act applies are, in contravention of the provisions of this Act or any regulations made thereunder, in the possession of or under the control of any person in any premises, or that any document relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would, if carried out, be, an offence against this Act, or, in the case of a transaction or dealing carried out or intended to be carried out in any place outside Fiji, an offence against the provisions of any corresponding law in force in that place, is in the possession of or under the control of any person in any premises, he may grant a search warrant authorising any police officer named in the warrant to enter, if need be by force, the premises named in the warrant, and to search the premises and any person found therein, and, if there be reasonable ground for suspecting that an offence has been committed against this Act in relation to any such drugs which may be found in the premises or in the possession of any such persons, or that any document which may be so found is such a document as aforesaid, to seize and detain those substances and that document, as the case may be.

(3) If any person wilfully delays or obstructs any person in the exercise of his powers under this section, or fails to produce or conceals or attempts to conceal any such books, drugs, stocks or documents as aforesaid, he shall be guilty of an offence against this Act.

### ***41. Offences and penalties***

(1) Any person who-

(a) acts in contravention of or fails to comply with any of the provisions of this Act or any regulation made thereunder; or

(b) acts in contravention of or fails to comply with the conditions or any licence issued or any authority granted under or in pursuance of this Act; or

(c) for the purpose of obtaining for himself or for any other person the issue, grant or renewal of any such licence or authority as aforesaid makes any declaration or statement which is false in any particular or knowingly utters, produces or makes use of any such statement or declaration or any document confirming the same; or

(d) in Fiji aids, abets, counsels or procures the commission in any place outside Fiji of any offence punishable under the provisions of any corresponding law in force in that place or does any act preparatory to or in furtherance of any act which, if committed in Fiji, would constitute an offence against this Act,

shall be guilty of an offence against this Act.

*(Amended by 2 of 1945, s. 113.)*

(2) Every person guilty of an offence against this Act shall in respect of each offence for which no penalty is otherwise prescribed be liable upon conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding eight years or to both such fine and imprisonment, and shall in every case, on conviction for the offence, forfeit to the Crown all articles in respect of which the offence was committed, and the court before which the offender was convicted may order the forfeited articles to be destroyed or otherwise disposed of as the court deems fit. *(Substituted by 6 of 1978, s. 2.)*

(3) No person shall, on conviction for any offence of contravening or failing to comply with any regulations under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding one hundred dollars if the court dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connexion with, the commission of, or intended commission of, any other offence against this Act.

*(Amended by 2 of 1945, s. 113.)*

(4) If any person attempts to commit an offence against this Act, or solicits or incites another person to commit such an offence, he shall, without prejudice to any other liability, be liable to the same punishment and forfeiture as if he had committed an offence against this Act.

(5) When a person convicted of an offence against this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act committing the offence took place without his knowledge or consent.

(6) Notwithstanding any enactment prescribing the time within such proceedings may be brought, any such proceedings for an offence against this Act may be brought either within the time so specified or three months from the date on which evidence sufficient in the opinion of the Director of Public Prosecutions to justify a prosecution for the offence comes to his knowledge whichever is the longer, and for the purposes of this subsection a certificate purporting to be signed by the Director of Public Prosecutions as to that date on which such evidence as aforesaid comes to his knowledge shall be conclusive evidence thereof. This provision of this subsection shall apply to proceedings for attempting or soliciting or inciting another person to commit such an offence as they apply to proceedings for such an offence.

*(Amended by 2 of 1945, s. 113.)*

#### **42. Power of arrest**

Any Customs officer or police officer may arrest without warrant any person who has committed, or attempted to commit, or is reasonably suspected by a Customs officer or police officer of having committed or attempted to commit, an offence against this Act if he has reasonable grounds for believing that the person will abscond unless arrested, or if the name and address of that person are unknown to him and cannot be ascertained by him.

#### **43. Reward to informer**

The judge or magistrate before whom any person is convicted for any offence against this Act may direct a portion of the fine actually paid into court and not exceeding one-half to be paid to an informer.

#### **44. Analyst's certificate as evidence**

In any proceedings under this Act the production of a certificate purporting to be signed by the Government analyst shall be prima facie evidence of the facts therein stated.

### **FIRST SCHEDULE**

#### **FORM A (Section 2)**

Import Certificate issued by the Serial No.  
Government of Fiji. File No.

### **INTERNATIONAL OPIUM CONVENTION CERTIFICATE OF OFFICIAL APPROVAL TO IMPORT**

I, \_\_\_\_\_ being the person charged with the administration of the law relating to Dangerous Drugs to which the International Opium Conventions apply, hereby certify that I have approved the importation by [*here insert name, address and business of importer*] of [*here insert exact description and amount of drug to be imported*] from [*here insert name and address of firm in exporting country from which drugs are to be obtained*] subject to the conditions, that:

(1) the consignment shall be imported before the \_\_\_\_\_ ; and

(2) the consignment shall be imported by \_\_\_\_\_ and that I am satisfied that the consignment proposed to be imported is required-

(1) for legitimate purposes;

(2) solely for medicinal or scientific purposes.

*Signature and Stamp of  
Issuing Authority.*

Date:

This document is solely for production to the Government of the country from which the drug is proposed to be exported.

**FORM B**  
(Section 24)

Serial No.  
File No.  
Application Reference No.

**DANGEROUS DRUGS ACT**  
**EXPORT AUTHORISATION**

In pursuance of the Dangerous Drugs Act, the Permanent Secretary for Health hereby authorises (hereinafter called the exporter) to export from-

(1) the port of Suva by

(2) Fiji by parcel post in parcels from the General Post Office in Suva; to in virtue of Import Certificate No. dated issued by the following drugs, namely:-

This authorisation is issued subject to the following conditions:-

1. This authorisation is not a licence to obtain or be in possession of the drugs named herein.
2. This authorisation is available only for drugs of the exact quantity, kind and form specified above.
3. This authorisation does not relieve the exporter from compliance with any Customs regulations in force for the time being relating to the exportation of goods from Fiji, nor from any provision of the Post Office Act, or of any Post Office regulations for the time being in force, nor from any rules or regulations, respecting the transmission of articles by post, which may for the time being be in force within Fiji or elsewhere.  
(Cap. 171)
4. If the drugs are authorised to be exported by ship, the duplicate copy which is attached shall accompany the consignment to the place of destination, and for this purpose the exporter shall cause it to be delivered to the master of the vessel by which the consignment is despatched (see footnote 3).
5. If the drugs are authorised to be despatched by post, the attached duplicate copy shall be placed inside the outer wrapper of the parcel containing the drugs. If the drugs are contained in more than one parcel the duplicate copy shall be placed inside the outer wrapper of one of them, the parcels shall be consecutively numbered on the outer wrapper, and on each parcel shall be legibly stated the number of the parcel in which the duplicate copy is to be found (see footnote 2).

6. The exporter if so required by the Comptroller of Customs shall produce to him within such time as he may allow proof to his satisfaction that the said drugs were duly delivered at the destination named in the authorisation and in the event of non-compliance with this condition the authorisation shall be deemed void and of no effect.

7. The exporter shall furnish to the Permanent Secretary for Health returns of the goods exported by him in pursuance of this authorisation as may from time to time be required.

8. This authorisation is valid only for the exporter named above and may be revoked at any time by the Permanent Secretary for Health. It shall be produced for inspection when required by any authorised person.

9. This authorisation, unless sooner revoked, shall continue in force for three calendar months from the date thereof. It must be produced at the time of export to an officer of-

(1) the Customs Department; or

(2) the Post Office;

who will retain it; if not used it shall be surrendered to the Permanent Secretary for Health within seven days of the date of expiry.

*Signature and stamp.*

*Title.*

Date:

NOTE-(1) if any alteration is desired in this authorisation it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorised alteration is permissible.

(2) In the case of a drug to be exported by post, failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

(3) In the case of drugs exported by ship, this document is required in pursuance of the International Opium Convention of 1925, Article 25, to be presented to the competent authority of the country through which the consignment passes whether it is trans-shipped or not. Failure to comply with this condition may lead to delay or confiscation of the consignment.

**FORM C**  
(Section 28)

Authorisation No.

File No.

**DANGEROUS DRUGS ACT**  
**IMPORT AUTHORISATION**

In pursuance of the Dangerous Drugs Act (hereinafter called the Act) the Permanent Secretary for Health hereby authorises (hereinafter called the importer) to import the drugs referred to in the Schedule from

This authorisation is issued subject to the following conditions:

1. The drugs shall be imported before
2. This authorisation is not a licence to be in possession of or to supply the drug imported.
3. This authorisation is valid only for the importer and may be revoked at any time by the Permanent Secretary for Health to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorised person.
4. This authorisation does not relieve the importer from compliance with any Customs regulations in force for the time being relating to the importation of goods into or trans-shipment of goods in Fiji or any Post Office regulations for the time being in force in Fiji.
5. This authorisation unless sooner revoked shall be produced to the Customs officer at the time of importation and shall be surrendered to the Customs officer at the time when the last consignment of drugs is imported.
6. If the importation of all the drugs specified in the Schedule is not effected before the date specified in condition No. 1 this authorisation shall immediately after that date be surrendered to the Permanent Secretary for Health.
7. The copy of the export authorisation, if any, which accompanies the drugs shall be forwarded to the Permanent Secretary for Health immediately the importation of the drugs has been effected.

Date

*Permanent Secretary for Health.*

**SCHEDULE SPECIFYING THE DRUGS AND QUANTITIES  
THEREOF TO BE IMPORTED**

Name of drug	Quantity
1	
2	
3	
4	
5	
6	

This authorisation is not to leave the possession of the importer until it is surrendered to the Permanent Secretary for Health or to the Customs officer, who will complete the endorsement on the back and return the authorisation to the Permanent Secretary for Health.

This authorisation, when all the drugs to which it refers have been imported, must be returned by the Customs officer to the Permanent Secretary for Health.

**FORM D**  
(Section 34)

**DANGEROUS DRUGS ACT**  
**LICENCE FOR THE REMOVAL OF DANGEROUS DRUGS IN TRANSIT**

is hereby authorised to move the dangerous drugs described hereunder from  
to

Nature and quantity of dangerous drugs:

Particulars of export authorisation or diversion certificate, if any, relating thereto:

Name of ship in which the drugs were brought into Fiji:

Number of packages:

Date of arrival:

Marks and numbers on packages:

This licence is issued subject to the following conditions:

1. This licence is valid only for the removal of the drugs specified above.
2. The removal of the drugs shall take place between a.m./p.m. and a.m./p.m. on the  
19
3. If the removal of the drugs does not take place within the hours and on the day specified this licence must be returned to the Permanent Secretary for Health forthwith; and in any case shall be surrendered when the removal has taken place.
4. The drugs must not be removed unless an officer of the Customs Department is present.
5. This licence does not authorise the person named above to be in possession of the drugs, otherwise than for the purpose of removing them in accordance with this licence.
6. The packages containing the drugs are not to be opened or broken in the course of the removal.
7. This licence must be produced at any time when required by a duly authorised person.

*Signature.*

*Title.*

Date:

**FORM E**  
(Section 36)

**INTERNATIONAL OPIUM CONVENTION DIVERSION CERTIFICATE**

I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, hereby certify that I have authorised the diversion of the consignment of drugs of which particulars are given below, to the destination stated below.

Description and quantity of drugs:

Name of vessel in which the consignment was brought to Fiji:

Name and address of exporter:

Number and date of export authorisation and authority by whom issued:

Name and address of the original consignee named in the export authorisation:

Name and address of the consignee to whom the consignment is authorised to be diverted:

Number and date of import certificate (and authority by whom issued) by virtue of which this diversion is authorised:

Name of vessel on which the consignment is authorised to be carried from Suva:

Period within which the consignment is to be carried from Fiji:

This certificate is issued subject to the following conditions:

1. The duplicate copy of this certificate must accompany the consignment to the place of destination and for this purpose must be delivered to the master of the vessel by which the consignment is despatched.
2. This certificate does not relieve any person who is concerned with the carriage of the consignment of the drugs specified above from compliance with the Customs laws in force for the time being relating to the exportation of goods from Fiji.
3. This certificate is valid only for the consignment and for the period specified above and may be revoked at any time.
4. If the consignment is not carried from Fiji within the period specified above this certificate must be surrendered to the Permanent Secretary for Health.
5. This certificate must be produced at any time when required by a duly authorised person.

*Signature.*  
*Title.*

Date:

NOTE.-(1) If any alteration is desired in this certificate it must be returned with a request for amendment. No unauthorised alteration is permissible.

(2) This document is required in pursuance to the International Opium Convention, 1925, Article 15, to be produced to the competent authorities through which the dangerous drug passes, whether it is transhipped or not. Failure to comply with the conditions may lead to delay or confiscation of the consignment.

**FORM F**  
(Section 29)

*(In duplicate)*  
No.

**DANGEROUS DRUGS ACT**

To the Customs Officer in Charge  
Dangerous Drugs Store, Suva.

Permission is hereby granted (*business*) of to withdraw from the Dangerous Drugs Store the undermentioned drugs:-

Import Authorisation	File No.	Serial No.	Date
----------------------	----------	------------	------

How imported:

Name of drug	Quantity
1	
2	
3	
4	
5	
6	

Date:

*Permanent Secretary for Health.*

**SECOND SCHEDULE**  
(Section 32)

*(Inserted by 1 of 1963, s. 3.)*

**LIST OF DANGEROUS DRUGS NOT TO BE IMPORTED EXCEPT BY THE  
GOVERNMENT PHARMACIST**

Tincture of Opium.  
Morphine and its salts.  
Pethidine and its salts.  
Methadone and its salts.  
Phenadoxone and its salts.

*Controlled by Ministry of Health*

**CHAPTER 114**

**DANGEROUS DRUGS**

*Order in Council. 2 of 1938 [in force 2nd March, 1938],  
23rd Nov., 1977*

**SECTION 15. -DANGEROUS DRUGS (EXEMPTIONS) ORDER**

*Made by the Governor in Council*

**1. Short title**

This Order may be cited as the Dangerous Drugs (Exemptions) Order.

**2. Findings communicated by League of Nations**

It is hereby declared that findings with respect to the preparations specified in the Schedule have in pursuance of Article 8 of the International Opium Convention signed at Geneva on the nineteenth day of February, 1925, been communicated by the Council of the League of Nations to the parties to the said Convention and that the provisions of Part V of the Act shall cease to apply to such preparations accordingly.

**SCHEDULE**

**(a) MORPHINE PREPARATION**

*(Amended by Order 23rd November, 1977.)*

1. Cereoli iodofermi et morphinae-	
Iodoform	In 1 bougie
Morphine hydrochloride	0.032 gram
Oil of theobroma, sufficient to fill a 1 gram mould	0.016 "
2. Emplastrum opii-	

Elemi	20 grams
Terebinthina	30 "
Cera flava	15 "
Olibanum pulvis	18 "
Benzoës pulvis	10 "
Opii pulvis	5 "
Balsamum peruvianum	2 "
3. Emplastrum opii-	
Extract of opium	25 grams
Refined elemi	25 "
Diachylon plaster with gum	50 "
4. Emplastrum opii-	
Elemis	8 grams
Terebinthinae communis	15 "
Cerae flavae	5 "
	In 1 bougie
Olibani pulveratae	8 "
Benzoës pulveratae	4 "
Opii pulverati	2 "
Balsami peruviani	1 "
5. Emplastrum opii-	
Opium, in very fine powder	10 grams
Resin plaster	90 "
6. Emplastrum opii ( <i>see</i> formula under 5) mixed with other plaster contained in the British Pharmacopoeia or British Pharmaceutical Codex.	
7. Linimentum opii-	
Tincture of opium	550 millilitres
Liniment of soap	500 "
8. Linimentum opii ( <i>see</i> formula under 7) mixed with any other liniment of the British Pharmacopoeia or of the British Pharmaceutical Codex.	
9. Linimentum opii ammoniatum-	
Ammoniated liniment of camphor	30 millilitres
Tincture of opium	30 "
Liniment of belladonna	5 "
Strong solution of ammonia	5 "
Liniment of soap to 100.	
10. Linimentum opii ammoniatum ( <i>see</i> formula under 9) mixed with any other	

British Pharmacopoeia or British Pharmaceutical Codex liniment.	
11. Caustic "Nerve Pastes"-	
Preparations containing in addition to morphine salts, or morphine and cocaine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportions of creosote or phenol to produce the consistency of a paste.	
12. Diarrhoea pills-	
Camphor	0.0648 gram
Lead acetate	0.013 "
Bismuth subnitrate	0.162 "
Tannic acid	0.0648 "
Opium powder	0.026 "
13. Pilulae digitalis et opii compositae-	
Digitalis leaves, in powder	0.31 gram
Opium in powder	0.19 "
Ipecacuanha root, in powder	0.13 "
Quinine sulphate	0.78 "
Syrup of glucose, a sufficient quantity to make 12 pills	
14. Pilulae hydrargyri cum opio-	
Mercury pill	3.89 grams
Opium, in powder. To make 12 pills	0.19 gram
	In 1 bougie
15. Pilulae hydrargyri cum creta et opii-	
Mercury with chalk	0.78 gram
Compound powder of ipecacuanha	0.78 "
Milk sugar, a sufficient quantity	
Syrup of glucose, a sufficient quantity to make 12 pills.	
16. Pilulae ipecacuanhae cum Scilla-	
Compound powder of ipecacuanha	30 grams
Squill, in powder	10 "
Ammoniacum, in powder	10 "
Syrup of glucose, a sufficient quantity.	
17. Pilulae hydrargyri bichlorati cum opii extracto-	
Bichloride of mercury triturated	10 centigrams
Extract of opium	20 "
Extract of couch-grass	20 "
Liquorice root in powder, quantity sufficient for 10 pills.	
18. Pilulae hydrargyri iodati cum opii pulvere-	

Hydrargyrum iodatum freshly prepared	50 centigrams
Opium powder	20 "
Powdered liquorice	30 "
White honey, quantity sufficient for 10 pills.	
19. Pilulae plumbi, cum Opio-	
Lead acetate, in powder	80 grams
Opium, in powder	12 "
Syrup of glucose (or a sufficient quantity)	8 "
20. Pilulae terebinthinae compositae-	
Opium	0.5 gram
Chinini sulfas	2 gram
Styrax liquidus	2 "
Terebinthina laricina	8 "
Magnesii subcarbonas, a sufficient quantity to make 100 pills.	
21. Mixtures of Dover's powder ( <i>see</i> formula under 21) with mercury and chalk, aspirin, phenacetin, quinine and its salts, and sodium bicarbonate.	
22. Pulvis kino compositus-	
Kino, in powder	75 grams
Opium, in powder	5 "
Cinnamon bark, in powder	20 "
23. Suppositoria plumbi composita. Syn:	
Suppositoria plumbi cum opio-	
Lead acetate, in powder	2.4 grams
Opium, in powder	0.8 gram
Oil of theobroma, sufficient quantity for 12 suppositories, each weighing about 1 gram	
24. Coryza Tablets No. 2-	
Powdered opium	0.0043 gram
	In 1 bougie
Quinine sulph	0.022 gram
Ammon. chlor	0.022 "
Camphor	0.022 "
Ext. belladonna leaves	0.0043 "
Ext. aconite root	0.0043 "
25. Diarrhoea Tablets No. 2-	
Powdered opium	0.016 gram
Camphor	0.016 "

Powdered ipecacuanha	0.008 "
Lead acetate	0.011 "
26. Dysentary Tablets-	
Powdered opium	0.013 gram
Powdered ipecacuanha	0.0648 "
Powdered calomel	0.0324 "
Lead acetate	0.0324 "
Bismuth Betanaphthol	0.1944 "
27. Tabella hydrargyri cum opio-	
Mercurous chloride powder	0.065 gram
Antimony oxide powder	0.065 "
Ipecacuanha-root powder	0.065 "
Powdered opium	0.065 "
Milk sugar	0.065 "
Gelatine solution, a sufficient quantity to make 1 tablet.	
28. Tabella plumbi cum opio-	
Sugar of lead	0.195 gram
Powdered opium	0.065 "
Gelatine solution, a sufficient quantity to make 1 tablet.	
29. Tablettae plumbi cum opio-	
Lead acetate, in fine powder	19.44 grams
Opium, in powder	3.24 "
Refined sugar in powder	6.48 "
Ethereal solution of theobroma	3.70 mils.
Alcohol	0.90 mil.
30. Unguentum gallae compositum-	
Galls in very fine powder	20 grams
Extract of opium	4 mils
Distilled water	16 "
Wool fat	10 grams
Soft paraffin, yellow	50 "
31. Unguentum gallae compositum ( <i>see</i> formula under 30) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex.	
32. Unguentum gallae cum opio-	
Gall ointment	92.5 grams
Opium in powder	7.5 "

	In 1 bougie
33. Unguentum gallae cum opio ( <i>see</i> formula under 32) mixed with other ointments and plasters contained in the British Pharmacopoeia or British Pharmaceutical Codex.	
34. Yatren-105 (Iodoxyquinoline-sulphonic acid) with 5 per cent opium admixture.	
35. Preparations of-	
Acetyldihydrocodeine,	
Codeine,	
Dihydrocodeine,	
Ethylmorphine,	
Nicodicodeine,	
Norcodeine and	
Pholcodine	
when compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.	
36. Pulvis ipecacuanhae et opii compositus-	
10 per cent opium in powder	
10 per cent ipecacuanha root, in powder well mixed with	
80 per cent of any other powdered ingredient containing no drug.	

### (b) COCAINE PREPARATIONS

1. Bernatzik's injections-	
(a) Hydrargyrum bicianatum	0.03 gram
Cocainum	0.02 "
(b) Hydrargyrum succinatum	0.03 "
Cocainum	0.01 "
2. Stila's injections-	
(a) Hydrargyrum succinatum	0.03 gram
Cocainum muriaticum	0.01 "
(b) Hydrargyrum succinatum	0.05 "
Cocainum muriaticum	0.03 "
3. Natrium biboracicum compositum cum cocaino-	
In tablets, compressed tablets, lozenges, pastilles and the like, difficult to break up, and containing not more than 0.2 per cent of cocaine salts in conjunction with not less than 20 per cent borax and not less than 20 per cent antipyrine, or some similar analgesic, and not more than 40 per cent of flavouring matter. Maximum weight of each tablet, etc., 1 gram.	In 1 bougie

4. Caustic "Nerve Pastes"-	
Preparations containing, in addition to cocaine salts or cocaine and morphine salts, at least 25 per cent of arsenious acid, and made up with the requisite proportions of creosote or phenol to produce the consistency of a paste.	
5. Cocaine and Atropine Tablets, with a content of not more than 0.0003 gram of cocaine salts and not less than 0.0003 gram of atropine salts to each tablet-	
Atropinum sulphuricum	0.0003 gram.
Cocain Hydrochloricum	0.0003 "
Mannite	0.003 "
Weight of one tablet	0.0036 "
Cocaine content 8.3 per cent	
6. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to the public	

### (c) HEROIN PREPARATIONS

1. Elixir camphorae compositum-	
Camphor	4 grains
Oil of anise	5 minims
Benzoic acid	6 grains
Diamorphine hydrochloride	4 "
Liquid extract of ipecacuanha	120 minims
Tincture of squill	1 ½ fluid ounces
Simple syrup to 20 fluid ounces.	
2. Elixir diamorphinae et Terpini, with Apomorphine-	
Apomorphine hydrochloride	5 grains
Diamorphine hydrochloride	4 "
Terpin hydrate	44 "
Alcohol	10 fluid ounces
Glycerine	5 "
Syrup of wild cherry to 20 fluid ounces.	
3. Linctus diamorphinae, with Ipecacuanha-	In 1 bougie
Liquid extract of ipecacuanha	120 minims

Diamorphine hydrochloride	4 grains
Tincture of hyoscyamus	1 ½ fluid ounces
Spirit of chloroform	1 ½ "
Syrup of balsam of tolu	3 "
Syrup of wild cherry	3 "
Glycerine to 20 fluid ounces.	
4. Linctus senegae compositus-	
Liquid extract of senega	1 fluid ounce
Liquid extract of squill	1 "
Tartarated antimony	8 grains
Diamorphine hydrochloride	4 "
Glycerine	2 fluid ounces
Simple syrup to 20 fluid ounces.	
5. Linctus thymi compositus-	
Diamorphine hydrochloride	4 grains
Apomorphine hydrochloride	5 "
Distilled water	1 fluid ounce
Liquid extract of thyme (I-I)	5 fluid ounces
Solution of tolu	1 ¼ "
Glycerine to 20 fluid ounces.	

#### (d) DICODIDE PREPARATIONS

1. Cardiazol-Dicodide Solutions-	
Solutions containing not less than 10 per cent of cardiazol and not more than 0.5 per cent of dicodide salts.	

#### (e) EUCODAL PREPARATIONS

1. Anti-Opium Tablets-	
Eucodal	1 gram
Pulvis gentianae	35 grams
Pulvis ipecacuanhae	20 "
Quinine sulphate	20 "
Caffeine	5 "
Sugar of milk	25 "
Mix up and make up 5-grain tablets.	
2. Tablets of B.B. Compound-	

Berberis vulgaris powder	0.03240 grams
Nux vomica	0.013 "
Eucodal	0.0032 "
Ipecacuanha	0.0648 "
Rhubarb	0.013 "
Pulvis cinnamoni compositus	0.0324 "
Aromatic chalk	0.0032 "

**(f) PROPIRAM PREPARATIONS**

Preparations of propiram containing not more than 100 mg. of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

**(g) DIFENOXIN PREPARATIONS**

Preparations of Difenoxin containing per dosage unit, not more than 0.5 mg. of Difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of Difenoxin.

**(h) DIPHENOXYLATE PREPARATIONS**

Preparations of Diphenoxylate containing per dosage unit, not more than 2.5 mg. of Diphenoxylate calculated as base and a quantity of atropine sulphate equivalent to at least one per cent of the dose of Diphenoxylate.

**(i) GENERAL**

Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drugs.

**SECTION 15 -APPLICATION OF PART V OF THE ACT**

*Proclamations by the Governor*

*Proclamations*

Part V of the Act shall apply to the drugs specified in the Schedule.

**SCHEDULE**

*6 of 1947 [in force 13th June, 1947]*

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

Pethidine (1 methyl-4-phenyl-piperidine-4-carboxylic acid ethylester), 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.

*13 of 1950 (in force 8th Sept., 1950)*

Alphaprodine (a-4-Propionoxy-4-phenyl-1: 3-dimethyl-4-piperidine), its salts and any preparation, admixture, extract or other substance containing any proportion of alphaprodine.

Amidone (6-Dimethylamino-4: 4-diphenylheptan-3-one), its salts and any preparation, admixture, extract or other substance containing any proportion of amidone.

Betaprodine (B-4-Propionoxy-4-phenyl-1: 3-dimethyl-4-piperidine), its salts and any preparation, admixture, extract or other substance containing any proportion of betaprodine.

Hydroxypethidine (Ethyl 4-m-hydroxyphenyl-1-methylpiperidine-4-carboxylate), its salts and any preparation, admixture, extract or other substance containing any proportion of hydroxypethidine.

Isoamidone (6-Dimethylamino-4: 4-diphenyl-5-methylhexan-3-one), its salts and any preparation, admixture, extract or other substance containing any proportion of isoamidone.

Ketobemidone (4-Propionyl-4-m-hydroxyphenyl-1-methyl-piperidine), its salts and any preparation, admixture, extract or other substance containing any proportion of ketobemidone.

Methadol (6-Dimethylamino-4: 4-diphenylheptan-3-ol), its salts and any preparation, admixture, extract or other substance containing any proportion of methadol.

Methadyl acetate (6-Dimethylamino-4: 4-diphenyl-3-heptylacetate), its salts and any preparation, admixture, extract or other substance containing any proportion of methadylacetate.

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

Phenadoxone (6-Morpholino-4: 4-diphenylheptan-3-one), its salts and any preparation, admixture, extract or other substance containing any proportion of phenadoxone.

*17 of 1951 (in force 9th Nov., 1951)*

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 acetyldihydrocodeine.

4-Propionoxy-4-phenyl-1-methyl-3-ethylpiperidine, its salts and any preparation, admixture, extract or other substance containing any proportion of 4-propionoxy-4-phenyl-1-methyl-3-ethylpiperidine.

3-Hydroxy-N-methylmorphinan, its salts and any preparation, admixture, extract or other substance containing any proportion of 3-hydroxy-N-methylmorphinan.

*10 of 1957 (in force 16th Aug., 1957)*

Acetyldihydrocodeine.  
Alphameprodine.  
Alphaprodine.  
Betameprodine.  
Betaprodine.  
Diethylthiambutene.  
1:3-Dimethyl-4-phenyl-4-propionyloxyhexamethyleneimine.  
Dimethylthiambutene.  
Dioxaphetyl butyrate (4-morpholine-2:2-diphenyl ethyl butyrate).  
Dipipanone.  
Ethylmethylthiambutene.  
Hydromorphone (also known as dihydromomorphinone or dilaudide). Hydroxypethidine.  
Isomethadone (also known as isoamidone).  
Ketobemidone.  
Levomethorphan.  
Levorphanol.  
Methadol.  
Methadone (also known as amidone).  
Methadyl acetate.  
Methyldesomorphine (6-methyl- $\Delta'$ -desoxymorphine).  
1-Methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester.  
Metopon (also known as methyldihydromomorphinone).  
Normethadone.  
Phenadoxone.  
Phenomorphin (3-Hydroxy-N-phenethylmorphinan).  
Prooxyphene (4-dimethylamino-1:2-diphenyl-3-methyl-2-propionyloxybutane).  
Racemethorphan.  
Racemorphan.

The salts of any of the drugs specified in this part of this Schedule and any preparation, admixture, extract or other substance containing any of these drugs or their salts.

*7 of 1959 (in force 13th March, 1959)*

Anileridine (1-[2-(p-aminophenyl)-ethyl]-4-phenyl-piperidine-4-carboxylic acid ethyl ester), its salts and any preparation, admixture, extract or other substance containing any proportion of anileridine.  
Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenyl-piperidine-4-carboxylic acid ethyl ester), its salts and any preparation, admixture, extract or other substance containing any proportion of etoxeridine.  
Methyldihydromorphine (6-methyldihydromorphine), its salts and any preparation, admixture, extract or other substance containing any proportion of methyldihydromorphine.  
Dextromoramide, levomoramide and racemoramide, the three forms of (1-(3-methyl-4-morpholino-2:2-diphenylbutyryl)-pyrrolidine) their salts and any preparation, admixture,

extract or other substance containing any proportion of dextromoramide, levomormide and racemoramide.

Morpheridine (-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester), its salts and any preparation, admixture, extract or other substance containing any proportion of morpheridine.

Myrophine (myristyl ester of benzylmorphine), its salts and any preparation, admixture, extract or other substance containing any proportion of myrophine.

Oxymorphone (dihydro-14-hydroxymorphinone), its salts and any preparation, admixture, extract or other substance containing any proportion of oxymorphone.

Trimeperidine (1:2:5-trimethyl-4-phenyl-4-propionyloxypiperidine), its salts and any preparation, admixture, extract or other substance containing any proportion of trimeperidine.

The esters (other than the ethyl and isopropyl esters) of 1-methyl-4-phenylpiperidine-4-carboxylic acid, their salts and any preparation, admixture, extract or other substance containing any proportion of the said esters.

*13 of 1963 [in force 29th March, 1963].*

Diphenoxylate (ethyl 1-(3-cyano-3:3-diphenylpropyl)-4-phenyl-piperidine-4-carboxylate), its salts and any preparation, admixture, extract of other substance containing any proportion of diphenoxylate.

Noracymethadol ( $\square$ -dl-3-acetoxy-6-methylamino-4:4-diphenyl-heptane), its salts and any preparation, admixture, extract or other substance containing any proportion of noracymethadol.

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

Phenazocine (1, 2, 3, 4, 5, 6-hexahydro-8-hydroxy-6, 11-dimethyl-3-phenethyl-2, 6-methano-3-benzazocine or 2'-hydroxy-5: 9-dimethyl-2 (2-phenylethyl)-6: 7-benzomorphan), its salts and any preparation, admixture, extract or other substance containing any proportion of phenozocine.

Propiram N-(1-Methyl-2-Piperidinoethyl)-N-2-Pyridylpropionamide

*(Inserted by Notification 4th May, 1971)*

*(Inserted by Notification 26th August, 1977)*

Acetorphine; its salts.

Acetyldihydrocodeine and its salts.

2 Amino-1-(2, 5-Dimethoxy-4-methyl) Phenyl propane.

Amphetamine and its salts.

Benzoylmorphine and its salts.

Benzylmorphine; its salts; its esters, its salts; their salts.

Clonitazene and its salts.

Codiene; its salts.

4-Cyano-2-dimethylamino-4: 4-diphenylbutane; its salts.

N.N-Diethyltryptamine; its salts, esters, ethers and isomers.

Dexamphetamine and its salts.

Diamorphine and its salts.

Diampromide and its salts.

Dihydrocodeine and its salts.

Dihydrocodeinone-O-Carboxymethyloxime; its salts; its esters; their salts.

Dihydromethylmorphine; its salts; its esters and ethers; their salts.  
Dihydromorphine; its salts; its esters and ethers; their salts.  
Dimenoxadole and its salts.  
Dimethylthiambutene and its salts.  
D.M.H.P.; its salts, ethers, esters and isomers.  
N.N-Dimethyltryptamine; its salts, ethers, esters and isomers.  
Drotebanol; its salts, its esters and ethers; their salts.  
Ethymethylthiambutene and its salts.  
Ethylmorphine and its salts.  
Ethnitazene and its salts.  
Etorphine; its salts; its esters and ethers; their salts.  
Extoxeridine; its salts; its esters and ethers; their salts.  
Fentanyl and its salts.  
Furethidine and its salts.  
Hydrocodone and its salts.  
Hydromorphinol; its salts; its esters and ethers; their salts.  
Hydromeophone; its salts and its esters and ethers; their salts.  
14-Hydrocydihydromorphine; its salts; its esters and ethers; their salts.  
Bufotenine and psilocin; their esters or ethers their salts.  
Levophenacymorphan; its salts; its esters and ethers; their salts.  
Levorphanol; its salts; its esters and ethers; their salts.  
Lysergide; its salts, ethers, esters and isomers.  
Mesacaline and its salts.  
Metazocine; its salts and preparations.  
Methaqualone and its salts.  
Methylamphetamine and its salts.  
2-methyl-3-morpholino-1: diphenylpropane carboxylic acid; its salts; its esters, their salts.  
Methylphenidate; its salts.  
Noracymethodol; its salts.  
Norlevorphanol; its salts; its esters and ethers; their salts.  
Normethadone and its salts.  
Norpipanone; its salts.  
Parahexyl; its salts; its ethers, esters and isomers.  
Phenampramide; its salts.  
Phencyclidine and its salts.  
Phenmetrazine and its salts.  
Phenoperidine; its salts; its esters and ethers, their salts.  
Piminodine and its salts.  
Piritramide; its salts.  
Psilocine, psilocin, its salts, ethers, esters, and isomers.  
Psilocybine.

## **SECTION 17 -DANGEROUS DRUGS REGULATIONS**

*Regulations 18th May, 1938 [in force 20th May, 1938],  
30th Jan., 1951, 17th June, 1955, 26th Feb., 1963,  
21st June, 1965, 8th Jan, 1969.*

*Made by the Governor in Council*

### **1. Short title**

These Regulations may be cited as the Dangerous Drugs Regulations.

### **2. Interpretation**

In these Regulations, unless the context otherwise requires-

"drug" means any drug to which Part V of the Act applies or a preparation within the meaning of these Regulations;

"pharmacist" means a duly registered pharmacist;

"preparation" means any preparation, admixture, extract or other substance containing such a proportion of a drug as is sufficient to make the preparation, admixture, extract or substance a drug to which Part V of the Act applies;

"qualified veterinary surgeon" means a veterinary surgeon registered in the Veterinary Surgeons Register;

*(Inserted by Regulations 26th February, 1963)*

"registered dentist" means a dental practitioner registered in the Dental Register;

*(Inserted by Regulations 26th February, 1963.)*

"registered medical practitioner" means a medical practitioner registered in the Medical Register.

*(Inserted by Regulations 26th February, 1963.)*

### **3. Unauthorised manufacture of drug**

A person shall not manufacture or carry on any process in the manufacture of a drug-

- (a) unless he is duly authorised so to do;
- (b) except on authorised premises;
- (c) otherwise than in accordance with the terms and conditions of his authority.

### **4. Certain persons only permitted to purchase drugs and preparations wholesale**

No person shall buy a drug or preparation wholesale except-

- (a) a registered medical practitioner;
- (b) a registered dentist;
- (c) a qualified veterinary surgeon;
- (d) a pharmacist;

and the Government Pharmacist shall not sell any drug or preparation wholesale except to a person mentioned in this regulation.

**5. Unauthorised sale, etc., of drug**

*(Inserted by Regulations 26th February, 1963.)*

(1) Subject as hereinafter provided a person shall not supply or procure or offer to supply or procure or prescribe to or for any person (including himself) and whether in Fiji or elsewhere or advertise for sale a drug or preparation-

(a) unless he is authorised to do so; or

(b) otherwise than in accordance with the terms and conditions of his authority.

(2) A person shall not supply or procure or offer to supply or procure or prescribe a drug or preparation to or for any person (including himself in Fiji except as follows:-

(a) to a person certified as a drug addict under the Dangerous Drugs (Drug Addicts) Regulations, to the amount specified in and otherwise in accordance with the permit issued to such person under such Regulations; or

(b) to a person authorised to be in possession of the drug or preparation under these Regulations; or

(c) when the drug or preparation is administered by or under the direct personal supervision and in the presence of a registered medical practitioner or by or under the direct personal supervision and in the presence of a registered dentist in the course of dental treatment, and either-

(i) the amount administered in any period of seven days does not exceed-

½ fluid ounce of Tincture of Opium, or  
2 grains of Morphia or its salts, or  
500 mgms of Pethidine or its salts, or  
50 mgms of Methadone or its salts, or  
250 mgms of Phenadoxone or its salts,  
or equivalent amounts administered as combinations of these drugs; or

(ii) if for medical reasons larger amounts than those specified in sub-paragraph

(i) are required to be administered the registered medical practitioner or registered dentist notifies the Permanent Secretary in writing of the name, address and diagnosis of the patient and the total amount of the drug or preparation given; such notification to be given in respect of each period of seven days and within seven days of the end thereof, unless the Permanent Secretary or an officer authorised by him gives permission (in cases requiring prolonged treatment with doses larger than those mentioned in sub-paragraph (i)) for less frequent notification.

*(Regulation substituted by Regulations 26th February, 1963.)*

## **6. *Unauthorised possession of drug***

(1) A person shall not be in possession of a drug or preparation unless he is duly so authorised.

(2) For the purposes of these Regulations-

(a) a person to whom a drug or preparation is lawfully supplied on a prescription lawfully given by a registered medical practitioner, a registered dentist or a qualified veterinary surgeon or to whom a drug or preparation is lawfully supplied by a registered medical practitioner, or a qualified veterinary surgeon who dispenses his own medicines shall be deemed to be a person authorised to be in possession of the drug or preparation so supplied:

Provided that if a drug or preparation is supplied by or on a prescription given by a registered medical practitioner to a person who was at that time in the course of receiving treatment whether in respect of addiction or otherwise from and being supplied with a drug or preparation by or on a prescription given by another medical practitioner that person shall not for the purposes of these Regulations be deemed to be a person authorised to be in possession of the drug or preparation supplied by or on a prescription given by the first mentioned medical practitioner if he did not before the supply thereof to him disclose to the first mentioned medical practitioner the fact that he was being so treated and supplied by or on a prescription given by that other medical practitioner;

(b) a person shall be deemed to be in possession of a drug or preparation if it is in his actual custody or is held by any other person subject to his control, or for him or on his behalf.

## **7. *Delivery of drug to agent***

(1) Where a drug or preparation is to be lawfully supplied to any person (hereinafter referred to as "the recipient") otherwise than by or on a prescription given by a registered medical practitioner the person supplying the drug or preparation (hereinafter referred to as "the supplier") shall not deliver it to a person who purports to be sent by or on behalf of the recipient, unless that person either-

(a) is a person authorised under these Regulations to be in possession of that drug or preparation; or

(b) produces to the supplier a statement in writing signed by the recipient to the effect that he is authorised by the recipient to receive the drug or preparation in question on behalf of the recipient and the supplier is satisfied that the document is a genuine document.

(2) A person to whom a drug or preparation is lawfully delivered in the circumstances mentioned in subparagraph (b) of paragraph (1) shall be deemed to be a person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable the delivery to the recipient to be effected.

## **8. Persons authorised to be in possession of drugs, etc.**

(1) Persons who are members of the following classes, that is to say:-

- (a) registered medical practitioners;
- (b) registered dentists;
- (c) qualified veterinary surgeons;
- (d) medical officers; and
- (e) owners and commanders of aircraft,

are hereby authorised so far as may be necessary for the practice or exercise of their respective professions or employments, or to enable compliance by them with the provisions of any law for the time being in force in relation to them, in their capacity as members of their respective classes to be in possession of, and to supply, drugs or preparations:

Provided that a dentist shall not be authorised to supply a drug or preparation otherwise than by the personal administration thereof by him to persons receiving treatment by him.

(2) The master of any overseas registered vessel which is in a port in Fiji is hereby authorised to procure and to be in possession of such quantity of drugs and preparations as may be certified by the Permanent Secretary to be necessary for the equipment of such vessel until it reaches its home port.

(3) The master of any vessel registered in Fiji is hereby authorised to procure and to be in possession of such quantity of drugs and preparations as may be prescribed under the provisions of any Act for the time being in force in relation to medical stores to be carried in such vessels or as may be certified by the Permanent Secretary to be necessary for the equipment of such a vessel:

Provided that no dangerous drug shall be used by or under the instructions of any such master except in accordance with advice given in plain language by a registered medical practitioner by radio and any such use shall be recorded in the vessel's log.

*(Regulation substituted by Regulations 21st June, 1965 and amended 8th January, 1969.)*

## **9. Registered pharmacists**

(1) Registered pharmacists actually in business are hereby authorised-

(a) to manufacture at the shop in the ordinary course of their retail business:

- (i) any extract or tincture of Indian hemp
- (ii) any preparation; and

(b) subject to the provisions of these Regulations to carry on the business of retailing, dispensing or compounding drugs or preparations.

(2) Every drug or preparation in the actual custody of a person authorised by virtue of this regulation shall be kept in a locked receptacle which can be opened only by him or by an assistant of his who is a registered pharmacist.

### **10. *Withdrawal of authority***

(1) If any person being an authorised person within the meaning of these Regulations is convicted of an offence against the enactments relating to the Customs as applied by the Act the Minister may, if he is of the opinion that the person ought not to be allowed to remain an authorised person, by notice in the Gazette withdraw the authority of that person.

(2) Where the person whose authority is withdrawn under paragraph (1) is a registered medical practitioner, a registered dentist or a qualified veterinary surgeon, the Minister may by notice given in like manner direct that it shall not be lawful for that person to give prescriptions for the purposes of these Regulations.

### **11. *Prescription***

(1) For the purposes of these Regulations a prescription means a prescription on the prescribed form directing the supply of a drug or preparation and given either by a registered medical practitioner for the purposes of medical treatment, by a registered dentist for the purposes of dental treatment or by a qualified veterinary surgeon for the purposes of animal treatment.

(2) The prescribed form for prescriptions for a drug or preparation shall be as in the form contained in the Fourth Schedule. The prescriptions shall be made up in the form of a book of prescriptions serially numbered with carbon copies similarly numbered. Supplies of books of prescriptions for a drug or preparation in the prescribed form shall be obtained only from the Permanent Secretary or from Divisional Medical Officers, from whom they may be obtained free of charge by persons authorised to prescribe drugs and preparations under these Regulations.

*(Inserted by Regulations 26th February, 1963.)*

(3) A person by whom a prescription is given shall comply with the following requirements. The prescription must-

(a) be written in ink and signed by the person giving the prescription with his usual signature and dated by him;

*(Amended by Regulations 30th January, 1951.)*

(b) specify the address of the person giving it;

(c) specify the name and address of the person for whose treatment it is given, or if it is given by a veterinary surgeon, the name of the person to whom the article prescribed is to be given;

(d) have written thereon if given by a dentist "for local dental treatment only", and if given by a veterinary surgeon the words "for animal treatment only";

(e) specify, if it prescribes a preparation contained or compounded of preparations all of which are contained in the British Pharmacopoeia, the British Pharmaceutical Code or the Australian and New Zealand Pharmaceutical Formulary, the total amount of the preparation or of each preparation as the case may be and in any other case the total amount of the drug to be supplied;

(f) be made out on the prescribed form together with a carbon copy thereof.  
(*Inserted by Regulations 26th February, 1963.*)

(4) Every person giving prescriptions for a drug or preparation shall retain the carbon copies in the book of prescriptions and within seven days of the end of each quarter of the year shall send the carbon copies in respect of that quarter to the Permanent Secretary.

(*Inserted by Regulations 26th February, 1963.*)

### **12. Limitation of total amounts prescribed and administered**

(1) A registered medical practitioner or registered dentist when prescribing or administering drugs or preparations for the purpose of medical or dental treatment shall not, unless he notifies the Permanent Secretary in the manner prescribed in item (ii) of sub-paragraph (c) of paragraph (2) of regulation 5-

(a) prescribe for any person amounts greater than those permitted under item (i) of sub-paragraph (c) of paragraph (2) of regulation 5; or

(b) knowingly prescribe or administer a drug or preparation for or to any person so that the combined amount of drugs and preparations prescribed and administered for that person exceeds such amounts as aforesaid:

Provided that this sub-paragraph shall not prevent a registered medical practitioner-

(i) prescribing a drug or preparation to a certified drug addict in accordance with the Dangerous Drugs (Drug Addicts) Regulations; or

(ii) administering for reasons other than addiction a drug or preparation in excess of the amounts aforesaid to a certified drug addict; but any such excess amounts shall be notified to the Permanent Secretary weekly with the particulars prescribed under item (ii) of sub-paragraph (c) of paragraph (2) of regulation 5.

(2) No person to or for whom (whether as a drug addict or otherwise) a registered medical practitioner or registered dentist is administering or prescribing drugs or preparations shall permit another registered practitioner or registered dentist to administer to him or prescribe for him a drug or preparation without notifying him of the drugs or preparations administered or prescribed by such first mentioned registered medical practitioner or registered dentist.

(*Inserted by Regulations 26th February, 1963.*)

### **13. Supply of drug on prescription**

(1) A person shall not supply a drug or preparation on a prescription-

(a) unless the prescription complies with the provisions of these Regulations relating to prescriptions; and

(b) unless he either-

(i) is acquainted with the signature of the person by whom it purports to have been given and has no reason to suppose that it is not genuine; or

(ii) has taken reasonable precautions to satisfy himself that it is genuine.

(2) The person dispensing a prescription shall at the time of dispensing it mark thereon the date on which it is dispensed and shall retain it and keep it on the premises where it is dispensed so that it may be available for inspection.

*(Regulation amended by Regulations 26th February, 1963.)*

#### **14. Drug to be labelled**

(1) Subject to the provisions of this regulation no person shall-

(a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein; or

(b) supply a preparation unless the package or bottle in which it is contained is plainly marked-

(i) in the case of a powder, solution or ointment with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution or ointment; or

(ii) in the case of tablets or other similar articles with the amount of the drug in each article and the number of articles in the package or bottle.

(2) This regulation shall not apply in a case where a preparation is lawfully supplied in accordance with these Regulations by or on a prescription lawfully given by a registered medical practitioner.

#### **15. Register of drugs supplied**

(1) Every person authorised to supply drugs or preparations shall comply with the following provisions:-

(a) he shall in accordance with this regulation keep a register and enter therein in the form set out in the First Schedule true particulars with respect to every quantity of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him whether to persons within or persons outside Fiji;

(b) each drug or preparation shall be entered on a separate page of the register;

(c) the register required to be kept by this regulation shall be in addition to any books, records or documents required to be kept under the Act or any other regulations made thereunder;

(d) the required entry must be made on the day on which the drug or preparation is received or on which the transaction in respect to the supply thereof takes place or if that is not reasonably practicable on the day next following the said day;

(e) a separate register shall be kept in respect of each set of premises at which the authorised person carries on business;

(f) no cancellation, obliteration or alteration shall be made of an entry in the register and any correction of any entry must be made by way of a marginal note or a footnote which must specify the date on which the correction is made;

(g) the authorised person shall on demand by the Permanent Secretary or by any person empowered in that behalf by order in writing by the Permanent Secretary furnish to the Permanent Secretary or to that person as the case may be such particulars as the Permanent Secretary or that person may require with respect to the obtaining or supplying by the authorised person of any drug or preparation or with respect to any stocks of drugs or preparations in the possession of the authorised person;

(h) the register shall be kept on the premises to which it relates.

(2) Every entry required to be made under this regulation and every correction of such an entry must be made in ink.

*(Regulation amended by Regulations 17th June, 1955.)*

### **16. *Preservation of books, records, etc.***

All records, registers, books, prescriptions and other documents which are kept, issued or made in pursuance of the requirements or for the purposes of these Regulations shall be preserved in the case of a register, book or other like record for a period of two years from the date on which the last entry is made therein and in the case of any other document for a period of two years from the date on which it is issued or made.

### **17. *Annual return.***

Every person required to keep a register under these Regulations shall during the first week in January in each and every year make a return to the Permanent Secretary in the form set out in the Second Schedule of all drugs and preparations.

### **18. *Estimate of drugs required***

Every person required to keep a register under these Regulations shall on the thirtieth day of April in each and every year render to the Permanent Secretary an estimate of the amounts of each particular drug or preparation in the form as set out in the Third Schedule which will be required by him for the year subsequent to the year in which the estimate is rendered.

**19. Unauthorised sale, etc., of drugs prohibited**

No person shall give, sell, barter or distribute any drug or preparation save as is permitted by these Regulations.

**20. Hospital attendants**

A hospital attendant may with the special or general authority of the Permanent Secretary dispense drugs or preparations for bona fide medical use of indoor and outdoor patients of the hospital.

**21. Certain drugs, etc., not to be sold wholesale except by Government Pharmacist**

The drugs and preparations listed in the Fifth Schedule shall not be sold wholesale except by the Government Pharmacist.  
*(Inserted by Regulations 26th February, 1963.)*

**22. Government Medical Services exempt**

These Regulations shall not apply to the Government Medical Services.

**FIRST SCHEDULE**

*(Regulation 15)*

*(Substituted by Regulations 17th June, 1955.)*

**DRUG OR PREPARATION**

Date on which received or supplied	Name and address of person from whom obtained or to whom supplied	Amount Received	Amount Supplied	Balance	Where supplied on prescription, prescription No.	Name of person authorising supply	Signature of person supplying

**SECOND SCHEDULE**

*(Regulation 17)*

STATISTICAL FORM G (1) GL.

**FIJI**

**DANGEROUS DRUGS ACT**

**GENEVA OPIUM CONVENTION OF 19TH FEBRUARY, 1925**




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**HABITUAL OPIUM DRINKING**

Amount issued on Doctors' Order to Habitual Opium Drinkers:-Pts. Ozs.  
 Number of Orders received for-

Europeans		
Indians		

Fijians		
Chinese		
Other		
Total		

Remarks:

### INSTRUCTIONS FOR FILLING IN FORM

1. State-

(a) Liquids in Fluid Measure, i.e., Pints and Fluid Ounces.

(b) Solids in Avoirdupois Weights, i.e., lb. and ounces.

2. *Concentrated Tinctures or Liquids.*-Please state strength of concentration as compared with B.P. standards, e.g., Liquor or Concentrated Tincture Opium, Conc. 1-7.

3. *Tablets containing Dangerous Drugs.*-The total weight of Dangerous Drugs in tablet form should be given and not the number of tablets or tubes of each separate tablet, e.g., 12 tubes of 20 Tablets Morphia Sulp. gr.  $\frac{1}{4}$  and 12 tubes of 20 tablets Morphia Sulp. gr.  $\frac{1}{4}$  with Atrophine gr.1/100 would be entered as 120 grains.

4. When giving particulars of any Preparations, Proprietary or Patent Medicines containing Dangerous Drugs, please give the name of article, percentage of Dangerous Drug, name of Dangerous Drug and the total amount of article, if liquid in pints and ounces; if solid in lb. and ounces.

This information is required by the Permanent Opium Control Board appointed under the Geneva Conventions and the information supplied must be as full and as accurate as possible.

### SCHEDULE

#### "THIRD SCHEDULE OFFENCES PUNISHABLE ON CONVICTION

8(a)	Growing and cultivation of Indian hemp	Not exceeding 10 plants	Maximum of 12 months Minimum of 3 months
		Not exceeding 50 plants	Maximum of 3 years Minimum of 12 months
		Exceeding 50 plants	Maximum of 14 years Minimum of 2 years
8(b)	Possession of Indian hemp	Not exceeding 100 grams	Maximum of 24 months Minimum of 3 months
		Not exceeding 500 grams	Maximum of 3 years Minimum of 12 months
		Exceeding 500	Maximum of 20 years

		grams	Minimum of 5 years
8(b)	Selling or trafficking in Indian hemp	Not exceeding 10 grams	Maximum of 2 years Minimum of 6 months
		Not exceeding 50 grams	Maximum of 4 years Minimum of 18 months
		Not exceeding 100 grams	Maximum of 7 years Minimum of 3 years
		Exceeding 100 grams	Maximum of 14 years Minimum of 5 years
8(a)	Growing and cultivation of opium poppy or coca plant	Not exceeding 10 plants	Maximum of 5 years Minimum of 6 months
		More than 10 plants	Maximum of 10 years Minimum of 2 years
8(b)	Possession of opium poppy or coca leaf	Not exceeding 10 grams	Maximum of 3 years Minimum of 3 months
		More than 10 grams	Maximum of 7 years Minimum of 12 months
8(b)	Selling or trafficking in opium poppy or coca leaf	Not exceeding 10 grams	Maximum of 7 years Minimum of 2 years
		More than 10 grams	Maximum of 20 years Minimum of 3 years
12(a)	Manufactures prepared opium	Not exceeding 10 grams	Maximum of 5 years Minimum of 18 months
12(a)	Selling and/or trafficking in prepared opium	Not exceeding 10 grams	Maximum of 15 years Minimum of 5 years
		More than 10 grams	Maximum of life imprisonment Minimum of 7 years
12(b)	Possession of prepared opium	Not exceeding 10 grams	Maximum of 5 years Minimum of 12 months
		More than 10 grams	Maximum of 10 years Minimum of 3 years
12(c)	Occupier of premises used for preparation, consumption or sale of prepared opium		Maximum of 10 years Minimum of 18 months
12(d)	Management of premises used for preparation, consumption or sale of 30 prepared opium		Maximum of 5 years Minimum of 3 months
12(e)	Possession of pipes, utensils, etc.		Maximum of 5 years Minimum of 6 months
12(f)	Smoking, using prepared opium	Not exceeding 10 grams	Maximum of 10 years Minimum of 18 months
		More than 10	Maximum of 20 years

	grams	Minimum of 3 years"
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**FOURTH SCHEDULE**  
(Regulation 18)

**ESTIMATE OF DANGEROUS DRUGS REQUIRED FOR THE YEAR ENDING 31st  
DECEMBER, 19 .....**

These estimates are for the year commencing 1st January subsequent to the date on which they are supplied.

Name  
Address  
Occupation

OPIUM	
Pulv. Opium-B.P.	ozs.
Liquor pro Tr. Opium, Conc. 1	pints.
Tr. Opium-B.P.	pints.
Pulv. Ipecac c. Opio (Dover's Powder)	ozs.
Tablet Dover Powder	ozs.
Ung. Gallae c. Opio	lb.
MORPHINE	
Morphine Alkaloid	ozs.
Morphine Salts (specify)	ozs.
Morphine Tablets (specify)	ozs.
Liquor Morphine or Solutions of Morphine (specify)	pints.
Tr. Chloroform et Morphine Co.	pints.
Chlorodyne (specify number and size of bottles)	
COCAINE	
Cocaine Alkaloid	ozs.
Cocaine Hydrochloride	ozs.
Cocaine Nitrate	ozs.
Cocaine Tablets (specify strength)	ozs.
Solutions or Preparations of Cocaine	pints.
INDIAN HEMP	
Tr. Cannabis Indica	pints.
Extract Cannabis Indica	ozs.
METHYLMORPHINE (CODEINE)	
Methylmorphine (Codeine) alkaloid	ozs.

Codeine Salts (specify)	OZS.
Preparations containing Codeine (specify)	
ETHYLMORPHINE (DIONIN)	
Ethylmorphine (Alkaloid)	OZS.
Ethylmorphine Hydrochloride	OZS.
Tablets containing Ethylmorphine (specify strengths)	OZS.

**OTHER DRUGS OR PREPARATIONS WHICH COME UNDER PART V  
OF THE DANGEROUS DRUGS ACT**

(Specify quantities and alkaloidal strengths.)

- |    |    |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

Signature:  
Date:

**FIFTH SCHEDULE**  
*(Regulation 11)*

*(Inserted by Regulations 26th February, 1963.)*

**FORM OF PRESCRIPTION FOR DANGEROUS DRUG**

Doctor's Address  
Patient's Name  
Address

**PRESCRIPTION**  
*(Printed on Red with Blue Carbon Copy)*

*Doctor's Signature:*  
Date:

**SIXTH SCHEDULE**  
*(Regulation 21)*

*(Inserted by Regulations 26th February, 1963.)*

**LIST OF DANGEROUS DRUGS TO BE SOLD WHOLESALE ONLY  
BY THE GOVERNMENT PHARMACIST**

Tincture of Opium.  
Morphine and its salts.  
Pethidine and its salts.  
Methadone and its salts.

Phenadoxone and its salts.

## **SECTION 15 -DANGEROUS DRUGS (DRUG ADDICTS)**

### **REGULATIONS**

*Regulations 26th February, 1963*

*Made by the Governor in Council*

#### **1. Short title**

These Regulations may be cited as the Dangerous Drugs (Drug Addicts) Regulations.

#### **2. Interpretation**

For the purposes of these Regulations-

"designated drug" means-

- (a) Tincture of Opium;
- (b) Morphine and its salts;
- (c) Pethidine and its salts;
- (d) Methadone and its salts;
- (e) Phenadoxone and its salts;

#### **3. Authorised pharmacists**

For the purposes of these Regulations, the following persons shall be deemed to be authorised pharmacists:-

- (a) any person registered as a pharmacist under Part III of the Pharmacy and Poisons Act;
- (b) any person appointed as assistant pharmacist in charge of a dispensary at any Government hospital.

#### **4. Drug Addicts Board**

For the purposes of these Regulations there is hereby constituted a Board to be called the Drug Addicts Board which shall consist of the Permanent Secretary and two other persons to be appointed by the Minister.

#### **5. Drug addicts**

Any person claiming to be addicted to a designated drug shall if required present himself before the Drug Addicts Board and shall produce a medical certificate in support of such claim from a registered medical practitioner.

#### ***6. Permit to obtain designated drug***

The Drug Addicts Board may issue a permit in the form contained in the Schedule to a person who satisfies the Board that he is addicted to a designated drug to obtain an order from any registered medical practitioner for the supply by an authorised pharmacist to such person of a designated drug not exceeding in quantity in any one week-

1 fluid ounce of Tincture of Opium, or  
5 grains of Morphine, or  
1500 mgms. of Pethidine, or  
150 mgms. of Methadone, or  
750 mgms. of Phenadoxone.

#### ***7. Curative treatment***

The Drug Addicts Board may also order any person applying for a permit as aforesaid to undergo curative treatment in a Government hospital and in the event of such person refusing to undergo such treatment a permit shall not be issued to him.

#### ***8. Personal attendance to obtain drug***

The person to whom a permit is granted as aforesaid shall attend in person to obtain the order from the registered medical practitioner and also to obtain the supply of the designated drug from the authorised pharmacist:

Provided that the above provisions shall not apply where the registered medical practitioner is satisfied that the person desiring the permit is too ill to attend.

#### ***9. Prescriptions only to be written in permit***

A registered medical practitioner shall not write a prescription for a person to whom a permit has been granted under these Regulations, except in such permit.

#### ***10. Penalty***

Any person who obtains or attempts to obtain a supply of a designated drug or an order for the supply of the same without first having obtained a permit from the Drug Addicts Board shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for any term not exceeding two months.

### **SCHEDULE** *(Regulation 6)*

### **FORM OF DANGEROUS DRUGS PERMIT DANGEROUS DRUGS PERMIT AND PRESCRIPTION BOOK**

No.  
 Name  
 Full Address  
 Prescription No. 1  
 Date  
 Addict's Name  
 Prescription  
 Doctor's Signature  
 Pharmacist's Signature or Stamp

[Here follow 103 further Prescription Forms similar to the foregoing numbered 2 to 104.]

**FIJI DANGEROUS DRUGS ACT  
 DANGEROUS DRUGS (DRUG ADDICTS) REGULATIONS**

Permit No.  
 This is to certify that-  
 Name  
 Full Address  
 Birth Year

is authorised by the Dangerous Drug Addicts Board to obtain an order from any registered practitioner for  
 in any one week to be supplied by an authorised pharmacist.

(For date of expiry see last page.)

Date		
	<i>Chairman,</i>	
	<i>Dangerous Drug Addicts Board</i>	
Date Issued	Date Expires	
	Chairman of the Board	
RENEWAL		
Date Renewed		Date Expires

**SECTION 18 -STORE FOR DANGEROUS DRUGS**

*Notice 5th Feb., 1938 [in force 11th Feb., 1938]*

*Appointed by the Governor*

The Government Bonded Warehouse, Suva, shall be a store where all dangerous drugs imported into Fiji shall be deposited on importation.

**SECTION 23 -APPLICATION OF PART V TO CERTAIN DRUGS**

*Proclamation 7 of 1938  
[in force 6th May, 1938].*

***Proclamation by the Governor***

***1. Application***

Part V of the Act shall apply to the following drugs, that is to say, methylmorphine (commonly known as codeine) and ethylmorphine (commonly known as dionin) and their respective salts with the modifications specified hereunder.

***2. Powers***

The power conferred on the Minister by subsection (1) of section 17 of the Act to make regulations for controlling the manufacture, sale, possession, distribution and custody of drugs to which Part III applies, shall be exercisable-

(a) in relation to sale or to distribution of any of the said drugs only as respects sale or distribution by a wholesale druggist who is also 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.

***3. Interpretation***

For the purpose of the provisions of paragraph (2)-

"authorised seller of poisons" means a person lawfully carrying on business in accordance with the provisions of the Act;

"retail business" means the business of retailing or dispensing (or compounding) drugs carried on at a shop;

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

***4. Exemption***

Subsection (2) of section 17 of the Act shall not apply in relation to any of the said drugs.

**SECTION 38 -AUTHORISATION**

*Order 17th Feb., 1944  
[in force 25th Feb., 1944]*

***Order by the Governor***

The Government Pharmacist is authorised to exercise the powers set out in subsection (1) of section 40 of the Act.

*Controlled by Ministry of Health*

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