

Seychelles

Misuse of Drugs Act

## Misuse of Drugs Regulations

Statutory Instrument 53 of 1995

Legislation as at 31 December 2015

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# Seychelles

## Misuse of Drugs Act

# Misuse of Drugs Regulations

## Statutory Instrument 53 of 1995

Commenced on 22 May 1995

*[This is the version of this document at 31 December 2015.]*

*[SI. 53 of 1995]*

### 1. Citation

These Regulations may be cited as the Misuse of Drugs Regulations.

### 2. Republic bound by Regulations

These Regulations shall bind the Republic.

### 3. Interpretation

In these Regulations—

"**holder of a licence**" means the holder of a licence under the Licences Act;

"**international convention**" means in an international convention relating to dealings in a controlled drug;

"**medical services**" means medical services as a medical practitioner, dentist or pharmacist;

"**specified controlled drug**" means a controlled drug in terms of the Act as specified in the Schedule to these Regulations.

### 4. Importation of controlled drugs

(1) The Government, acting through its Ministry responsible for health, may import in raw form the specified controlled drugs morphine and cocaine and in finished dosage form any specified controlled drug and shall cause to be kept, in respect of each consignment of a specified controlled drug so imported, a register which shall specify—

- (a) the date of the arrival of the consignment in Seychelles;
- (b) the form and quantity of the specified controlled drug and the trade name or brand, if any, under which the specified controlled drug is imported;
- (c) the country from which the drug was imported;
- (d) the name of the exporter in that country, and
- (e) where an export certificate is required under an international convention for the export of the drug, the particulars of that certificate.

- (2) The Division of the Ministry responsible for the provision of veterinary services or a person who is the holder of a licence to provide medical services or services as a veterinary surgeon may—
- (a) with and subject to the prior written authorisation of the Ministry responsible for health—
    - (i) in the case of the holder of a licence to provide medical services, import in finished dosage form a controlled drug specified in Part 1 of the Schedule, other than diphenoxylate;
    - (ii) in the case of the Division of the Ministry responsible for the provision of veterinary services or the holder of a licence to provide services as a veterinary surgeon, import in finished dosage form the specified controlled drugs fentanyl and pethidine;
  - (b) import in finished dosage—
    - (i) in the case of the holder of a licence to provide medical services, the specified controlled drug diphenoxylate when contained in a medical preparation, a controlled drug specified in Part II of the Schedule, other than amphetamine, and a controlled drug specified in Part III of the Schedule;
    - (ii) in the case of the Division of the Ministry responsible for the provision of veterinary services or the holder of a licence to provide services as a veterinary surgeon, the specified controlled drug codeine, and
- shall keep a register in a form acceptable to the Ministry responsible for health which shall give the particulars referred to in subregulation (1)(a) to (e).
- (3) A person entering Seychelles may—
- (a) where the person is in possession of a certificate for a controlled drug specified in Part 1 of the Schedule, other than fentanyl or cocaine, or the controlled drug amphetamine issued to that person by a medical practitioner in the country where the person comes from, import for the person's own consumption the controlled drug specified in the certificate in finished dosage form in an amount which constitutes a normal course of treatment;
  - (b) import for the person's own consumption in finished dosage form an amount which constitutes a normal course of treatment of a medical preparation containing the controlled drug diphenoxylate, a controlled drug specified in Part II of the Schedule, other than amphetamine or a controlled drug specified in Part III of the Schedule.
- (4) A body or person authorised to import a specified controlled drug under subregulation (2) shall—
- (a) keep the specified controlled drug in a safe and secure place satisfactory to the Ministry responsible for health;
  - (b) in the case of a controlled drug specified in Part I or Part III of the Schedule—
    - (i) retain each prescription or a copy thereof issued by the body or person or against which a specified controlled drug was dispensed or sold;
    - (ii) at the end of every three months beginning with the date of the coming into force of these Regulations or, where a person commences to provide medical services or services as a veterinary surgeon after the coming into force of these Regulations, beginning with the date the person commences to provide the services, submit to the Ministry responsible for health a return in respect of the controlled drug in a form acceptable to that Ministry;
  - (c) account to the Ministry responsible for health of the disposal, use or otherwise of a specified controlled drug imported under these Regulations and forthwith advise the Ministry responsible for health and the police of any loss, disappearance or theft of a specified controlled drug which was in the possession of that body or person.

## 5. Manufacture of controlled drugs

- (1) The Government may manufacture a specified controlled drug and any mixture or preparation containing a specified controlled drug.
- (2) The Government shall cause to be kept proper record of any specified controlled drug or any mixture or preparation containing a specified controlled drug which it manufactures.
- (3) A person who is employed by the Government for the purposes of subregulation (1) shall, while manufacturing a specified controlled drug or a mixture or preparation containing a specified controlled drug at the premises used by the Government for the purpose of manufacturing medicinal preparations, be presumed, subject to proof to the contrary, to be manufacturing the drug, mixture or preparation for the Government.

## 6. Sale or dispensing of controlled drugs

- (1) The Government or a person employed by the Government for this purpose in the course of that employment or a person licensed to provide medical services or services as a veterinary surgeon in the course of the provision of these services may, where a specified controlled drug has been imported, purchased or, in the case of Government, manufactured in accordance with these Regulations, sell or dispense in finished dosage form—
  - (a) to a person who is authorised to sell or dispense specified controlled drugs under this regulation, a specified controlled drug;
  - (b) to a person, other than a person referred to in paragraph (a), who—
    - (i) in the case of a specified controlled drug referred to in Part I or Part III of the Schedule, is in possession of a prescription for the drug issued by a medical practitioner or dentist registered as such under the laws of Seychelles or a veterinary surgeon licensed to provide services as such under the laws of Seychelles or employed by the Government;
    - (ii) in the case of any other specified controlled drug, other than amphetamine, requires the drug for treatment.
- (2) A body or person authorised to sell or dispense a controlled drug under this regulation shall, in the case of a controlled drug specified in Part I or Part III of the Schedule, maintain a register in which shall be entered the name and address of the person to whom the drug was sold, the name including the brand or trade name and quantity of the drug sold, the date and time when the drug was sold.
- (3) Except in the case of an emergency, a person authorised to sell or dispense a specified controlled drug under this regulation shall not sell or dispense a specified controlled drug, other than the specified controlled drug codeine, pholcodine or dihydrocodeine when contained in a medical preparation, to a person who is less than 18 years.

## 7. Possession

- (1) A person employed by the Ministry responsible for health as a medical practitioner, dentist, pharmacist or veterinary surgeon or to perform a function which requires the person to handle or have in the person's custody at any time in the course of the person's employment a specified controlled drug or a substance containing a specified controlled drug may, in the course of the performance of the person's employment and for and in connection with the person's functions, have in the person's possession a specified controlled drug.
- (2) A person who is the holder of a licence to provide medical services or services as a veterinary surgeon may, for or in connection with the provision of those services and where the specified controlled drug has been imported or purchased in accordance with these Regulations, have in that person's possession a specified controlled drug in finished dosage form.

- (3) A person who is undergoing medical treatment may—
- (a) where another person who—
    - (i) is licensed to provide medical services; or
    - (ii) is employed by the Ministry responsible for health and is authorised in the course of that person's employment to prescribe or dispense specified controlled drugs, has prescribed or dispensed a controlled drug specified in Part I or Part III of the Schedule or the controlled drug amphetamine to the first-mentioned person;
  - (b) where a controlled drug specified in Part I or Part III of the Schedule or the controlled drug amphetamine has been lawfully prescribed and dispensed to the first-mentioned person in connection with the treatment of that person in a place outside Seychelles, have in that person's possession an amount, which constitutes a normal course of treatment, of a controlled drug, in finished dosage form, specified in Part I or Part III of the Schedule or the controlled drug amphetamine.
- (4) A person may, for medicinal purposes, have in the person's possession an amount which constitutes a normal course of treatment of a controlled drug, in finished dosage form, specified in Part II of the Schedule.

## 8. Inspection

A person authorised by the Ministry responsible for health or a police officer may at all reasonable time call for, inspect and take copies or extract from the register kept under regulation 4(2) or regulation 6(2) or of any prescription or copy thereof retained under regulation 4(4).

### Schedule (Regulation 2)

#### Specified controlled drugs

##### Part I – Class A drugs

- (a) Cocaine
- (b) Diphenoxylate
- (c) Fentanyl
- (d) Methadone
- (e) Morphine
- (f) Pethidine
- (g) Phenazocine

##### Part II – Class B drugs

- (h) Amphetamine
- (i) Codeine
- (j) Dihydrocodine
- (k) Pholcodeine

### **Part III – Class C drugs**

- (l) Flunitrazepam