



THE MISUSE OF DRUGS ACT 1976

**THE MISUSE OF DRUGS (SAFE CUSTODY) REGULATIONS  
(APPLICATION) ORDER 1998**

*Approved by Tynwald*

*Coming into operation*

*1st March 1998*

In exercise of the powers conferred on the Department of Local Government and the Environment by section 33(1) and (2) of the Misuse of Drugs Act 1976(a), and of all other enabling powers, the following Order is hereby made:-

**Citation, commencement and interpretation**

1. (1) This Order may be cited as the Misuse of Drugs (Safe Custody) Regulations (Application) Order 1998, and, subject to section 34 of the Act, shall come into operation on 1st March 1998.

(2) In this Order "the Act" means the Misuse of Drugs Act 1976.

**Application of UK Subsidiary Legislation**

2. The regulations specified in Schedule 1, being regulations made under the Misuse of Drugs Act 1971 (an Act of Parliament)(b), which is the like enactment to the Act in force in the United Kingdom, shall have effect in the Island subject to the modifications specified in Schedule 2.

**Revocation**

3. The orders specified in Schedule 3 are revoked to the extent specified in column 3 of that schedule.

---

(a) 1976 c. 21 (b) 1971 c.38

## SCHEDULE 1

### REGULATIONS APPLIED TO THE ISLAND

| <i>Reference</i> | <i>Title</i>  |
|------------------|---|
| SI 1973/7898     | Misuse of Drugs (Safe Custody) Regulations 1973           |
| SI 1974/1449     | Misuse of Drugs (Safe Custody) Amendment Regulations 1974 |
| SI 1975/294      | Misuse of Drugs (Safe Custody) Amendment Regulations 1975 |
| SI 19786/2332    | Misuse of Drugs (Safe Custody) Amendment Regulations 1986 |

Article 2

## SCHEDULE 2

### MODIFICATIONS SUBJECT TO WHICH THE REGULATIONS APPLY TO THE ISLAND

#### PART 1

#### GENERAL MODIFICATIONS

For any reference to a matter specified in column 1 of the following table substitute a reference to the corresponding matter specified in column 2 of the table :

|   |  |
|---|--|
| the Misuse of Drugs Act 1971 (an Act of Parliament)   | the Act  |
| any provision of the said Act of 1971   | the corresponding provision of the Act   |
| any order or regulations made under the said Act of 1971 (including the regulations applied by this order). | the corresponding order or regulations made under the Act or, as the case may be, the said order or regulations as they have effect in the Island. |
| the Secretary of State  | the Department of Local Government and the Environment or the Department of Health and Social Security.  |
| the Medicines Act 1968 (an Act of Parliament)(c) or any provision of that Act.                              | the Medicines Act 1976(d) or the corresponding provision of that Act.  |

#### PART 2

#### SPECIFIC MODIFICATIONS OF SI 1973/798

1. In regulation 3(1) -
  - (a) for sub-paragraph (b) substitute -

“(b) any nursing home or mental nursing home within the Nursing and Residential Homes Act 1988(An Act of Tynwald)(e);”;
  - (b) omit sub-paragraphs (c), (d) and (e).
  - (c) any hospital within the meaning of the Medicines Act 1976 (an Act of Tynwald).

---

(c) 1968 c.67 (d) 1976 c.22 (e) 1988 c.9

2. In regulation 4 -

(a) In paragraph 2, omit the words from "chief officer of police" to "situated" and substitute, "Chief Constable".

(b) In paragraphs (4)(4) and (5), for the words "chief officer of police" substitute, "Chief Constable".

SCHEDULE 3

ORDERS REVOKED

| <i>Reference</i> | <i>Title</i>  |                                    |
|------------------|---|------------------------------------|
| GC 224/86        | The Misuse of Drugs (Subsidiary Legislation) (Application) Order 1986 | In Schedule 1, paragraphs 1 and 3. |
| GC 130/87        | The Misuse of Drugs (Subsidiary Legislation) (Application) Order 1987 | In Schedule 1, paragraph 3.        |

Made 21st January, 1998



Minister for Local Government and the Environment

---

EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations apply the Misuse of Drugs (Safe Custody) Regulations 1973 (SI 1973/798) and amending regulations to the Island.

The regulations require controlled drugs generally to be kept either in a locked safe or room or in a locked receptacle. Controlled Drugs specified in Schedule 4 of the Misuse of Drugs Regulations 1985 (SI 1985/2066) (as applied) are exempt from this requirement.

The regulations require that where such drugs are kept on premises occupied by a retail pharmacist or in a nursing home or similar institution and are not under the supervision of a pharmacist or a person in charge, the drugs should be kept in a locked safe, cabinet or room which complies with the requirements of Schedule 2, or alternatively, in a registered pharmacy, which is certified by the Chief Constable as providing an adequate degree of security. Provision is made, in the latter case, for the inspection of premises and the renewal and cancellation of certificates.