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11 September 1952

UNITED NATIONS

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

NIGERIA AND CAMEROONS

UNDER UNITED KINGDOM ADMINISTRATION

COMMUNICATED BY THE GOVERNMENT OF

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

NOTE BY THE SECRETARY-GENERAL

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

New York, 1951

Colony and Protectorate of Nigeria—1948 Revision

CHAPTER 50

DANGEROUS DRUGS

(Colony and Protectorate)

AN ORDINANCE TO REGULATE THE IMPORTATION, EXPORTATION, MANUFACTURE, SALE AND USE OF OPIUM AND OTHER DANGEROUS DRUGS. *Ordinance No. 12 of 1935.*(1)

[1*st July*, 1935]

PRELIMINARY

Short title and application.

1. This Ordinance may be cited as the Dangerous Drugs Ordinance; it shall apply to the Colony and Protectorate (including the Cameroons under British Mandate).

Interpretation.

2. Definitions:—

"coca leaves" means the leaves of any plant of the family erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation;

"cocaine" means methyl-benzoyl-laevo-ecgonine ([*a*] D20° = −16° 4) in 20 *per centum* solution of chloroform having the formula $C_{17}H_{21}NO_4$;

"corresponding law" means any law stated in a certificate purporting to be issued by or on behalf of the Government of any country outside Nigeria to be a law providing for the control and regulation in that country of the manufacture, sale, use, export, import and transit of drugs in accordance with the provisions of the Hague Convention or of the Geneva Convention (No. 1) or of the Geneva Convention (No. 2), and any statement in any such certificate as to the effect of the law mentioned in the certificate, or any statement in any such certificate that any facts constitute an offence against that law, shall be conclusive;

"diacetylmorphine" means diamorphine or heroin having the chemical formula $C_{21}H_{23}NO_5$;

"ecgonine" means laevo-ecgonine ([*a*] D20° = −45°6 in 5 *per centum* solution of water) having the formula $C_9H_{15}N_{03}H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery;

(1) This Ordinance repealed No. 16 of 1927.

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

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

"Indian hemp" means the dried flowering or fruiting tops of the pistillate plant known as cannabis sativa from which the resin has not been extracted, by whatever name such tops are called;

"in transit" means taken or sent from any country and brought into Nigeria by land, air, or water (whether or not landed or transhipped in Nigeria) for the sole purpose of being carried to another country either by the same or another conveyance. "Transit" has a corresponding meaning;

"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 it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

"morphine" means the principal alkaloid of opium, having the chemical formula $C_{17}H_{19}NO_3$.

"prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the papaver somniforum L. which has only been submitted to the necessary manipulations for packing and transport, whatever its contents of morphine, and includes powdered or granulated opium, but does not include medicinal opium;

"the Geneva Convention (No. 1)" means the Convention signed on behalf of His Majesty on the 19th February, 1925, at a conference held at Geneva for the purpose of completing and strengthening the provisions of the Hague Conference;

"the Geneva Convention (No. 2)" means the Convention signed on behalf of His Majesty on the 13th July, 1931, for the purposes of limiting the manufacture and regulating the distribution of narcotic drugs;

"the Hague Convention" means the International Opium Convention signed at the Hague on the 23rd January, 1912.

PART I

RAW OPIUM, COCA LEAVES AND INDIAN HEMP

Power to make regulations controlling drugs to which this Part applies.

3. The Governor in Council may make regulations for controlling or restricting the importation, exportation, transit, production, possession, sale and distribution of drugs to which this Part applies, and in particular, but without prejudice to the generality of the foregoing power, for prohibiting the production, possession, sale or distribution of such drugs except by persons licensed or otherwise authorised in that behalf.

Drugs to which Part I applies.

4. The drugs to which this Part applies are raw opium, coca leaves and Indian hemp and resins obtained from Indian hemp and all preparations of which such resins form the base.

Total prohibition of trade in Indian hemp resin.

5. (1) Notwithstanding anything in the foregoing sections contained, it shall not be lawful for any person to import, export, trade in, possess or produce any resin obtained from Indian hemp.

Total prohibition of trade in *cannabis sativa L.*

(2) It shall not be lawful for any person to import, export, cultivate, sell or possess the whole or any portion of the plant cannabis sativa (excluding its medical preparations).

(3) A person shall not be deemed to possess within the meaning of this section a drug mentioned in this section in cases where the drug is in transit under and in accordance with the provisions of Part V, or where such drug having been brought into Nigeria in transit is diverted under and in accordance with such provisions, provided that his possession of the drug is in connexion with and for the purposes of such transit or diversion, as the case may be.

PART II

PREPARED OPIUM

Prohibition of exportation or importation of prepared opium.

6. It shall not be lawful for any person to import or bring into, or to export from, Nigeria any prepared opium.

Penalty for dealing in prepared opium.

7. If any person—

(*a*) manufactures, sells or otherwise deals in 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 purpose of the preparation of opium for smoking or the sale or smoking of prepared opium ; or

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

(*e*) has in his possession any pipes or other utensils for use in connexion with the smoking of opium or any utensils used in connexion 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 against this Ordinance.

PART III

COCAINE, MORPHINE AND OTHER DRUGS TO WHICH THIS PART APPLIES

Power to make regulations controlling the handling of cocaine and certain other drugs.

8. (1) For the purpose of preventing the improper use of the drugs to which this Part applies, the Governor in Council may make regulations for controlling the importation, exportation, transit, manufacture, sale, possession and distribution of those drugs, and in particular, but without prejudice to the generality of the foregoing power, for—

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

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

(*c*) regulating the issue by medical practitioners, dentists, medical assistants and veterinary surgeons of prescriptions containing any such drug and the dispensing of any such prescriptions ; and

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

(2) The regulations under this section shall provide for authorising any person who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Ordinance— Cap. 169.

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

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

subject to the power of the Director of Medical Services to withdraw the authorisation in the case of a person who has been convicted of an offence against this Ordinance, and who cannot, in the opinion of the Director of Medical Services, properly be allowed to carry on the business of manufacturing or selling or distributing, as the case may be, any such drug.

(3) Nothing in any regulations made under this section shall be taken to authorise the mixing, compounding, preparing, dispensing or selling of poisons by any person who is not qualified in that behalf under, or otherwise than in accordance with, the provisions of the Pharmacy Ordinance, or be in derogation of Cap. 169. the provisions of that Ordinance for prohibiting, restricting or regulating the mixing, compounding, preparing, dispensing and selling of poisons.

9. (1) The drugs to which this Part of this Ordinance applies are— **Drugs to which Part III applies.**

(*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 solution or dilution 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 substances (not being such a solution or dilution as aforesaid) containing not less than one-fifth *per centum* of morphine or one-tenth *per centum* 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 the other ethers of morphine and their respective salts ;

(*i*) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraph (*g*) or in paragraph (*h*) of this subsection.

For the purpose of the foregoing provision—

(i) the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine ; and

(ii) percentages in the case of liquid preparations shall, unless other provision in that behalf is made by regulations, be calculated on the basis that a preparation containing one *per centum* of any substance means a preparation in which one gramme 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 ;

(iii) "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially.

(2) If it appears to the Governor in Council that any new derivative of morphine or cocaine or of any salts of morphine or cocaine or any other alkaloid of opium or any other drug of whatever kind is or is likely to be productive, if improperly used, or is capable of being converted into a substance 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, the Governor in Council may, by order, declare that this Part shall apply to that new

derivative or alkaloid or other drug in the same manner as it applies to the drugs mentioned in sub-section (1), and make any verbal alterations in the list of drugs specified in sub-section (1) incidental to the declaration contained in such order.

(3) If the Governor in Council 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 Geneva Convention (No. 1) been communicated by the Council of the League of Nations 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.

PART IV

PROHIBITION OF TRADE IN NEW DRUGS, AND POWER TO APPLY PART III, WITH OR WITHOUT MODIFICATIONS, TO CERTAIN DRUGS

Prohibition of trade, in new drugs, and power to apply Part III, with or without modifications, to certain drugs.

10. (1) It shall not be lawful for any person in Nigeria to 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, nineteen hundred and thirty-one, being used for medical or scientific purposes:

Provided that if the Governor is at any time satisfied as respects any such product that it is of medical or scientific value, he may by order in Council direct that this sub-section shall cease to apply to that product.

If any person acts in contravention of this sub-section, he shall be guilty of an offence against this Ordinance.

(2) If it is made to appear to the Governor that a decision with respect to any such product as is mentioned in sub-section (1) of this section has in pursuance of Article 11 of the Geneva Convention (No. 2) been communicated by the Secretary-General of the League of Nations to the parties to the said Convention, the Governor in Council may by order, as the case requires, either declare that the provisions of the said Part III shall apply to that product in the same manner as they apply to the drugs mentioned in sub-section (1) of section 9 or apply the said Part III to that product with such modifications as may be specified in the order.

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

PART V

CONTROL OF EXTERNAL TRADE IN DANGEROUS DRUGS

Definitions for purpose of Part V.

11. Definitions for the purposes of this Part :—

"Convention" in relation to any international procedure in respect of any drug means the Geneva Convention (No. 1) and the Geneva Convention (No. 2) or such one of these Conventions as allows of such procedure being reciprocally adopted in respect of such drug by the parties to the Convention ;

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

"dangerous drug" means—

(*a*) raw opium, coca leaves, Indian hemp, and resins obtained from Indian hemp and all preparations of which such resins form the base ;

(*b*) any drug to which Part III applies at the commencement of this Ordinance or to which the said Part may hereafter be applied under sub-section (2) of section 9 or, with or without modifications, under sub-section (3) of section 10 :

Provided that the expression shall not be deemed to include any drug mentioned in paragraph (*a*) where such inclusion would involve a conflict between any provision of this Part and any provision of section 5 ;

"diversion certificate" means a certificate issued by the competent authority of 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 ;

"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 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 period within which the importation must be effected ;

"import certificate" means a certificate substantially as in Form A in the Schedule hereto, issued by a competent authority in a country into which it is intended to import dangerous drugs. Form A.

The export of dangerous drugs.

12. (1) Upon the production of an import certificate duly issued by the competent authority in any country, it shall be lawful for the Comptroller to issue an export authorisation as in Form B in the Schedule in respect of any drug 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 Ordinance, otherwise lawfully entitled to export such drug from Nigeria. 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 Comptroller 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 Comptroller to issue or refuse an export authorisation, as he may see fit. Form B.

(2) No dangerous drug shall be exported from Nigeria unless the consignor is in possession of a valid and subsisting export authorisation relating to such drug granted under this Ordinance.

(3) 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 drug is being lawfully exported to the place and person named in the authorisation which refers to it.

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

The import of dangerous drugs.
Form C.

13. (1) An import authorisation as in Form C in the Schedule permitting the importation into Nigeria of any dangerous drug specified therein may be granted by the Director of Medical Services subject to such conditions as he shall deem fit to any person who may lawfully import such drug.

In all cases it shall be within the absolute discretion of the Director of Medical Services to issue or refuse an import authorisation, as he may see fit.

(2) Every import authorisation shall be issued in duplicate of which one copy shall be forwarded by the intending importer to the person from whom the drug is to be obtained.

(3) No dangerous drug shall be imported into Nigeria unless the person to whom the drug is consigned is in possession of a valid and subsisting import authorisation granted in pursuance of this section.

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

(5) No person shall import, cause to be imported, or take any steps preparatory to importing, any dangerous drug into Nigeria except in pursuance of and in accordance with the provisions of this Ordinance.

Dangerous drugs in transit.

14. (1) No person shall bring any dangerous drug to Nigeria in transit unless—

(*a*) the drug is in course of transit from a country from which it may lawfully be 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) Where 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, it shall be lawful for the Comptroller to 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) Where the dangerous drug in 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 that such drug 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 it shall be lawful for the Comptroller to seize and detain the drug.

(4) Where a dangerous drug brought into Nigeria in transit is landed, or transhipped in Nigeria, it shall remain under the control of the Comptroller and shall be moved only under and in accordance with a removal licence granted in pursuance of section 15.

(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 Nigeria 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.

Removal licences.

15. (1) No person shall—

(*a*) remove any dangerous drug from the conveyance by which it is brought into Nigeria in transit, or

(*b*) in any way move any such drug in Nigeria at any time after removal from such conveyance except under and in accordance with a licence as in Form D in the Schedule (in this Ordinance referred to as a removal licence) issued by the Comptroller. In all cases it shall be in the absolute discretion of the Comptroller to issue or refuse a removal licence as he shall deem fit.

Form D.

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

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

Drugs not to be tampered with.

16. It shall be unlawful for any person to cause any dangerous drug in transit to be subjected to any process which would alter its nature, or wilfully to open or break any package containing a dangerous drug in transit except upon the instructions of the Comptroller and in such manner as he may direct.

The diversion of dangerous drugs.

17. (1) No person shall, except under the authority of a diversion certificate as in Form E in the Schedule, cause or procure any dangerous drug brought into Nigeria in transit to be diverted to any destination other than that to which it was originally consigned. In the case of any 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 to be the country of destination.

(2) The Comptroller may in his absolute discretion issue a diversion certificate in respect of any dangerous drug in transit upon production to him of a valid and subsisting import certificate issued by a competent authority in the country to which it is proposed to divert the drug, or if that country is not a party to the Convention upon 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; one copy thereof shall accompany the drug when it is exported from Nigeria. Another copy shall be despatched by the Comptroller direct to the proper authority in the country to which the consignment 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 Nigeria shall be detained by the Comptroller 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 VI

GENERAL

Powers of inspection

18. (1) Any police officer or other person authorised in that behalf by any general or special order of the Director of Medical Services shall, for the purposes of the execution of this Ordinance, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller or distributor of any drugs to which any Part of this Ordinance 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 is satisfied by information on oath that there is reasonable ground for suspecting that any drugs to which any Part of this Ordinance applies are, in contravention of the provisions of this Ordinance or any regulations made hereunder, in the possession or under the control of any person in any premises or vessel, or that any document directly or indirectly 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 Ordinance, or in the case of a transaction or dealing carried out or intended to be carried out in any place outside Nigeria, an offence against the provisions of any corresponding law in force in that place, is in the possession or under the control of any person in any premises or vessel, he may grant a search warrant authorising any police officer named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises or vessel named in the warrant, and to search the premises or vessel and any persons found therein, and, if there is reasonable ground for suspecting that an offence against this Ordinance has been committed in relation to any such drugs which may be found in the premises or vessel 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 drugs or 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, stocks, drugs or documents as aforesaid, he shall be guilty of an offence against this Ordinance.

Fees for licences and authorities.

19. For any licence or other authority issued under this Ordinance by the Director of Medical Services or the Comptroller there shall be paid such fee, if any, as the regulations relating to such licence, certificate or other authority may prescribe or, subject to such regulations, if any, as the Director of Medical Services or the Comptroller, as the case may be, shall think proper.

Offences and penalties.

20. (1) Any person—

(*a*) who does any act declared by this Ordinance or by any regulation hereunder not to be lawful or who acts in contravention of, or fails to comply with, any of the provisions of this Ordinance or of any regulation hereunder ; or

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

(*c*) who for the purpose of obtaining, whether 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 declaration or statement or any document containing the same ; or

(*d*) who in Nigeria aids, abets, counsels or procures the commission in any place outside Nigeria 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 Nigeria would constitute an offence against this Ordinance,

shall be guilty of an offence against this Ordinance.

(2) Every person guilty of an offence against this Ordinance, shall, in respect of each offence, be liable to a fine of one thousand pounds, or to imprisonment for ten years, or to both ; and shall, in every case on conviction for the offence, forfeit all articles in respect of which the offence was committed, and the court before which the offender was convicted may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

(3) No person shall, on conviction for any offence of contravening or failing to comply with any regulation under this Ordinance relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this

Ordinance applies, be sentenced to imprisonment without the option of a fine or to pay a fine exceeding fifty pounds, 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 or intended commission of any other offence against this Ordinance.

(4) If any person attempts to commit an offence against this Ordinance, 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 Ordinance.

(5) Where a person convicted of an offence under this Ordinance 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 constituting the offence took place without his knowledge or consent.

Burden of proof.

21. In any proceedings against any person for an offence against this Ordinance it shall not be necessary to negative by evidence any licence, authority or other matter of exception or defence, and the burden of proving any such matter shall lie on the person seeking to avail himself thereof.

Power of arrest.

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

SCHEDULE

Section 11.

FORM A

DANGEROUS DRUGS ORDINANCE

(*Chapter* 50)

IMPORT CERTIFICATE issued
by the Government of Nigeria.

Serial No .....

File No. .....

INTERNATIONAL OPIUM CONVENTIONS

CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT

I hereby certify that I, being the person charged with the administration of the law relating to the dangerous drugs to which the International Opium Conventions apply, have approved the importation by

(*a*) *Name, address and business of importer.*

(*a*) .....

(*b*) *Exact description and amount of drug to be imported.*

of (*b*) .....

(*c*) *Name and address of firm in exporting country from which the drug is to be obtained.*

from (*c*) .....

subject to the following conditions

(*d*) *State any special conditions to be observed, e.g., not to be imported through the post.*

(*d*) .....

and am satisfied that the consignment proposed to be imported is required :

**Strike out the words not applicable.*

(1) *For legitimate purposes (*in the case of raw opium, the coca leaf or preparations of which resins from Indian hemp form the base*); *or*

(2) *Solely for medicinal or scientific purposes (*in the case of drugs to which Chapter III of the International Opium Convention,* 1925, *applies*).

(*Signature*).....

(*Director of Medical Services.*)

(*Date*).....

SCHEDULE—*continued*

FORM B

Section 12.

File No. .....
Applicant's
Serial No..... Refce. No. .....

DANGEROUS DRUGS ORDINANCE

(*Chapter* 50)

EXPORT AUTHORISATION

In pursuance of the Dangerous Drugs Ordinance, the Comptroller of Customs hereby authorises
(hereinafter called "the exporter")
to export from
(1) *the port of by S.S.

**Strike out the words not applicable.*

(2) *Nigeria by Parcel Post in parcels from the Post Office in
to
in virtue of Import Certificate No. dated
issued by
the following drugs :—

This authorisation (*see note* (1) *below*) 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 Nigeria nor from any provision of the Post Office Ordinance 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, whether within Nigeria or elsewhere.

Cap. 174.

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 note* (2) *below.*)

5. If the drugs are authorised to be exported 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 there shall be legibly stated the number of the parcel in which the duplicate copy is to be found. (*See note* (3) *below.*)

SCHEDULE—FORM B—*continued*

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 this 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 Comptroller of Customs such 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 Comptroller of Customs. It shall be produced for inspection when required by any duly authorised person.

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

**Strike out the words not applicable.*

(1) *the Customs Department,

(2) *the Post Office,

who will retain it.

If not used it shall be surrendered to the Comptroller of Customs within seven days of the date of its expiry.

.....

(*Signature and stamp of Comptroller of Customs and Excise.*)

(*Date*).....

Notes

(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 drugs exported by ship this document is required in pursuance of the International Opium Convention, 1925, Article 15, to be produced to the competent authorities of any country through which the consignment passes, whether it is transhipped or not. Failure to comply with the condition may lead to delay or confiscation of the consignment.

(3) In the case of drugs exported by post failure to comply with this condition may lead to delay or confiscation of the parcels in the country of destination.

Section 13.

FORM C

INTERNATIONAL OPIUM CONVENTIONS
DANGEROUS DRUGS ORDINANCE
(*Chapter* 50)

IMPORT AUTHORISATION AND CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT

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 *

**Here insert name and full postal address of importer.*

(hereinafter called "the importer")

to import the drugs specified in the Schedule hereto, which I am satisfied are required :—

SCHEDULE—FORM C—*continued*

(1) *For legitimate purposes (*in the case of raw opium, the coca leaf or preparations of which resins from Indian hemp form the base*); or

(2) *Solely for medicinal or scientific purposes (*in the case of drugs to which Chapter III of the International Opium Convention*, 1925, *applies*).

*Strike out the words not applicable.

from :

†

†Here insert name and full postal address of exporter.

This authorisation is issued subject to the following conditions :—

1. The drugs shall be imported before [*date*].

2. This authorisation is not a licence to be in possession of or to supply the drug imported.

3. 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 transhipment of goods in Nigeria or any Post Office regulations for the time being in force in Nigeria.

4. This authorisation is valid only for the importer and may be revoked at any time by the Director of Medical Services to whom it shall in that event be immediately surrendered. It shall be produced for inspection when required by any duly authorised person.

5. This authorisation unless sooner revoked shall be surrendered to the customs officer at the time of importation, or, if the importation is not effected before the date specified in condition No. 1, shall immediately after that date be surrendered to the Director of Medical Services.

6. The copy of the export authorisation, if any, which accompanies the consignment shall be forwarded to the Director of Medical Services immediately the importation of the consignment has been effected.

.....

(*Signature and stamp of the Director of Medical Services.*)

(*Date*).....

SCHEDULE specifying the drugs and quantities thereof to be imported.

One copy of this authorisation is to be retained by the importer and is not to leave his possession until it is surrendered to the Director of Medical Services or to the customs officer, who will complete the certificate on the back and return it to the Director of Medical Services.

The duplicate copy is solely for production to the Government of the country from which the drug is proposed to be obtained.

SCHEDULE—FORM C—*continued*

ENDORSEMENT BY CUSTOMS OFFICER AT THE TIME OF IMPORTATION

I hereby certify that the person named overleaf has to-day imported the consignment thereon specified*

†ex‡ under Customs Entry No.....

dated.....† by registered parcel post or insured box post (Parcel No.....dated.....)

(*Signature of Customs Officer*).....

Port Stamp.

Rank.....

Port.....

Date .....

*See note § below.

†*Strike out all words inapplicable.*

‡*Insert name of ship.*

§ If the whole of the drugs for which this authorisation has been granted is not imported, the customs officer should suitably amend the certificate above, and insert below the actual amount or items imported.

AMOUNT	DESCRIPTION OF ITEMS

This authorisation, when completed, must be returned by the customs officer to the Director of Medical Services.

Section 15.

FORM D

DANGEROUS DRUGS ORDINANCE

(*Chapter* 50)

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 on which the drugs were brought into Nigeria. .....

Date of arrival. .....

Number of packages. .....

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....

SCHEDULE—FORM D—*continued*

(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 Comptroller of Customs forthwith; and in any case shall be surrendered when the removal has taken place.

(4) The drugs must not be moved 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 shall be produced at any time when required by a duly authorised person.

.....
(*Signature and stamp of Comptroller of Customs and Excise.*)

(*Date*).....

FORM E

Section 17.

INTERNATIONAL OPIUM CONVENTIONS

DANGEROUS DRUGS ORDINANCE

(*Chapter* 50)

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 quantities of drugs. .....

Name of vessel on which the consignment was brought to Nigeria. .....

Name and address of the exporter. .....

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

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

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

SCHEDULE—FORM E—*continued*

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 (name of port in Nigeria). .....

Period within which the consignment is to be carried from Nigeria. .....

This certificate is issued subject to the following conditions :—

(1) The duplicate copy of this certificate shall accompany the consignment to the place of destination, and for this purpose shall be delivered to the Master of the vessel by which the consignment is despatched.

(2) This certificate does not relieve any person who may be concerned with the carriage of the consignment of drugs specified above from compliance with any Customs regulations in force for the time being relating to the exportation of goods from Nigeria.

(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 of drugs is not carried from Nigeria within the period specified above, this certificate shall be surrendered to the Comptroller of Customs.

(5) This certificate shall be produced at any time when required by a duly authorised person.

.....

(*Signature and stamp of Comptroller of Customs and Excise.*)

(*Date*).....

Notes

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

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CHAPTER 169

THE PHARMACY ORDINANCE

ARRANGEMENT OF SECTIONS

* Note by the Secretariat: This legislation extends also to the Cameroons under United Kingdom Administration.

Registration and Inspection of Premises

PART VI

CONTROL OF SALE OF PATENT AND PROPRIETARY MEDICINES

SECTION

PART VII

LICENSING AUTHORITY

PART VIII

ADVERTISEMENTS

PART IX

THE SALE AND POSSESSION OF POISON FOR UNLAWFUL PURPOSES

PART X

PARTIES TO OFFENCES AND PENALTIES

PART XI

MISCELLANEOUS

CHAPTER 169

PHARMACY

(Colony and Protectorate)

Ordinances No. 56 of 1945(1) 60 of 1945.

AN ORDINANCE TO REGULATE THE SALE AND DISTRIBUTION OF DRUGS AND POISONS AND TO PROVIDE FOR THE REGISTRATION AND LICENSING OF CHEMISTS AND DRUGGISTS AND DISPENSERS.

[1*st March*, 1946](2)

Short title and commencement.

1. (1) This Ordinance may be cited as the Pharmacy Ordinance and shall, save in respect of sections 50, 51, 53, 54 and 55, come into operation on the 1st of March, 1946.

(2) The Governor in Council may by order bring into operation the provisions of sections 50, 51, 53, 54 and 55 or any of such sections on or from such date as may be specified in such order.(3)

PART I

INTERPRETATION

Power to add to First Schedule.

3. The Governor may, by notice in the Gazette add to the First Schedule the name of any substance, drug or compound which in his opinion should be added to such Schedule.

(1) This Ordinance repealed the Poisons and Pharmacy Ordinance, No. 42 of 1936, and the Undesirable Advertisements Ordinance, No. 18 of 1932.
(2) Govt. Notice 168 in Gazette 12 of 1946.
(3) *See* footnotes to these sections.

Practice as a Dispenser or a Chemist and Druggist

Restrictions on dispensing drugs.

19. No person shall mix, compound, prepare or dispense any drug or poison unless he is a dispenser licensed under this Ordinance, or a chemist and druggist registered and licensed under this Ordinance, or being a missionary has received a permit in that behalf issued in accordance with the regulations made under this Ordinance.

Restrictions on importing or selling poisons. First Schedule.

20. No person shall import or sell any poison specified in the First Schedule, whether such poison is contained in a patent or proprietary medicine or preparation or not, unless he is a selling dispenser or a chemist and druggist registered and licensed under this Ordinance, or being a missionary has received a permit in accordance with the regulations made under this Ordinance.

Restriction on use of titles "dispenser" and "chemist" and "druggist".

21. (1) No person other than a dispenser or a chemist and druggist, as the case may be, shall—

(*a*) pretend, or by any means whatsoever hold himself out to be a dispenser or a chemist and druggist, whether or not purporting to be registered, or use the name of dispenser or chemist and druggist or any name, title, or description or symbol indicating or calculated to lead persons to infer that he possesses a diploma or other qualifications as a dispenser or chemist and druggist, pharmacist, pharmaceutical chemist, dispensing chemist, druggist or compounder of drugs ; or

(*b*) use the term "pharmacy" or "chemist shop" or "drug store" or any other term of like meaning to describe his business premises.

(2) If a person acts in contravention of the foregoing provisions of this section he shall be liable to a fine of twenty-five pounds or to imprisonment for three months or to both such fine and such imprisonment.

PART IV

POISONS

Disposal of Poisons

Disposal of Poisons Book.

Form K. Third Schedule.

27. Every selling dispenser and chemist and druggist shall, if he sells any poison included in Part I of the First Schedule, keep a book called "The Disposals of Poisons Book" which shall be in the Form K set forth in the Third Schedule and shall enter therein the prescribed details of every disposal of such poison by him.

Inspection of Disposal of Poisons Book.

28. Any Government medical officer, police officer, or inspector authorised by the Board may at all reasonable times inspect the Disposal of Poisons Book kept under the provisions of the last preceding section and any person refusing or failing to produce such book for inspection when demanded shall be guilty of an offence.

Penalty for offences against last two preceding sections.

29. Any person found guilty of an offence against the provisions of the last two preceding sections shall be liable to a fine of five pounds.

Regulations to be observed in dispensing and sale of poisons in Parts I and II of First Schedule.

30. (1) No selling dispenser or chemist and druggist shall sell or deliver any poison included in Part I of the First Schedule, to any person unless that person is known to the seller or introduced by some person known to the seller to be a person to whom the poison may properly be sold.

(2) The seller of any such poison shall not deliver it until—

(*a*) he has made or caused to be made an entry duly signed by him, in the Disposal of Poisons Book stating the date of the sale, the name and address of the person to whom it is delivered, the name and quantity of the article sold, the purposes for which it is stated by the purchaser to be required and he has satisfied himself that the poison is required for the purpose stated; and

(*b*) the purchaser has affixed his signature to the entry aforesaid.

(3) No selling dispenser or chemist and druggist shall sell any poison whether included in Part I or in Part II of the First Schedule unless the container of the poison is distinctly labelled—

(*a*) with the name of the poison; and

(*b*) with the word "poison" or other prescribed indication of the character of the article; and

(*c*) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients; and

(*d*) with the name of the selling dispenser or chemist and druggist selling or delivering such poison and the address of the premises on which it was sold or delivered.

(4) Any selling dispenser or chemist and druggist who contravenes any of the foregoing provisions of this section, be liable to a fine of twenty-five pounds or to imprisonment for a term of three months.

Penalty for making or procuring to be made false entry in Disposal of Poisons Book.

31. Any person who—

(*a*) wilfully makes, procures or suffers to be made any false entry in a Disposal of Poisons Book; or

(*b*) being an assistant, apprentice or shopman signs the name of the selling dispenser or chemist and druggist in whose employ he is in the Disposal of Poisons Book with intent to deceive; and

(*c*) any person who aids and abets any such person as mentioned in sub-paragraphs (*a*) and (*b*) of this section,

shall be guilty of an offence.

Restrictions on Sale of Poisons

Regulations to be observed in the dispensing and sale of poisons in Part III of First Schedule.

32. (1) No selling dispenser or chemist and druggist shall sell or deliver any poison in Part III of the First Schedule except on an order signed by a registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant, qualified veterinary surgeon, or selling dispenser or chemist and druggist; or on and in accordance with a prescription given by a registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon.

(2) For the purposes of this section a prescription shall—

(*a*) be in writing, signed by the person giving it with his usual signature and be dated by him;

(*b*) state the address of the person giving it;

(*c*) state the name and address of the person for whose treatment it is given or, if the prescription is given by a qualified veterinary surgeon of the person to whom the medicine is to be delivered;

(*d*) if given by a registered or licensed dentist, have written thereon, the words "for dental treatment only" or, if given by a qualified veterinary surgeon, the words "for animal treatment only";

(*e*) indicate the total amount of the medicine supplied and the dose to be taken.

(3) A selling dispenser or chemist and druggist dispensing the prescription shall comply with the following requirements:—

(*a*) the prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once;

(*b*) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it must not be dispensed otherwise than in accordance with the direction;

(*c*) at the time of dispensing there must be noted on the prescription above the signature of the prescriber the name and address of the seller and the date on which the prescription is dispensed;

(*d*) in all cases where such a prescription has been dispensed the maximum number of times allowed, it shall be retained for a period of two years, and kept on the premises on which it was dispensed in such manner as to be readily available for inspection.

(4) Any person who acts in contravention of or fails to comply with any of the provisions of this section shall be liable in respect of each offence to a fine of ten pounds.

Conditions to be fulfilled by body corporate or firm in order to dispense or sell drugs or poisons. Chapters 38 and 195.

37. (1) Nothing in this Ordinance contained shall operate to prevent anybody corporate, a company as defined in the Companies Ordinance or a firm as defined in the Registration of Business Names Ordinance, carrying on a business which comprises the dispensing or selling of any drug or poison within the meaning of this Ordinance from carrying on such business if the following conditions are complied with:-

(a) in all premises where the business is carried on, the business must, so far as concerns the dispensing or sale of drugs or poisons, be carried on under the direct personal control and management of a superintendent who is a selling dispenser or a chemist and druggist;

(b) every sale of poison must be effected on behalf of such body corporate, company or firm by a person who is a selling dispenser or a chemist and druggist; and

(c) no drug or poison shall be mixed, prepared, compounded or dispensed on behalf of such body corporate, company or firm except by a dispenser or chemist and druggist.

Containers of poisons for sale or use in practice of profession to be marked with name of the poison and word "Poison".

38. Every person keeping any poison which is for sale or use in the practice of his profession shall cause each bottle, box or package containing such poison to be labelled with the name of the poison, and also with the word "Poison" in red letters, or on a red background. [37]

How poisons included in Part I of the First Schedule to be kept for professional use.

39. Every person keeping any poison which is for sale or for use in the practice of his profession and which is included in Part I of the First Schedule shall keep it according to one or other of the following systems:-

(a) in a bottle or vessel tied over, capped, locked or otherwise secured in a manner different from that in which bottles containing ordinary articles are kept in the same warehouse, shop, dispensary or other place; or

(b) in a bottle rendered distinguishable by touch from the bottles in which ordinary articles are kept in the same warehouse, shop, dispensary or other place; or

(c) in a bottle, vessel, box or package kept in a room or cupboard set apart for poisons. [38]

Directions prescribed by British Pharmacopoeia for keeping poisons to be observed.

40. Where any directions are laid down in the British Pharmacopoeia for the keeping of any particular poison, every person keeping that poison shall keep it in accordance with those directions. [39]

Professional men to keep a list of poisons hung near cupboard where poisons are kept.

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41. Every registered or licensed medical practitioner, and every registered or licensed dentist and every qualified veterinary surgeon and every chemist and druggist and every selling dispenser shall, if he keeps any of the dangerous drugs to which any part of the Dangerous Drugs Ordinance applies or any of the poisons enumerated in the First Schedule, cause a list of the poisons which he is keeping to be hung in the immediate vicinity of the cupboard or place where the poisons are kept and shall cause to be similarly hung a list, authorised by the Board, of poisons and their antidotes. **[40]**

Supply of medicines to outpatients from certain hospitals.

42. (1) The provisions of this Ordinance except the provisions of section 48 shall not apply with respect to—

(*a*) any medicine for the treatment of human ailments dispensed from a hospital, infirmary or dispensary maintained by any public authority or out of public funds, or by a charity ;

(*b*) any medicine for the treatment of animals supplied from a veterinary hospital which is under the superintendence of a registered veterinary surgeon ;

if the requirements contained in the following provisions of this section are satisfied in relation thereto.

(2) The medicine must not be supplied except by, or on and in accordance with a prescription of, a duly qualified medical practitioner for the purposes of medical treatment, or a registered dentist for the purposes of dental treatment, or a registered veterinary surgeon for the purposes of animal treatment.

(3) In a case where a substance included in Part I of the First Schedule is supplied, a record must be kept on the premises in such a way that there can readily be traced at any time during a period of two years after the date on which the substance was supplied the following particulars :—

(*a*) the name and quantity of the poison supplied ; and

(*b*) the date on which the poison was supplied ; and

(*c*) the name and address of the person to whom the poison was supplied ; and

(*d*) the name of the person who supplied the poison or who gave the prescription upon which it was supplied.

(4) The container of the medicine must be labelled—

(*a*) with a designation and address sufficient to identify the hospital, infirmary, dispensary or institution from which it was supplied;

(*b*) except in the case of a medicine made up ready for treatment, with the word "Poison";

(*c*) in the case of a poison supplied from a veterinary hospital, with the words "For animal treatment only";

and in the case of a medicine to which the provisions of section 47 apply the requirements of that section shall be satisfied in addition to the requirements aforesaid. **[41]**

Supply of medicine by dispensary attendant.

43. (1) Nothing in sub-section (2) of section 42 shall be deemed to extend or apply to the supply of medicine by a dispensary attendant from a dispensary maintained by Government, native authority or mission, provided that—

(*a*) the medicine supplied by the dispensary attendant shall be that dispensed and supplied to him by a dispenser from a hospital which is under the control of a medical officer, and in case of a dispensary maintained by a mission, the medicine supplied shall be that dispensed by a dispenser or missionary to whom a permit has been granted under section 15 of this Ordinance;

(*b*) in supplying the medicine the dispensary attendant shall adhere to the general instructions of a medical officer, and when under a mission, the instructions of a registered or licensed medical practitioner.

(2) In the preceding sub-section—

(*a*) the expression "dispensary attendant" means a person who has received, to the satisfaction of a registered or licensed medical practitioner, training in nursing, and also training in the performance of simple dispensing operations, and

(*b*) the expression "dispensary" means an institution for the reception of the sick as outpatients, and which is under the control of a dispensary attendant. **[42]**

Supply of medicines for use in hospitals, etc.

44. (1) This and the next following section apply to any hospital, infirmary, dispensary, clinic, nursing home or other institution at which human ailments are treated, hereinafter referred to as an institution.

(2) In any institution in which medicines are dispensed in a dispensing department in charge of a person appointed for that purpose, no medicine containing a poison shall be supplied from that department, except in cases of emergency, for use in wards, operating theatres or other sections of the institution, except in accordance with the requirements contained in the following provisions of this section.

(3) The medicines must not be supplied except upon a written order signed by a duly qualified medical practitioner, registered dentist, or by a nursing sister in charge of a ward, theatre or other section of the institution.

(4) The container of the medicine must be labelled—

(*a*) with words describing its contents; and

(*b*) in the case of substances included in Part I of the First Schedule with a distinguishing mark or other indication indicating that the poison is to be stored in a cupboard reserved solely for the storage of poisons. **[43]**

Storage of poisons in institutions.

45. (1) In any institution in which medicines are dispensed in a dispensing department in charge of a person appointed for the purpose, all poisons other than those issued for use within the institution must be stored in that department or in a store.

(2) In the foregoing sub-section the expression "store" means a building or room which is not connected to the dispensing department and which is used solely for the storage of drugs, poisons and other hospital equipment in the charge of a person appointed for the purpose.

(3) In any institution to which sub-section (1) of this section does not apply all poisons other than those issued for use within the institution must be stored—

(*a*) in the charge of a person appointed for the purpose by the governing body or person in control of the institution; and

(*b*) in the case of substances which are included in Part I of the First Schedule to this Ordinance either in a cupboard or drawer, or on a shelf, reserved solely for the storage of poisons.

In a case where a poison is stored on a shelf, the container of the poison must be rendered distinguishable by touch from the containers of articles other than poisons stored on the same

premises, or the shelf or shelves must be labelled conspicuously with the word "Poison" written in bold characters with red ink.

(4) In every institution, every substance included in Part I of the First Schedule to this Ordinance which is stored in the wards must be stored in a cupboard reserved solely for the storage of poisons and poisonous substances.

(5) All places in which poisons are required by this Ordinance to be stored must be inspected at regular intervals of time not exceeding three months by the medical officer in charge of the institution or by some other person appointed for the purpose by the governing body or person in control of the institution. **[44]**

Penalty for contravening or failing to comply with provisions of seven preceding sections.

46. Any person who acts in contravention of or fails to comply with any of the provisions of the seven preceding sections shall be liable, on summary conviction, in respect of each offence, to a fine not exceeding five pounds. **[45]**

Duty of medical practitioners and others supplying poisons to cause containers to be labelled.

47. (1) Every registered or licensed medical practitioner, registered or licensed dentist and registered medical assistant who shall supply to his patient, and every qualified veterinary surgeon, who shall supply for an animal under his care any medicine being or containing a poison mentioned in Part I of the First Schedule, shall cause the bottle, wrapper, or cover in which such medicine is contained to be distinctly labelled with the name of the person to whom the same is supplied and, unless the medicine is for internal use, with the words "For external use only" and shall enter in a book to be kept for the purpose of this provision the following particulars :—

(*a*) the ingredients of the medicine and the quantity thereof supplied ; and

(*b*) the name of the person to whom it was supplied.

(2) Any registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon who fails to comply with any of the provisions of sub-section (1) shall be liable in respect of each offence to a fine of twenty-five pounds. **[46]**

Special cautions in the case of certain articles.

48. No person shall sell or supply any poison :—

(*a*) in the case of a liquid other than a medicine contained in a bottle of a capacity of not more than one hundred and twenty fluid ounces, unless the bottle is labelled with the words "Not to be taken" ;

(*b*) in the case of an embrocation, liniment, lotion, liquid antiseptic, or other liquid medicine for external application, unless the container is labelled with the name of the article and the words "For external use only". **[47]**

PART V

EXEMPTIONS

Exemptions from certain provisions of this Ordinance.

49. (1) Nothing contained in section 19 shall apply to any student undergoing instruction in any approved institution when acting under the immediate personal supervision of a chemist and druggist.

(2) Nothing contained in sections 19 or 20 shall apply to—

(*a*) a registered or licensed medical practitioner or a registered or licensed dentist supplying medicine to his patients ; or

(*b*) a registered medical assistant supplying medicine in the course of his employment in the service of the Government ; or

(*c*) a qualified veterinary surgeon supplying medicine for animals under his care :

Provided that—

(i) the registered or licensed medical practitioner, or registered or licensed dentist, or registered medical assistant, or qualified veterinary surgeon shall not keep an open shop or pharmacy or sell otherwise than to his patients and in quantities not exceeding those required for the treatment of their immediate illness ; and

(ii) no unregistered person employed by or otherwise connected with the registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon shall compound or dispense, even if the compounding or dispensing be done under the supervison of such registered or licensed medical practitioner, registered or licensed dentist, or registered medical assistant, or qualified veterinary surgeon.

(3) Nothing contained in section 27 or 30 shall apply to any medicine supplied by a selling dispenser or chemist and druggist in pursuance of a written prescription of any registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon, if before delivering the same the selling dispenser or chemist and druggist

labels or causes the bottle, wrapper, or cover in which such medicine is contained to be distinctly labelled in the following manner :—

(*a*) with his name and address and the name and, if it is known, the address of the person to whom it was supplied ; and

(*b*) unless the medicine is for external use with the words "Poison—For external use only" ; and enters in a book to be kept by him for the purpose—

(i) the prescription ;

(ii) the name of the person who has signed the prescription ; and

(iii) the person to whom and the date on which the medicine has been delivered.

(4) Nothing contained in any of the preceding sections shall apply to the sale of any of the following articles :—

(*a*) any patent, proprietary or homoeopathic medicine or packed goods if—

(i) the provisions of this Ordinance relating thereto are complied with ; and

(ii) such medicine is sold in a box, vessel or parcel under the same wrapper or cover under which it was imported into Nigeria ; or

(iii) such medicine is prepared by any person acting as a selling dispenser or chemist and druggist in Nigeria and placed by him in some box, bottle, vessel or parcel, the label, description or recommendation of which has been approved by the Board :

Provided always that such box, bottle, vessel or parcel is properly secured and bears the seal, name or trade mark of the proprietor, inventor or manufacturer thereof and that with each box, bottle, vessel or parcel directions for the use of the contents thereof are supplied ; (*Amended by No.* 60 *of* 1945.)

(*b*) mineral or artificial waters, or the chemical or other materials employed in their preparation ;

(*c*) any vegetable gum, oil or seed in its natural state, not being a poison, though the same may be employed in medicine ;

(*d*) any vegetable gum, oil or seed in its natural state, whether a poison or not, to any person authorised by the Governor(1) in writing to buy such vegetable gum, oil or seed for the purpose of exporting it from Nigeria ;

(*e*) any herbal or native preparation not being a poison which is supplied by any person dealing only with herbal or other native preparations used as medicine in Nigeria.

(5) Nothing hereinbefore contained shall be deemed to extend or apply to the supply, importation, mixing or possession of any drugs or poisons—

(*a*) by the Agricultural or Veterinary Departments of the Government for agricultural, horticultural or veterinary purposes ;

(*b*) by a Government analyst for the practice of his profession or employment in such capacity ;

(*c*) by any other Government department for any purposes approved by the Board ;

(*d*) by any person engaged in scientific or industrial research or for the practice of his profession or employment and subject to the permission in writing of the Board and to the conditions therein prescribed.

PART VI

CONTROL OF SALE OF PATENT AND PROPRIETARY MEDICINES

Disclosure of compositions of medicine.

50.(2) (1) No person shall—

(*a*) sell by retail any patent or proprietary medicine or packed goods hereinafter referred to as article, or

(*b*) supply any such article as sample for the purpose of inducing persons to buy by retail the substance of which it consists or which it comprises ;

unless there is written so as to be clearly legible on the article or label affixed thereto, or, if the article is sold or supplied as aforesaid in a container, on the container or a label affixed thereto or, if the article is sold or supplied as aforesaid in more than one container, on the inner container or a label affixed thereto—

(1) Power delegated to Chief Commissioners.
(2) Brought into operation on the 1st January, 1947, by Order in Council 2 of 1946.

(i) the appropriate designation of the substance so recommended or of each of the active constituents thereof, or of each of the ingredients of which it has been compounded ; and

(ii) in a case where the appropriate designation of each of the active constituents or the ingredients is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients :

Provided that this sub-section shall not apply to any medicine made up and supplied for the use of a particular person, being a medicine prescribed by reference to the needs of that person. (*Amended by No.* 60 *of* 1945.)

Definitions.

(2) In the preceding sub-section—

(*a*) the expression "appropriate designation", in relation to a substance, constituent or ingredient, means—

(i) in a case where the substance, constituent or ingredient is a poison included in the Schedules, the name with which the container of the poison is for the time being required to be labelled in pursuance of sub-section (3) of section 30 ;

(ii) in a case where the substance, constituent or ingredient is not such a poison and is described in any of the monographs contained in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex which was last published before the date on which the article was sold or supplied, the description set out at the head of that monograph ;

(iii) in a case where the substance, constituent or ingredient is not such a poison and is not so described, the accepted scientific name, or other name descriptive of the true nature, of the substance, constituent or ingredient ;

(*b*) the expression "appropriate quantitative particulars", in relation to the active constituents or the ingredients of a substance, means—

(i) the approximate percentage of each of those constituents or ingredients contained in the substance or the approximate quantity of each of those constituents or ingredients contained in the article sold or supplied ; or

(ii) in a case where the said article consists of or comprises a number of separate portions of the substance,

either the approximate percentage or quantity aforesaid, or the approximate quantity of each of the constituents or ingredients contained in each portion; and

(*c*) the expression "container" includes a wrapper.

(3) If any person sells or supplies an article in contravention of the preceding provisions of this section, he shall, subject to the provisions of this Ordinance, be liable—

(*a*) in the case of a first conviction, to a fine of twenty pounds; and

(*b*) in the case of a subsequent conviction, to a fine of one hundred pounds, or to imprisonment for a term of three months, or to both such fine and such imprisonment. **[49]**

Control of sale of patent and proprietary medicines.

51.[1] (1) (*a*) No person shall sell or deliver any patent or proprietary medicines or packed goods unless he is either—

(i) a selling dispenser or chemist and druggist; or

(ii) the holder of a patent and proprietary medicines vendor's licence in the Form M set forth in the Third Schedule.

Form M. Third Schedule.

(*b*) If any person contravenes any of the provisions of this sub-section he shall be liable in respect of each offence to a fine of ten pounds.

(2) Every applicant for the patent and proprietary medicines vendor's licence shall produce evidence to the satisfaction of the licensing authority—

(*a*) in the case of an individual—

(i) that he has attained the age of twenty-one years, and

(ii) that he is of good character and certified as such by two satisfactory references, and

(*b*) in the case of a person other than an individual, that the nature of the business is such as to warrant the sale of such medicines. (*Substituted by No.* 60 *of* 1945.) **[50]**

Patent or proprietary medicines to be in original container properly secured.

52. (1) Every patent or proprietary medicine or packed goods shall be sold, subject to any other provisions of this Ordinance, intact in the box, bottle, vessel or parcel and under the wrapper or cover under which it was imported or if imported unpacked in bulk in the box, bottle, vessel or parcel under which it is packed and made ready for sale in Nigeria, and in each case such box, bottle, vessel or parcel shall be properly secured and bear the

[1] Brought into operation on the 1st March, 1946, by Order in Council 2 of 1946.

name or trade mark of the proprietor or manufacturer thereof, but nothing herein contained shall apply to a patent or proprietary medicine or packed goods prepared by a selling dispenser or chemist and druggist, or to the supply by a dispenser, selling dispenser or chemist and druggist, of any imported patent or proprietary medicine or packed goods, for the purpose of complying with a prescription given by a duly registered or licensed medical practitioner, registered or licensed dentist, registered medical assistant or qualified veterinary surgeon.

(2) No person other than a selling dispenser or a chemist and druggist shall import in bulk and subsequently repack any patent or proprietary medicine. **[51]**

PART IX

As to the Sale and Possession of Poison for Unlawful Purposes

"Poison" and "poisonous matter".

58. In this Part the terms "poison" or "poisonous matter" mean and include all animal, vegetable and mineral poisons. **[57]**

Sale or possession of poison for illegal purpose.

59. Any person who shall sell or transfer, make or possess any poison or poisonous matter, with the intent that it shall be used for an illegal purpose shall be liable to a fine of one hundred pounds, or to imprisonment for a term of two years, or to both such fine and such imprisonment. **[58]**

Possession deemed to be illegal unless contrary is proved.

60. Any person found in possession of, or making, selling or transferring any poison or poisonous matter, shall, unless he is a registered or licensed medical practitioner, a registered or licensed dentist, a registered medical assistant, a qualified veterinary surgeon, or a person authorised under this Ordinance to deal in such poison or shall have received the same from a person authorised to deal therein, be deemed to be in possession of or to be making, selling or transferring the same for an illegal purpose unless he shall prove the contrary. **[59]**

PART X

PARTIES TO OFFENCES AND PENALTIES

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68. Any person guilty of an offence against this Ordinance for which no special penalty is provided by this Ordinance shall be liable to a fine of one hundred pounds or to imprisonment for a term of twelve months or to both such fine and such imprisonment. [67] Penalty.

FIRST SCHEDULE

Section 30.

PART I

Poisons and substances to which section 30 applies

Alkaloids. All poisonous alkaloids not specifically named in this Part and their salts and all poisonous derivatives of alkaloids unless specifically exempted from the provisions governing this Part.

Poppies, and all preparations and constituents of poppies, except the petals and preparations of papaver rhoeas.

All drugs, preparation or admixture of drugs, not specifically named in this Part, but which contain a poison mentioned in this Part or which contain a poisonous alkaloid, gluroside or other poisonous substances shall be deemed to be included in this Part, except preparations or admixtures the exclusion of which from this Part is specifically indicated therein, and except tobacco prepared for smoking or snuff.

All drugs to which the Dangerous Drugs Ordinance or any Ordinance amending or repealing that Ordinance applies shall be deemed to be included in this Part. Cap. 50.

FIRST SCHEDULE—*continued*

Section 32.

PART III

Poisons and substances to which section 32 applies

Diethyl barbituric acid, and other alkyl, aryl or metallic derivatives of barbituric acid whether described as veonal, proponal, medinal or by any other trade name, mark or designation and all poisonous urethanes and ureides.

Section 27.

THIRD SCHEDULE

FORM K

THE PHARMACY ORDINANCE

(*Chapter* 169)

Disposal of Poisons Book

Date	Name and quantity of poisons disposed of	Name and address of receiver	Purpose for which poison is required	Signature of receiver	Signature of person introducing receiver	Signature of Chemist and Druggist or Selling Dispenser

Section 51.

FORM M

THE PHARMACY ORDINANCE

(*Chapter* 169)

Patent and Proprietary Medicines Vendor's Licence

Licence is hereby granted to.....
of.....to sell patent and proprietary medicines and packed goods within Nigeria subject to the provisions of the Pharmacy Ordinance.

This licence expires on the 31st December, 19 .

Dated this day of , 19 .

.....
Licensing Authority.

Fee for licence.....
