

No. 106**THE NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ORDINANCE 1980**

(Ordinance 13 of 1980 as amended by Ordinances, 7 of 1983 and
9 of 2003)

REGULATIONS MADE UNDER SECTIONS 8 AND 11

In exercise of the powers vested in him under sections 8 and 11 of the Narcotic Drugs and Psychotropic Substances Ordinance 1980, the Administrator hereby makes the following Regulations:-

Citation

1. These Regulations may be cited as the Precursor Substances (Manufacture and Supply) Regulations 2003.

Interpretation

2. In these Regulations –

“Category 1”, “Category 2” and “Category 3” mean Categories 1, 2 and 3 respectively of Schedule I;

“Scheduled substance” means any substance listed in Schedule I and includes any mixture containing such a substance, but does not include a medicinal product or other preparation containing a Scheduled substance that is compounded in such a way that the Scheduled substance cannot be readily recovered;

“supply” in relation to a Scheduled substance means any supply of a Scheduled substance whether or not for consideration;

“the Ordinance” means the Narcotic Drugs and Psychotropic Substances Ordinance 1980;

“trader” means any person who imports, manufactures, processes or supplies any Scheduled substance or who carries out any other related activity such as brokering or storage of a Scheduled substance.

Licence to manufacture or supply a Scheduled substance falling within Category 1

3. – (1) The manufacture or supply of any Scheduled substance falling within Category 1 is permitted only if a licence is held authorising such manufacture or supply.

(2) Such a licence shall be granted by the Chief Officer only if –

(a) the Chief Officer is satisfied that the applicant is a fit and proper person to hold such a licence; and

(b) the applicant submits the particulars described in Schedule V and pays the fee of £20.

(3) Such a licence may be subject to such conditions as the Chief Officer may impose.

(4) Such a licence may be revoked or suspended if the Chief Officer considers that –

(a) the licence holder is not a fit and proper person to hold such a licence, or

(b) any condition subject to which the licence was granted has not been observed.

Supply of a Scheduled substance falling within Category 1

4. A person holding a licence under regulation 3 may supply a Scheduled substance falling within Category 1 to any other person holding such a licence.

Manufacture and supply of a Scheduled substance falling within Category 2

5. A trader who manufactures or supplies a Scheduled substance falling within Category 2 shall inform the Chief Officer in writing of the address of his business and shall inform the Chief Officer in writing of any change of such address.

Documentation

6. – (1) A trader shall not supply any Scheduled substance falling within Category 1 or 2 unless the supply is accompanied by, or recorded in, appropriate commercial documents such as an invoice, cargo manifest, administrative document, or shipping and transport documents containing the following information –

- (a) the name and CN code of the Scheduled substance, as given in Schedule 1;
- (b) the quantity and weight of the Scheduled substance and, in case of a mixture, the quantity of the mixture and the quantity and weight or the percentage of the Scheduled substance contained in the mixture; and
- (c) the full names and addresses of the supplier, importer, distributor and consignee.

(2) A trader shall keep any document required under this regulation or under regulation 7 for at least three years from the end of the calendar year in which the transaction to which the document relates occurred, and shall produce any such document for inspection by the Chief Officer or any customs officer if requested to do so.

Declaration of customer

7. – (1) Subject to the provisions of this regulation, any trader who supplies any customer with a Scheduled substance falling within Category 1 or 2 shall obtain from the customer a declaration in the form set out in Schedule III.

(2) This regulation shall not apply in relation to a supply of a Scheduled substance falling within Category 2 if the quantity of the Scheduled substance supplied does not exceed the quantity of that substance set out in Schedule II.

(3) Where a trader supplies more than one Scheduled substance to the same customer at the same time he shall obtain a separate declaration for each substance in respect of which a declaration is required.

(4) Where more than one supply is to be made within a period not exceeding one year, there may be a single declaration in the form set out in Schedule IV, if the trader is satisfied that –

- (a) the customer has been supplied with the same substance by that trader at least three times during the immediately preceding twelve months;
- (b) there is no cause to suspect that the substance will be used for an unlawful purpose; and

- (c) the quantities ordered do not exceed the normal quantities previously supplied to that customer.

(5) If the trader is a body corporate, the declaration shall be made on its printed headed stationery.

Labelling

8. – (1) A trader shall ensure that before he supplies any Scheduled substance falling within Category 1 or 2 the Scheduled substance bears the name of the substance as given in Schedule I.

(2) A trader may in addition place his own usual labels on any Scheduled substance referred to in paragraph (1) above.

Providing of information

9. – (1) A trader shall, at the request of the Chief Officer or of any person authorised by the Chief Officer –

- (a) notify any circumstances such as unusual orders or transactions relating to a Scheduled substance from which it appears that the substance is possibly being used in the unlawful manufacture of narcotic or psychotropic substances;
- (b) provide any other information relating to his supplies; and
- (c) produce for inspection any documents that he is required to keep under these Regulations.

(2) Where a request under paragraph (1) above is made in writing to a trader he shall comply with it within 15 days of his receiving the request.

SCHEDULE I

(Regulation 2)

CATEGORY 1

SUBSTANCE	CN CODE
Ephedrine	2939 41 00
Ergometrine	2939 60 10
Ergotamine	2939 60 30
Lysergic acid	2939 60 50
Norephedrine	2939 49 00
1-phenyl-2-propanone	2914 40 10
Pseudoephedrine	2939 40 30
N-acetylanthranilic acid	2924 29 50
3,4 methylenedioxyphenyl propan-2-one	2932 90 77
Isosafrole	2932 90 73
Piperonal	2932 90 75
Safrole	2932 90 71
Any salts of the substances listed in this category.	

CATEGORY 2

SUBSTANCE	CN CODE
Acetic anhydride	2915 24 00
Anthranilic acid	2922 49 90
Phenylacetic acid	2916 33 30
Piperidine	2933 39 30
Any salts of the substances listed in this category.	

CATEGORY 3

SUBSTANCE	CN CODE
Acetone	2914 11 00
Ethyl ether	2909 11 00
Methyl ethyl ketone (MEK)	2914 12 00
Toluene	2902 30 10/90
Potassium permanganate	2841 60 10
Sulphuric acid	2807 00 10
Hydrochloric acid	2806 10 00
Any salts of the substances listed in this category.	

SCHEDULE II

(Regulation 7(2))

SUBSTANCE	THRESHOLD
Acetic anhydride	20 l
Antranilin acid and its salts	1 kg
Phenylacetic acid and its salts	1 kg
Piperidine and its salts	0,5 kg

SCHEDULE III

(Regulation 7(1))

DECLARATION OF CUSTOMER RELATING TO THE USE OF A SUBSTANCE FALLING WITHIN CATEGORY 1 OR 2 OF SCHEDULE I TO THE PRECURSOR SUBSTANCES (MANUFACTURE AND SUPPLY) REGULATIONS 2003

(INDIVIDUAL TRANSACTIONS)

The undersigned –

Name:

Address:

Licence No:

Issued.....

Ordered by:

Name:

Address:

the following substance (name of substance and CN code):
(quantity)

The substance will be used exclusively for.....

It is hereby declared that the substance referred to above will not be re-sold or otherwise supplied to any other person unless such person produces a similar declaration of use, or for a substance falling within category 2, a declaration relating to multiple transactions.

Signature:

Name (Capital letters):

Quality:..... Date:

SCHEDULE IV
(Regulation 7(4))

**DECLARATION OF CUSTOMER RELATING TO THE
USE OF A SUBSTANCE FALLING WITHIN CATEGORY 2
OF SCHEDULE I TO THE PRECURSOR SUBSTANCES
(MANUFACTURE AND SUPPLY) REGULATIONS 2003**

(MULTIPLE TRANSACTIONS)

The undersigned –

Name:

Address:.....

Licence No:.....

Issued.....

And valid until/indefinitely (delete where not applicable).....

.....

Intend to place an order with.....

Name:

Address:

The following substance: (name of substance and CN code):

Quantity:

The substance will be used exclusively for

It is hereby declared that the substance referred to above will not be re-sold or otherwise supplied to any other person unless such person produces a similar declaration of use (individual or multiple).

Signature:

Name (Capital letters):

Quality:..... Date:

SCHEDULE V
(Regulation 3(2)(b))

**PARTICULARS TO BE INCLUDED IN AN APPLICATION FOR
A LICENCE TO MANUFACTURE OR SUPPLY A SCHEDULED
SUBSTANCE OF CATEGORY 1 OF SCHEDULE I TO THE
PRECURSOR SUBSTANCES (MANUFACTURE AND SUPPLY)
REGULATIONS 2003**

- 1. Business name of applicant
- 2. Registration number
- 3. V.A.T. number of applicant.....
- 4. Name of trader/company director
- 5. Identity card number
- 6. Address:
- Road:.....
- Number:
- Town:.....
- Post code:.....
- Telephone number:.....
- Fax number:
- 7. Criminal record certificate of company director
- 8. Description of applicant’s business activities
-
- 9. Name, CN code and reason for the use of the substance in
respect of which the application is made
-
- 10. Estimated annual use and sales

Any change in the particulars given in this application must be notified to the Chief Officer in writing without delay.

Issued thisday of.....

Chief Officer

Dated this 4th day of November 2003.

By the Administrator’s Command,
P. D. Draycott
Chief Officer,
Sovereign Base Areas.

(128/208/1)
(205/2)
