

MISUSE OF DRUGS ACT
(CHAPTER 27)
MISUSE OF DRUGS REGULATIONS

S 100/78
Amended by
S 36/98

REVISED EDITION 2001

(1st October 2001)

SUBSIDIARY LEGISLATION

MISUSE OF DRUGS REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT

3. Exceptions for drugs in the First Schedule.
4. Licences to manufacture etc. controlled drugs.
5. General authority to possess etc. controlled drugs.
6. Administration of drugs in the First, Second and Third Schedules.
7. Manufacture and supply of drugs in the First and Second Schedules.
8. Manufacture and supply of drugs in the Third Schedule.
9. Possession of drugs in the Second and Third Schedules.

PART III

**REQUIREMENTS AS TO DOCUMENTATION AND RECORD
KEEPING**

10. Documents to be obtained by supplier of controlled drugs.
11. Form of prescriptions.
12. Provisions as to supply on prescription.
13. Marking of bottles and other containers.
14. Keeping of registers.

[Subsidiary]

15. Requirements as to registers.
16. Record-keeping requirements in the case of a ship.
17. Preservation of registers, books and other documents.
18. Preservation of records relating to drugs in the First Schedule.

PART IV

MISCELLANEOUS

19. Treatment of drug addicts.
20. Storage of controlled drugs.
21. Appointment of inspectors.
22. Inspector may purchase sample.
23. Inspection of weights and measures.
24. Penalties for supplying false information.
25. Making a false document.
26. False declaration.
27. General penalty.
28. Destruction of controlled drugs.
29. Withdrawal of authorisation.
30. Import of controlled drugs.
31. Export of controlled drugs.
32. Transitional provisions.

FIRST SCHEDULE	—	CONTROLLED DRUGS EXCEPTED FROM THE PROHIBITION ON IMPORTATION, EXPORTATION AND POSSESSION AND SUBJECT TO THE REQUIREMENTS OF REGULATION 18.
SECOND SCHEDULE	—	CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF REGULATIONS 10, 11, 12, 13, 14, 15, 16 AND 28.
THIRD SCHEDULE	—	CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF REGULATIONS 10, 11, 12 AND 13.

-
- FOURTH SCHEDULE** — **CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF REGULATIONS 10, 11, 12, 13, 14, 15 AND 28.**
- FIFTH SCHEDULE** — **FORM OF REGISTER.**
- SIXTH SCHEDULE** — **IMPORT AND EXPORT LICENCE FORMS.**
-

SUBSIDIARY LEGISLATION

Regulations under section 34

MISUSE OF DRUGS REGULATIONS

Commencement: 1st July 1978

PART I

PRELIMINARY

Citation.

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

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires —

“the Act” means the Misuse of Drugs Act;

“analyst” has the meaning assigned to that expression by subsection (2) of section 14 of the Act;

“hospital” includes a clinic, outpatient dispensary, nursing home or other medical institution;

“inspector” means an inspector appointed by His Majesty the Sultan and Yang Di-Pertuan in Council under regulation 21;

“nurse” means a person registered as a nurse under the provisions of any written law for the time being in force relating to the registration of nurses;

“practitioner” means a medical practitioner, dentist or veterinary surgeon;

“prescription” means a prescription issued by a medical practitioner for the medical treatment of a single individual, by a dentist for the dental treatment of a single individual or by a veterinary surgeon for the purposes of animal treatment;

“register” means a bound book and does not include any form of loose leaf register or card index;

“ship’s surgeon” means a medical practitioner or any other duly qualified ship’s surgeon for the time being carried in any ship as part of her complement.

- (2) In these Regulations any reference to a regulation or Schedule shall be construed as a reference to a regulation contained in these Regulations or, as the case may be, to a

[Subsidiary]

Schedule thereto; and any reference in a regulation or Schedule to a paragraph shall be construed as a reference to a paragraph of that regulation or Schedule.

PART II

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT

Exceptions for drugs in the First Schedule.

3. Sections 5 and 6 of the Act (which prohibit the importation, exportation and possession of controlled drugs) shall not have effect in relation to the controlled drug specified in the First Schedule.

Licences to manufacture etc. controlled drugs.

4. Where any person is authorised by a licence issued by the Minister under this regulation and for the time being in force to import or export, manufacture, supply, offer to supply or have in his possession any controlled drug, it shall not be unlawful for that person to import or export, manufacture, supply, offer to supply or have in his possession that drug in accordance with the terms of the licence and in compliance with the conditions attached to the licence.

General authority to possess etc. controlled drugs.

5. (1) Any of the following persons may, notwithstanding the provisions of section 6 of the Act, have any controlled drug in his possession, that is to say —

(a) an officer or analyst when acting in the course of his duty and in the exercise of his powers under the Act;

(b) a person engaged in the business of a carrier when acting in the course of that business;

(c) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged;

(d) a person engaged in conveying the drug to a person authorised by these Regulations to have it in his possession.

(2) Notwithstanding the provisions of sections 3, 4 and 6 of the Act and subject only to the provisions of regulation 29 any medical or dental officer of Brunei Darussalam or visiting force is hereby authorised, when acting in the course of his duty and so far as may be necessary for the practice or exercise of his profession, function or employment, to manufacture, possess, prescribe, administer or supply any controlled drug; and any member of Brunei Darussalam or visiting force may, so far as may be necessary for the performance of his duties and if authorised in writing in that behalf by a medical or dental officer of the same force, possess, supply or administer any such drug.

(3) For the purposes of the foregoing paragraph —

“Brunei Darussalam force” means any armed force of His Majesty and include any body, contingent or detachment of any such force.

“dental officer of a British force” means a dental officer of a British force who is resident in Brunei Darussalam on full pay while serving in such force or attached to any Brunei Darussalam force; and

“medical officer of a British force” means a medical officer of a British force who is resident in Brunei Darussalam on full pay while serving in such force or attached to any Brunei Darussalam force;

“visiting force” means any visiting forces lawfully present in Brunei Darussalam;

Administration of drugs in the First, Second and Third Schedules.

6. (1) Any person may administer to another any drug specified in the First Schedule.

(2) A medical practitioner or dentist may administer to a patient any drug specified in the Second or Third Schedule.

(3) Any person other than a medical practitioner or dentist may administer to a patient, in accordance with the directions of a medical practitioner or dentist, any drug specified in the Second or Third Schedule.

Manufacture and supply of drugs in the First and Second Schedules.

7. (1) Notwithstanding the provisions of section 4 of the Act —

(a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in the First or Second Schedule;

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the premises at which he carried on that business, manufacture or compound any drug specified in the First or Second Schedule.

(2) Notwithstanding the provisions of section 3 of the Act any of the following persons, that is to say —

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a retail pharmacy business;

(d) in the case of such a drug supplied to such a nurse by a person responsible for the dispensing and supply of medicines at a hospital, the nurse for the time being in charge of a ward, theatre or other department in that hospital;

[Subsidiary]

(e) a dispenser employed or engaged in dispensing medicines on the directions of a practitioner at a public hospital or other public institution;

(f) a person in charge of a dispensary approved by His Majesty in Council and acting on the direction of a practitioner;

(g) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or to any other institution approved for the purpose by the Minister;

(h) an analyst;

(i) an inspector,

may, when acting in his capacity as such, supply or offer to supply any drug specified in the First or Second Schedule to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph shall authorise a nurse for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner or dentist.

(3) Notwithstanding the provisions of section 3 of the Act the master of a ship which does not carry a ship's surgeon may supply or offer to supply any drug specified in the First or Second Schedule —

(a) to any member of the crew; or

(b) to any person who may lawfully supply that drug.

Manufacture and supply of drugs in the Third Schedule.

8. (1) Notwithstanding the provisions of section 4 of the Act —

(a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in the Third Schedule;

(b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the premises at which he carries on that business, manufacture or compound any drug specified in the Third Schedule.

(2) Notwithstanding the provisions of section 3 of the Act, any of the following persons, that is to say —

(a) a practitioner;

(b) a pharmacist;

(c) a person lawfully conducting a retail pharmacy business;

(d) in the case of such a drug supplied to such a nurse by a person responsible for the dispensing and supply of medicines at a hospital, the nurse for the time being in charge of a ward, theatre or other department in that hospital;

(e) a dispenser employed or engaged in dispensing medicines on the directions of a practitioner at a public hospital or other public institution;

(f) a person in charge of a dispensary approved by His Majesty in Council and acting on the directions of a practitioner;

(g) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or to any other institution approved for the purpose by the Minister;

(h) an analyst;

(i) an inspector,

may, when acting in his capacity as such, supply or offer to supply any drug specified in the Third Schedule to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph shall authorise a nurse for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a medical practitioner or dentist.

(3) Notwithstanding the provisions of section 3 of the Act the master of a ship which does not carry a ship's surgeon may supply or offer to supply any drug specified in the Third Schedule —

(a) to any member of the crew; or

(b) to any person who may lawfully supply that drug.

Possession of drugs in the Second and Third Schedules.

9. (1) Notwithstanding the provisions of section 6 of the Act —

(a) a person specified in paragraph (2) of regulation 7 may have in his possession any drug specified in the Second Schedule;

(b) a person specified in paragraph (2) of regulation 8 may have in his possession any drug specified in the Third Schedule,

for the purpose of acting in his capacity as such.

(2) Notwithstanding the provisions of section 6 of the Act a person may have in his possession any drug specified in the Second or Third Schedule for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner:

[Subsidiary]

Provided that this paragraph shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a medical practitioner if —

(a) that person was then being supplied with any controlled drug by or on the prescription of another medical practitioner and failed to disclose that fact to the first mentioned medical practitioner before the supply by him or on his prescription; or

(b) that or any other person on his behalf made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.

(3) Notwithstanding the provisions of section 6 of the Act —

(a) the master of a ship registered or licensed in Brunei Darussalam which does not carry a ship's surgeon, may have in his possession any drug specified in the Second or Third Schedule so far as necessary for the purpose of compliance with the requirements of any written law for the time being in force relating to merchant shipping.

(b) the master of a foreign ship which is in port may have in his possession any drug specified in the Second or Third Schedule so far as necessary for the equipment of the ship.

PART III

REQUIREMENTS AS TO DOCUMENTATION AND RECORD KEEPING

Documents to be obtained by supplier of controlled drugs.

10. (1) Where a person (hereinafter in this paragraph referred to as “the supplier”), not being a practitioner or a pharmacist supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug to a person who purports to be sent by or on behalf of the person to whom it is supplied (hereinafter in this paragraph referred to as “the recipient”) and claim to be authorised under paragraph (1)(d) of regulation 5 to have that drug in his possession, unless that person produces to the supplier a statement in writing signed by the recipient to the effect he is empowered by the recipient to receive that drug on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) Where a person (hereinafter in this paragraph referred to as “the supplier”) supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in paragraph (4), the supplier shall not deliver the drug.

(a) until he has obtained a requisition in writing which —

(i) is signed by the person to whom the drug is supplied (hereinafter in this paragraph referred to as “the recipient”);

- (ii) states the name, address and profession or occupation of the recipient;
- (iii) specifies the purpose for which the drug supplied is required and the total quantity to be supplied; and
- (iv) where appropriate, satisfies the requirements of paragraph (5);

(b) unless he is reasonably satisfied that the signature is that of the person purporting to have signed the requisition and that person is engaged in the profession or occupation specified in the requisition:

Provided that where the recipient is a practitioner or ship's surgeon and he represents that he urgently requires a controlled drug for the purpose of his profession, the supplier may, if he is reasonably satisfied that the recipient so requires the drug and is, by reason of some emergency, unable before delivery to furnish to the supplier a requisition in writing duly signed, deliver the drug to the recipient on an undertaking by the recipient to furnish such a requisition within the 24 hours next following.

(3) A person who has given such undertaking as aforesaid shall deliver to the person by whom the controlled drug was supplied a signed requisition in accordance with the undertaking.

(4) The persons referred to in paragraph (2) are —

(a) a practitioner;

(b) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university or to any other institution approved for the purpose by the Minister;

(c) the master of a ship in port in Brunei Darussalam which does not carry ship's surgeon;

(d) the ship's surgeon of a ship in port in Brunei Darussalam.

(5) A requisition furnished for the purposes of paragraph (2) shall, where furnished by the master of a ship or by a ship's surgeon not being a medical practitioner, contain a statement signed by the port health officer that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship.

(6) Where the person responsible for the dispensing and supply of medicines at any hospital supplies a controlled drug to the nurse for the time being in charge of any ward, theatre or other department in that hospital (hereinafter in this paragraph referred to as "the recipient") he shall —

(a) obtain a requisition in writing, signed by the recipient, which specifies the total quantity of the drug to be supplied; and

[Subsidiary]

(b) mark the requisition in such manner as to show that it has been complied with,

and any requisition obtained for the purpose of this paragraph shall be retained in the dispensary at which the drug was supplied and a copy of the requisition or a note of it shall be retained or kept by the recipient.

(7) Nothing in this regulation shall have effect in relation to the drugs specified in the First Schedule.

Form of prescriptions.

11. (1) Subject to the provisions of this regulation, a person shall not issue a prescription containing a controlled drug other than a drug specified in the First Schedule unless the prescription complies with the following requirements, that is to say, it shall —

(a) be in ink or otherwise so as to be indelible and be signed by the person issuing it with usual signature and dated by him;

(b) insofar as it specifies the information required by sub-paragraph (d), (f) and (g) to be specified, be written by the person issuing it in his own hand-writing;

(c) have written thereon, if issued by a dentist, the words “for dental treatment only” and, if issued by a veterinary surgeon, the words, “for animal treatment only”;

(d) specify the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary surgeon, of the person to whom the controlled drug prescribed is to be delivered;

(e) specify the name and address of the person issuing the prescription;

(f) specify the dose to be taken and —

(i) in the case of a prescription containing a controlled drug which is a preparation, the form and, where appropriate, the strength of the preparation, and either the total quantity (in both words and figures) of the preparation or the number (in both words and figures) of dosage units, as appropriate, to be supplied;

(ii) in any other case, the total quantity (in both words and figures) of the controlled drug to be supplied;

(g) in the case of a prescription for a total quantity intended to be dispensed by instalments, contain a direction specifying the amount of the instalments of the total amount which may be dispensed and the intervals to be observed when dispensing.

(2) In the case of a prescription issued for the treatment of a patient in a hospital, it shall be a sufficient compliance with subparagraph (d) of paragraph (1) if the prescription is written on the patient’s bed card or case sheet.

Provisions as to supply on prescription.

12. (1) A person shall not supply a controlled drug other than a drug specified in the First Schedule on a prescription —

- (a) unless the prescription complies with the provisions of regulation 11;
- (b) unless the address specified in the prescription as the address of the person issuing it is an address within Brunei Darussalam;
- (c) unless he either is acquainted with the signature of the person by whom it purports to be issued and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine;
- (d) before the date specified in the prescription;
- (e) later than 30 days after the date specified in the prescription.

(2) A person dispensing a prescription containing a controlled drug other than a drug specified in the First Schedule shall, at the time of dispensing it, mark thereon the date on which it is dispensed and shall retain it on the premises on which it was dispensed.

Marking of bottles and other containers.

13. (1) Subject to paragraph (2), no person shall supply a controlled drug otherwise than in a bottle, package or other container which is plainly marked —

- (a) in the case of a controlled drug other than a preparation, with the amount of the drug contained therein;
- (b) in the case of a controlled drug which is a preparation —
 - (i) made up into tablets, capsules or other dosage units, with the amount of each component (being controlled drug) of the preparation in each dosage unit and the number of dosage units in the bottle, package or other container;
 - (ii) not made up as aforesaid, with the total amount of the preparation in the bottle, package or other container and the percentage of each of its components which is a controlled drug.

(2) Nothing in this regulation shall have effect in relation to the drugs specified in the First Schedule or in relation to the supply of a controlled drug by or on the prescription of a practitioner.

Keeping of registers.

14. (1) Every person authorised by or under these Regulations to supply any drug specified in the Second or Fourth Schedule shall comply with the following requirements, that is to say —

[Subsidiary]

(a) he shall, in accordance with the provisions of this regulation and of regulation 15, keep a register and shall enter therein in chronological sequence in the form specified in Part I or II of the Fifth Schedule, as the case may require, particulars of every quantity of a drug specified in the Second or Fourth Schedule obtained by him and of every quantity of such a drug supplied (whether by way of administration or otherwise) by him whether to persons within or outside Brunei Darussalam;

(b) he shall use a separate register or separate part of the register for entries made in respect of each class of drugs, and each of the drugs specified in paragraph 1, 3 and 6 of the Second Schedule and paragraphs 1 and 3 of the Fourth Schedule together with its salts and any preparation or other product containing it or any of its salt shall be treated as a separate class, so however that any stereoisomeric form of a drug or its salt shall be classed with that drug.

(2) Nothing in paragraph (1) shall be taken as preventing the use of a separate section within a register or separate part of a register in respect of different drugs or strengths of drugs comprised within the class of drugs to which that register or separate part relates.

Requirements as to registers.

15. Any person required to keep a register under regulation 14 shall comply with the following requirements, that is to say —

(a) the class of drugs to which the entries on any page of any such register relate shall be specified at the head of that page;

(b) every entry required to be made under regulation 14 in such a register shall be made on the day on which the drug is obtained or, as the case may be, on which the transaction in respect of the supply of the drug by the person required to make the entry takes place or, if that is not reasonably practicable, on the day next following that day;

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

(d) every such entry and every correction of such an entry shall be made in ink or otherwise so as to be indelible;

(e) such a register shall not be used for any purpose other than for the purpose of these Regulations;

(f) the person so required to keep such a register shall on demand made by any person authorised in writing by the Minister in that behalf —

(i) furnish such particulars as may be requested in respect of the obtaining or supplying by him of any drug specified in the Second or Fourth Schedule or in respect of any stock of such drugs in his possession;

- (ii) for the purpose of confirming any such particulars, produce any stock of such drugs in his possession;
- (iii) produce the said register and such other books or documents in his possession relating to any dealings in drugs specified in the Second, Third or Fourth Schedule as may be requested.

(g) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on his business or occupation, but subject to that not more than one register shall be kept at one time in respect of each class of drug in respect of which he is required to keep a separate register, so, however, that a separate register may, with the approval of the Minister, be kept in respect of each department of the business carried on by him;

(h) every such register in which entries are currently being made shall be kept at the premises to which it relates.

Record keeping requirements in the case of a ship.

16. Where a drug specified in the Second Schedule is supplied in accordance with paragraph (3) of regulation 7 to a member of the crew of a ship, an entry in any official log book required to be kept under any written law for the time being in force relating to merchant shipping of the country of registration of such ship or, in the case of a ship which is not required to carry such an official log book, a report signed by the master of the ship, shall, notwithstanding anything in these Regulations, be a sufficient record of the supply if the entry or report specifies the drug supplied and, in the case of a report, it is delivered as soon as may be to the port health officer.

Preservation of registers, books and other documents.

17. (1) All registers and books kept in pursuance of regulation 14 or 16 shall be preserved for a period of 3 years from the date on which the last entry therein is made.

(2) Every requisition, order or prescription, on which a controlled drug is supplied in pursuance of these Regulations, shall be preserved for a period of 3 years from the date on which the last delivery under it was made.

Preservation of records relating to drugs in the First Schedule.

18. (1) A manufacturer of any drug specified in the First Schedule and a dealer in any such drug shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each quantity of such drug supplied by him.

(2) Every document kept in pursuance of this regulation shall be preserved for a period of 3 years from the date on which it is issued:

Provided that the keeping of a copy of the document made at any time during the said period of 3 years shall be treated for the purposes of this paragraph as if it were the keeping of the original document.

PART IV

MISCELLANEOUS

Treatment of drug addicts.

19. A medical practitioner who attends a person who he considers, or has reasonable grounds to suspect, is a drug addict shall within 7 days of the attendance furnish to both the Director of Medical Services and the Commissioner of Police the following particulars of that person —

- (a) Name;
- (b) Identity Card No.;
- (c) Sex;
- (d) Age;
- (e) Address;
- (f) the drug to which the person is believed to be addicted.

Storage of controlled drugs.

20. (1) All stocks of controlled drugs except those specified in the First Schedule shall be kept under lock and key in the dispensary or in any other premises under the control of a pharmacist or of the person authorised to supply controlled drugs by or under these Regulations. The keys shall at all times be in the personal possession of the pharmacist or of such authorised person.

(2) Stocks of controlled drugs for use in a ward, theatre or a department of a hospital shall be under the control of the nurse in charge of that ward or department. The keys shall at all times be in the personal possession of the nurse.

(3) Any person who fails to comply with the requirements of this regulation shall be guilty of an offence: Penalty, a fine of \$2,000.

Appointment of inspectors.

21. (1) His Majesty in Council may appoint such person as he thinks fit by name or office to be inspectors for the purpose of these Regulations.

(2) An inspector may at all reasonable times enter upon any premises in which he reasonably believes controlled drugs are kept or stored and may with such assistance as he considers necessary inspect stocks of controlled drugs held in such premises, take abstract of and take possession of records and documents relating to purchases, sales and supply of controlled drugs from the premises.

Inspector may purchase sample.

22. (1) An inspector may purchase any article advertised for sale or offered or exposed for sale, which he knows or has reason to believe to consist of or contain any controlled drug, and the person in possession or charge of that article shall supply that article to him and shall not charge more than the advertised or a reasonable price therefor.

(2) An inspector making any such purchase may select the actual case, bottle or package which he requires, or may demand to be served from any receptacle pointed out by him, and the person in possession or charge shall comply with such requirement or demand.

(3) An inspector purchasing any article with the intention of submitting that article to analysis shall immediately on completion of the purchase —

(a) notify the seller of his agent selling the article his intention to have the same analysed;

(b) divide the same into 3 parts;

(c) mark and seal or fasten up each one of the parts in such manner as its nature will permit;

(d) deliver one of the parts to the seller or his agent and another to an analyst for analysis; and

(e) retain the third part for comparison.

(4) Any person who without reasonable excuse contravenes the provisions of paragraph (1) or (2) shall be guilty of an offence: Penalty, a fine of \$2,000.

Inspection of weights and measures.

23. (1) Any inspector may at all reasonable times inspect all weights, measures and instruments for weighing used by or in the possession of any person for use for weighing a controlled drug.

(2) Any person who on demand made by an inspector neglects or refuses to produce for inspection any such weights, measures or instruments for weighing used by him or in his possession, or on his premises, or refuses to permit the inspector to examine or remove for examination the same, shall be guilty of an offence: Penalty, a fine of \$500 and in the case of a second or subsequent offence a fine of \$1,000.

Penalties for supplying false information.

24. (1) Any person who wilfully supplies false information as to any particulars required to be entered in any register under these Regulations shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for 2 years.

(2) Any person who enters in any register required to be kept under these Regulations false information as to any particulars prescribed to be entered knowing the

[Subsidiary]

same to be false or not believing it to be true shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for 2 years.

Making a false document.

25. Any person who makes a false document for the purpose of obtaining any controlled drug from any authorised person and any person who uses as genuine such a false document knowing or having reason to believe it to be false shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for 2 years.

False declaration.

26. Any person who for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal of any licence under the provisions of these Regulations, makes any declaration or statement which is false in any material particular, or knowingly utters, produces, or makes use of any such declaration or statement or any document containing the same, shall be guilty of an offence: Penalty, a fine \$10,000 and imprisonment for 2 years.

General penalty.

27. Every person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and shall, unless otherwise specifically provided for, be liable to a fine of \$5,000 and to imprisonment for one year

Destruction of controlled drugs.

28. (1) No person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep records with respect to a drug specified in the Second or Fourth Schedule shall destroy such a drug or cause such a drug to be destroyed except in the presence of and in accordance with any directions given by an inspector or such other person as the Minister may authorise.

(2) Where a drug is destroyed in pursuance of paragraph (1) by or at the instance of a person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep a record in respect of the obtaining or supply of that drug, that record shall include particulars of the date of destruction and the quantity destroyed and shall be signed by the inspector or authorised person in whose presence the drug is destroyed.

(3) Where the master of a ship or a ship's surgeon has in his possession a drug specified in the Second and Third Schedules which he no longer requires, he shall not destroy the drug or cause it to be destroyed but shall dispose of it to the port health officer or to an inspector.

Withdrawal of authorisation.

29. (1) Where a practitioner, ship's surgeon, pharmacist, dispenser specified in paragraph (2)(e) of regulations 7 and 8 or a person specified in paragraph (2) (f) of regulations 7 and 8 —

(a) has been convicted of an offence under the Act or under these Regulations;
or

(b) has been prescribing, administering or supplying a controlled drug in a manner which appears to His Majesty in Council irresponsible,

His Majesty in Council may, by order, direct that such practitioner, ship's surgeon, pharmacist, dispenser or person shall cease to have any authority under Part II to manufacture, possess, prescribe, administer or supply controlled drugs and such order shall have effect notwithstanding anything to the contrary in these Regulations.

(2) For the purposes of the foregoing paragraph the expression "practitioner" shall be deemed to include a medical or dental officer specified in paragraph (2) of regulation 5.

Import of controlled drug.

30. (1) The Minister may issue a licence, in the form specified in Form A in the Sixth Schedule, to any person (hereinafter referred to as "the importer") authorising the importer to import any controlled drug into Brunei Darussalam, by one consignment only, subject to the conditions contained in Form A and subject to such other conditions as the Minister shall deem fit.

(2) Such a licence shall be issued in triplicate to the importer who shall send the original and one copy thereof to the consignor of the controlled drug named in the licence.

Export of controlled drug.

31. (1) Upon production of an import authorisation or an approval of import certificate duly issued to a person (hereinafter called "the exporter") by the competent authority in any country (hereinafter referred to as "the importing country"), the Minister may issue a licence, in the form specified in Form B in the Sixth Schedule, to the exporter authorising him to export any controlled drug specified in such licence from Brunei Darussalam to a consignee in the importing country, subject to the conditions contained in Form B and subject to such other conditions as the Minister shall deem fit.

(2) Such licence shall be prepared in triplicate and the Minister shall send one copy thereof to the appropriate authority of the importing country and shall issue the original and the other copy thereof to the exporter who shall send such other copy with the controlled drug to which it refers when such controlled drug is exported and shall comply with any appropriate condition regarding the manner of such sending contained in such licence.

(3) In this and the foregoing regulation the expression "Minister" means the Minister or such other officer as the Minister may authorise in writing to perform any function of the Minister under any provision of one or other or both of such regulations or under any

[Subsidiary]

condition of any licence issued under any such provision; and the Minister may under this paragraph authorise more than one such other officer to perform the same function and may authorise different officers to perform different functions:

Provided that the Minister may perform any function conferred upon him by any provision of one or other of such regulations or under any condition of any licence issued under any such provision notwithstanding the conferring hereunder by him upon some other officer of any authority to exercise such function.

Transitional provisions.

32. (1) Any licence or authorisation issued under the Dangerous Drugs Enactment, 1956 (Enactment No. 14 of 1956) or the regulations made thereunder and in force immediately before the repeal of that Act or the revocation of those regulations shall continue in force for the same period of time as if that Act or those regulations had not been respectively repealed or revoked.

(2) Any register, record, book, prescription or other document required to be preserved under the Dangerous Drugs Enactment, 1956 (Enactment No. 14 of 1956) or the regulations made thereunder shall be preserved for the same period from the date of issue as if the Act or regulations had not been repealed or revoked.

FIRST SCHEDULE

regulations 3, 6, 7, 10, 11, 12, 13 and 18

CONTROLLED DRUGS EXCEPTED FROM THE PROHIBITION ON IMPORTATION, EXPORTATION AND POSSESSION AND SUBJECT TO THE REQUIREMENTS OF REGULATION 18

1. (1) Any preparation of one or more of the substances to which this paragraph applies, not being a preparation designed for administration by injection, when compounded with one or more other active or inert ingredients and containing a total of not more than 100 milligrammes of the substance or substances (calculated as base) per dosage unit with a total concentration of not more than 2.5 % (calculated as base) in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dextropropoxyphene, dihydrocodeine, ethylmorphine, nicocodine, nicodicodine (6-nicotinoyldihydrocodeine), norcodeine, pholcodine and their respective salts.

[S 36/98

2. Any preparation of cocaine containing not more than 0.1% of cocaine calculated as cocaine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

3. Any preparation of medicinal opium or of morphine containing (in either case) not more than 0.2% of morphine calculated as anhydrous morphine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the opium

FIRST SCHEDULE — (continued)

or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

4. Any preparation of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base, and a quantity of atropine sulphate equivalent to at least 1% of the dose of diphenoxylate.
5. Any powder of ipecacuanha and opium comprising —
 - 10% opium, in powder;
 - 10% ipecacuanha root, in powder, well mixed with;
 - 80% of any other powdered ingredient containing no controlled drug.
6. Any mixture containing one or more of the preparations specified in paragraphs 1 to 5, being a mixture of which none of the other ingredients is a controlled drug.

SECOND SCHEDULE*[S 36/98*

regulations 6, 7, 9, 14, 16 and 28

CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS OF REGULATIONS 10, 11, 12, 13, 14, 15, 16 AND 28

1. The following substances and products, namely —

Acetorphine
 Alfentanil
 Allylprodine
 Alphacetylmethadol
 Alphameprodine
 Alphamethadol
 Alphaprodine
 Anileridine
 Benzethidine
 Benzylmorphine (3-benzylmorphine)
 Betacetylmethadol
 Betameprodine
 Betamethadol
 Betaprodine
 Bezitramide
 Clonitazene
 Cocaine
 Codixime
 Desomorphine
 Dextromoramide
 Diamorphine

SECOND SCHEDULE — (continued)

Diampromide
Diethylthiambutene
Dihydrocodeinone O-carboxymethyloxime
Dihydromorphine
Dimenoxadole
Dimepheptanol
Dimethylthiambutene
Dioxaphetyl butyrate
Diphenoxylate
Dipipanone
Dretebanol
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine
Ethylmethylthiambutene
Etonitazene
Etorphine
Etoxidine
Fentanyl
Furethidine
Hydrocodone
Hydromorphanol
Hydromorphine
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levorphanol
Levophenacymorphan
Medicinal opium
Metazocine
Methadone
Methadyl acetate
Methyldesorphine
Methyldihydromorphine (6-methyldihydromorphine)
Metopon
Morpheridine
Morphine
Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives
Myrophine
Nicomorphine
Noracymethadol
Norlevorphanol
Normethadone
Normorphine
Norpipanone
Oxycodone

SECOND SCHEDULE — (continued)

Oxymorphone
 Pethidine
 Phenadoxone
 Phenampromide
 Phenazocine
 Phenomorphan
 Phenoperidine
 Piminodine
 Piritramide
 Proheptazine
 Properidine
 Racemethorphan
 Racemoramide
 Racemorphan
 Thebacon
 Thebaine
 Trimeperidine
 4-Cyano-2-dimethylamino-4, 4-diphenylbutane
 4-Cyano-1-methyl-4-phenylpiperidine
 1-Methyl-4-phenylpiperidine-4-carboxylic acid
 2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
 4-phenylpiperidine-4-carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance specified in paragraph 1 not being dextromethorphan or dextrophan.
3. Any ester or ether of a substance specified in paragraph 1 or 2, not being a substance specified in paragraph 6.
4. Any salt of a substance specified in paragraph 1, 2 or 3.
5. Any preparation or other product containing a substance or product specified in paragraph 1, 2, 3 or 4 not being a preparation specified in the First Schedule.
6. The following substances and products, namely —

Acetyldihydrocodeine
 Amphetamine
 Codeine
 Dexamphetamine
 Dextropropoxyphene
 Dihydrocodeine
 Ethylmorphine (3-ethylmorphine)
 Methaqualone
 Methylamphetamine
 Methylphenidate
 Nicocodine
 Nicodicodine (6-nicotinoyldidrocodeine)
 Norcodeine

SECOND SCHEDULE — (continued)

Phenmetrazine
Pholcodine
Propiram.

7. Any stereoisomeric form of a substance specified in paragraph 6.
8. Any salt of a substance specified in paragraph 6 or 7.
9. Any preparation or other product containing a substance or product specified in paragraph 6, 7 or 8, not being a preparation specified in the First Schedule.

THIRD SCHEDULE

regulations 6, 8 and 9

**CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS
OF REGULATIONS 10, 11, 12 AND 13**

1. The following substances, namely —
 - Benzphetamine
 - Chlorphentermine
 - Mephentermine
 - Phendimetrazine
 - Pipradrol.
2. Any stereoisomeric form of a substance specified in paragraph 1.
3. Any salt of a substance specified in paragraph 1 or 2.
4. Any preparation or other product containing a substance specified in paragraph 1, 2 or 3, not being a preparation specified in the First Schedule.

FOURTH SCHEDULE

/S 36/98

regulations 14 and 28

**CONTROLLED DRUGS SUBJECT TO THE REQUIREMENTS
OF REGULATIONS 10, 11, 12, 13, 14, 15 AND 28**

1. The following substances and products, namely —
 - Bufotenine
 - Cannabinol
 - Cannabinol derivatives
 - Cannabis and cannabis resin
 - Cathinone

FOURTH SCHEDULE — (continued)

Coca leaf
Concentrate of poppy-straw
Lysergamide
Lysergide and other N-alkyl derivatives of lysergamide
Mescaline
Raw opium
Psilocin
N, N-Diethyltryptamine
N, N-Dimethyltryptamine
2, 5-Dimethoxy-a, 4-dimethylphenethylamine
2, 5-Dimethoxyamphetamine
Dimethoxybromoamphetamine (DOB)
Etcyclidine
Methadone intermediate
Methylenedioxyamphetamine (MDA)
Moramide intermediate
Paramethoxyamphetamine (PMA)
Pethidine intermediate A
Pethidine intermediate B
Pethidine intermediate C
Rolicyclidine of PHP or PCPY
Tenocyclidine or PCP or its salts.

2. Any stereoisomeric form of a substance specified in paragraph 1.
3. Any ester or ether of a substance specified in paragraph 1 or 2.
4. Any salt of a substance specified in paragraph 1 or 2.
5. Any preparation or other product containing a substance or product specified in paragraph 1, 2, 3 or 4, not being a preparation specified in the First Schedule.

FIFTH SCHEDULE

FORM OF REGISTER

regulation 14

PART I

ENTRIES TO BE MADE IN CASE OF OBTAINING

Date on which supply received	Name	Address	Amount obtained	Form in which obtained
	Of person or firm from whom obtained			

PART II

ENTRIES TO BE MADE IN CASE OF SUPPLY

Date on which the transaction was effected	Name	Address	Particulars as to licence or authority of person or firm supplied to be in possession	Amount supplied	Form in which supplied	Stock Balance (receipts to be added in red ink)
	Of person or firm supplied					

SIXTH SCHEDULE

FORM A

BRUNEI DARUSSALAM

MISUSE OF DRUGS REGULATIONS

(regulation 30)

IMPORT LICENCE

(Licence No.: Applicant’s Reference No.:

File No.)

Strike out words not applicable.

Pursuant to regulation 30 of the Misuse of Drugs Regulations the

Minister

undersigned officer duly authorised in that behalf by the Minister pursuant to regulation 31(3) of the above-mentioned Regulations

hereby authorises

Here insert name and full postal address of importer.

(hereinafter called “the importer”) to import into Brunei Darussalam, by one consignment only, the controlled drugs specified in the Schedule hereto fro

Here insert name and address of firm in exporting country from which controlled drug is to be obtained.

This Licence is issued subject to the following conditions —

- 1. The consignment shall be imported before the (date)
2. This Licence is not a licence to be in possession of or to supply the controlled drug imported.
3. The consignment shall be imported by the importer and this Licence is valid only for the importer and may be revoked at any time by the Minister or an officer duly authorised by him in that behalf to whom it shall in that event be immediately surrendered. This Licence shall be produced for inspection when required by any duly authorised person.
4. The consignment shall be imported through the Customs Office at

FORM A — (continued)

5. This Licence does not relieve the importer from compliance with provisions of (a) the Customs Act (Chapter 36) or any regulations made thereunder, or (b) any other written law relating to the importation of goods into or transshipment of goods in Brunei Darussalam, or (c) the Post Office Act (Chapter 52) or any regulations made thereunder.

6. The consignment shall follow the route

Strike out words not applicable.

7. The consignment ~~shall not be imported by~~ the post.
may be

8. At the time when the consignment of controlled drugs is imported this Licence shall, unless sooner revoked and surrendered, be produced to the Customs Officer who shall complete the certificate on the back hereof and return this Licence to the Minister or an officer duly authorised by him in that behalf.

9. If the importation of the consignment is not effected before the date specified in condition No.1 this Licence shall immediately after that date be surrendered to the Minister or an officer duly authorised by him in that behalf.

10. The copy of the Export Authorisation, if any, which accompanies the consignment shall be forwarded to the Minister or an officer duly authorised by him in that behalf immediately the importation of the consignment has been effected.

11. Subject to the provisions of regulation 30(2) of the Misuse of Drugs Regulations the importer shall retain possession of this Licence until he surrenders it to the Minister or an officer duly authorised by him in that behalf or the Customs Officer in compliance with the conditions herein contained.

Additional Conditions (if any) —

I hereby certify that I am satisfied that the consignment proposed to be imported under the authority of this Licence is required —

(a) for legitimate purposes (in the case of raw opium and the coca leaf and cannabis);

(b) solely for medical or scientific purposes (in the case of any other controlled drug).

Strike out words not applicable.

Date:

(Signature and Stamp)

Minister

Authorised Officer

FORM A — (*Continued*)

NOTE:

This Licence is issued in triplicate and regulation 30(2) of the Misuse of Drug Regulations requires the importer to send the original and one copy thereof to the consignor of the controlled drugs named in the Licence.

SCHEDULE

(Specify the controlled drugs and quantities thereof to be imported)

FORM A — (continued)

ENDORSEMENT BY CUSTOMS OFFICER AT THE TIME OF IMPORTATIO

Date 1	Description of controlled drugs imported 2	Number and date of export authorisation 3	Quantity 4	How imported 5	Customs entry or parcel No. _____ 6	Signature mark and station of Customs Officer 7
					e.g. ex _____ (in the case of ship) or by specified air freight, registered parcel post etc.	

When the consignment to which it relates has been imported this Licence must be returned by the Customs Officer to the Minister or an officer duly authorised by him in that behalf.

FORM B

BRUNEI DARUSSALAM

MISUSE OF DRUGS REGULATIONS

(regulation 31)

EXPORT LICENCE

(Licence No.: Applicant’s Reference No.:
File No.)

Strike out words not applicable.

Pursuant to regulation 31 of the Misuse of Drugs Regulations the

Minister

undersigned officer duly authorised in that behalf
by the Minister pursuant to regulation 31(3) of the
above-mentioned Regulations.

Here insert name, address and business of exporter.

hereby authorises

Here name the port, airport or other place of export in Brunei Darussalam.

(hereinafter called “the exporter”) to export the controlled drugs specified in the Schedule
hereto from

Here name ship, air freighter, postal service or other means of export.

by

Here insert name and address of consignee in importing country.

to
by virtue of Import Authorisation/Import Certificate No. dated
and issued by.....

FORM B — (continued)

This Licence is issued subject to the following conditions —

1. This Licence is not a Licence to obtain or be in possession of the controlled drug specified in the Schedule hereto.
2. This Licence is available only for the controlled drugs of the exact quantity, kind and form specified in the Schedule hereto.
3. This Licence does not relieve the exporter from compliance with the provisions of (a) the Customs Act (Chapter 36) or any regulations made thereunder, or (b) any other written law for the time being relating to the exportation of goods from Brunei Darussalam, or (c) the Post Office Act (Chapter 52) or any regulations respecting the transmission of articles by post which may for the time being be in force outside Brunei Darussalam.
4. Subject to conditions No. 5 and No. 6 and subject to any Additional Condition below the copy of this Licence attached hereto shall accompany the consignment to the place of destination in accordance with the requirements of regulation 31(2) of the Misuse of Drugs Regulations.
5. If the controlled drugs are authorised to be exported by ship the exporter shall cause the copy of this Licence which is attached hereto to be delivered to the master of the ship by which the consignment is despatched for the purpose of ensuring that such copy accompanies the consignment to the place of destination. (See foot note (2)).
6. If the controlled drugs are authorised to be exported by post the attached copy of this Licence shall be placed inside the outer wrapper of the parcel containing the controlled drugs. If the controlled drugs are contained in more than one parcel the attached 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 above-mentioned copy of this Licence is to be found. (See foot note (3)).
7. The exporter, if so required by the Controller of Customs, shall produce to him, within such time as he may allow proof to his satisfaction that the said controlled drugs were duly delivered at the destination named in this Licence, and in the event of non-compliance with this condition this Licence shall be deemed void and of no effect.
8. The exporter shall furnish to the Minister or to an officer duly authorised by him in that behalf such returns of the goods exported by him in pursuance of this Licence as may from time to time be required.
9. This Licence is valid only for the exporter named above and may be revoked at any time by the Minister or an officer duly authorised by him in that behalf. It shall be produced for inspection when required by any duly authorised person.
10. This Licence, unless sooner revoked, shall continue in force for 3 calendar month from the date hereof.

FORM B — (continued)

Strike out words not applicable.

11. This Licence must be produced, at the time of export, to an officer of the Customs Department who will retain it.
Post Office

12. If this Licence is not used it shall be surrendered to the Minister or an officer duly authorised by him in that behalf within 7 days of the date of its expiry.

Additional Conditions (if any) —

Strike out words not applicable.

Date:

(Signature and Stamp)

Minister

Authorised Officer

SCHEDULE

(Specify the controlled drugs and quantities thereof to be exported)

NOTE:

- (1) If any alteration to this Licence is required it must be returned with a request for amendment and a statement of the reasons therefor. No unauthorised alteration is permissible.
- (2) Failure to comply with Condition No. 5 may lead to delay or confiscation of the consignment by the competent authority in any country through which it passes or in the country of destination.
- (3) Failure to comply with Condition No. 6 may lead to delay or confiscation of the consignment in the country of destination.