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STATUTORY INSTRUMENTS

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**1973 No. 798**

**The Misuse of Drugs (Safe Custody) Regulations 1973**

3.—(1) This Regulation applies to the following premises, that is to say:—

- (a) any premises occupied by a retail dealer for the purposes of his business;
- (b) any nursing home within the meaning of Part VI of the Public Health Act 1936 or the Nursing Homes Registration (Scotland) Act 1938;
- (c) any residential or other establishment provided under or by virtue of section 59 of the Social Work (Scotland) Act 1968;
- (d) any mental nursing home within the meaning of Part III of the Mental Health Act 1959;
- (e) any private hospital within the meaning of the Mental Health (Scotland) Act 1960.

(2) Subject to paragraph (4) of this Regulation, the occupier and every person concerned in the management of any premises to which this Regulation applies shall ensure that all controlled drugs (other than those specified in Schedule 1 to these Regulations) on the premises are, so far as circumstances permit, kept in a locked safe, cabinet or room which is so constructed and maintained as to prevent unauthorised access to the drugs.

(3) Subject to Regulation 4 of these Regulations, the relevant requirements of Schedule 2 to these Regulations shall be complied with in relation to every safe, cabinet or room in which controlled drugs are kept in pursuance of paragraph (2) of this Regulation.

(4) It shall not be necessary to comply with the requirements of paragraph (2) of this Regulation in respect of any controlled drug which is for the time being under the direct personal supervision of—

- (a) in the case of any premises falling within paragraph (1)(a) of this Regulation, a pharmacist in respect of whom no direction under section 12(2) of the Act is for the time being in force; or
- (b) in the case of premises falling within paragraph (1)(b) to (e) of this Regulation, the person in charge of the premises or any member of his staff designated by him for the purpose.