

ANGUILLA

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CHAPTER M65

MEDICAL ACT

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MEDICAL ACT

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MEDICAL ACT

PRELIMINARY

Interpretation

1. In this Act—

"Medical Board" means a Medical Board constituted under the provisions of this Act;

"Medical Register" means the Register of medical practitioners, dentists, opticians, and chemists and druggists required to be kept in pursuance of this Act;

"optician" means a sight-testing optician;

"prescribed fee" means a fee prescribed by Schedule 1;

"Registrar" means such person as may be appointed by the Governor to be Registrar under this Act.

PART 1

MEDICAL BOARDS

Medical Registration Districts

2. The Governor in Council may by regulation declare that Anguilla or any portion thereof specified in the regulation shall form a medical registration district for the purposes of this Act; and may in like manner add to or diminish the number of such districts and alter the limits of any district as from time to time may appear to be necessary.

Constitution of Medical Boards

3. For the purposes of this Act there shall be established in each and every medical registration district a Board, to be known as the Medical Board, consisting of 5 persons of whom at least 3 shall be medical practitioners.

Appointment of members

4. The Governor shall appoint the members of each and every such Medical Board, and may from time to time remove any member and appoint another in his place, or fill vacancies arising from any cause.

Term of service of members

5. (1) A person appointed to be a member of a Medical Board shall vacate his seat at the expiration of 2 years from the date of his appointment, but may be re-appointed.

(2) A member who leaves Anguilla or fails to attend 3 consecutive meetings of a Medical Board to which he has been duly summoned, without permission from the Chairman of such Board, shall vacate his seat.

Meetings

6. (1) Every such Medical Board shall assemble whenever required by the Governor or convened by its Chairman, who shall be appointed by the Governor. In the absence of the Chairman, the members present shall elect one of their number to be Chairman of the meeting.

(2) Three of the members of a Medical Board shall constitute a quorum.

(3) A Medical Board may act notwithstanding any vacancy on such Medical Board.

(4) All acts of a Medical Board shall be decided by the votes of the majority of members present, and if the votes are equal the Chairman or member presiding, in addition to his vote as a member, shall have a casting vote.

Reference of questions by Governor to Medical Board

7. (1) The Governor may refer to a Medical Board any question relating to the public health for its consideration or for investigation and report.

(2) When the Governor refers any such question to a Medical Board, the members, if not unanimous, shall each give his opinion in writing.

PART 2

REGISTRATION

Appointment of Registrar

8. The Governor shall by notice in the *Gazette* appoint a fit and proper person to be Registrar, and it shall be the duty of the Registrar to keep the Medical Register.

Medical Register

9. The Medical Register shall contain separate lists, made out alphabetically according to the surnames, of all the names and addresses with descriptions and dates of the qualifications in respect of which they are registered, and the dates of registration of all persons qualified to practise in Anguilla as medical practitioners, dentists, opticians, or chemists and druggists.

Registration of persons already qualified

10. (1) Subject to the provisions of subsection (2), the Registrar on the receipt of an application for registration accompanied by the prescribed fee shall register every person who is entitled to be registered under this Act by placing on the Medical Register the names, qualifications and addresses of such persons.

(2) The following persons shall be registered without the payment of any fee while they are in the service of the Government of Anguilla—

(a) medical practitioners entitled to be registered under section 23(1)(b); and

(b) persons entitled to be registered under section 31(a), 34 or 40(a) and who are already registered in the United Kingdom;

but a person registered without payment of any fee under this subsection shall cease to be registered on the termination of his appointment in the service of the Government of Anguilla.

Application for registration

11. (1) Where any person desires to be registered under this Act, he shall make application to the Registrar, specifying the medical registration district in which he desires to practise, and shall submit such evidence as may be required to establish that he is eligible to be registered and is a fit and proper person to be so registered.

(2) Such evidence shall include a declaration on oath in proof of the applicant's identity and good moral character, and of the authenticity of any diploma or certificate submitted in support of the application.

(3) The Registrar shall forthwith refer such application to the Medical Board of the medical registration district in which the applicant desires to practise, and such Medical Board, if satisfied that the applicant is eligible and is a fit and proper person to be so registered, shall direct the Registrar to register him upon payment of the prescribed fee.

(4) The Registrar shall thereupon make the necessary entry in the Medical Register and publish notice thereof in the *Gazette*, and shall also issue to the person so registered a Certificate of Registration in the form set out in Schedule 2.

Appeal to Governor in Council

12. (1) If a Medical Board declines to direct the Registrar to register anyone who applies to be registered under this Act, he may appeal, within 3 months after such refusal shall have been communicated to him, to the Governor in Council, and if it is made to appear to the Governor in Council that he is entitled to be registered under this Act, the Governor in Council may direct that he shall be so registered on payment of the prescribed fee.

(2) Such appeal shall be by way of petition, which shall be lodged with the Registrar, who shall bring the same to the notice of the Governor forthwith.

Additional qualifications

13. Any person registered under this Act who may have any higher degree or any qualification other than the qualification in respect of which he may have been registered shall be entitled to have such higher degree or additional qualification inserted in the Medical Register, in substitution for, or in addition to, the qualification previously registered, on payment of the prescribed fee.

Alteration in Medical Register

14. The Registrar may correct any errors or omissions in the Medical Register, and insert therein any alteration which may come to his knowledge in the name or address of any person registered.

Removal of name from Medical Register on request

15. The Registrar shall upon the application of any person registered under this Act remove the name of such person from the Medical Register.

Removal of name on death

16. The Registrar shall on the death of any person registered under this Act remove the name of such deceased person from the Medical Register.

Erasing from Medical Register name of person convicted of crime or disgraceful conduct

17. (1) If any person registered under this Act is convicted of an offence before the High Court, or, after due inquiry is adjudged by a Medical Board to have been guilty of disgraceful conduct in a professional capacity, the Governor in Council may on the recommendation of such Medical Board direct the Registrar to erase the name of such person from the Medical Register.

(2) Where the name of any person registered under this Act is removed or erased from the Medical Register, any Certificate of Registration issued to such person shall be deemed to be cancelled.

Provisions relating to inquiries by a Medical Board

18. (1) For the purposes of any inquiry under section 17(1) the Governor may, at the request of a Medical Board, appoint a judicial assessor and (where necessary) retain counsel, to assist the Medical Board, and upon any such inquiry the complainant (if any) and the person against whom disgraceful conduct is alleged shall be entitled to be heard and may be represented by counsel.

(2) The Governor in Council may make rules prescribing the procedure to be followed with respect to the institution and prosecution of inquiries under section 17.

Name may be restored to Medical Register

19. The Governor in Council may, if he thinks fit, in any case direct any name removed or erased from the Medical Register to be restored thereon on the payment of such fee, not exceeding the registration fee, as the Governor in Council may fix.

Publication of copy of Medical Register and evidence of registration

20. (1) The Registrar, in the month of February in each year, shall cause to be published in the *Gazette* a copy of the Medical Register.

(2) The Registrar shall also cause to be published in the *Gazette* a notice of each cancellation of registration.

(3) A copy of the Medical Register for the time being published in the *Gazette* shall be evidence in all cases (until the contrary is made to appear) that the persons therein specified are registered under this Act, and the absence of the name of any person from such copy or the production of a notice of cancellation of registration published in the *Gazette* shall be evidence (until the contrary is made to appear) that such person is not registered under this Act, but in the case of a person whose name does not appear in such copy of the Medical Register, a certified copy under the hand of the Registrar of the entry of the name of such person in the Medical Register shall be evidence that such person is registered under this Act.

(4) A Certificate of Registration under the hand of the Registrar shall also be evidence in all cases (until the contrary is made to appear) that the person to whom such Certificate has been issued is duly registered under this Act.

Penalty for obtaining registration by false representation

21. Any person who shall fraudulently procure or attempt to procure himself or any other person to be registered under this Act or who shall aid or abet in such fraudulent procurement or attempt, is guilty of an offence and is liable on conviction to imprisonment for a term of 2 years.

Penalty for Registrar making false entry

22. Any Registrar or other person who shall fraudulently make or cause or permit to be made any false or incorrect entry in the Medical Register or any copy thereof is guilty of an offence and is liable on conviction to imprisonment for a term of 2 years.

PART 3

MEDICAL PRACTITIONERS

Persons entitled to be registered

23. (1) The following persons shall be entitled to be registered as medical practitioners under this Act, that is to say—

(a) any person who shows to the satisfaction of a Medical Board that he is of good moral character and is registered or entitled to be registered as a medical practitioner under the provisions of the Medical Acts of the United Kingdom Parliament;

(b) any person whose registration as a medical practitioner under the provisions of the Medical Acts of the United Kingdom Parliament has been determined by virtue of his being no longer resident in the United Kingdom and who otherwise fulfils the conditions prescribed by this Act;

but—

(c) if at any time in the opinion of the Governor in Council a state of emergency or a shortage of doctors renders it necessary, the Governor in Council may authorise a Medical Board to require the Registrar to register as a medical practitioner under this Act, any person who shows to the satisfaction of such Medical Board that he is of good moral character and holds a medical or surgical degree or diploma of any university or institution in any country outside of the United Kingdom which is authorised by the law of such country to grant medical or surgical degrees or diplomas, and that such degree or diploma furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery and he otherwise fulfils the conditions prescribed by this Act;

(d) without prejudice to section 17, a person registered by virtue of paragraph (c) shall cease to be registered if the Governor in Council at any time thereafter, by order, declares that the emergency or shortage of doctors which was the occasion for such registration has ceased to exist.

(2) Notwithstanding subsection (1), any person born or domiciled in Anguilla, who shows to the satisfaction of a Medical Board that he is of good moral character and holds a medical or surgical

degree, diploma or qualification of any university or institution in the United States of America or Canada and that such degree, diploma or qualification furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery, and otherwise fulfils the conditions prescribed by this Act, shall be entitled to be registered as a medical practitioner under this Act but—

(a) the medical degree, diploma or qualification was obtained by examination after attending a prescribed medical course; and

(b) that the degree, diploma or qualification is registrable in the country in which it was obtained.

Navy, Army and Air Force medical officers

24. All medical officers of Her Majesty's Navy, Army or Air Force serving in Anguilla on full pay shall be deemed to be registered under this Act.

Rights of registered practitioners

25. (1) Every person registered as a medical practitioner shall be entitled to practise medicine, surgery, and midwifery in any part of Anguilla, and to demand and recover in any court of competent jurisdiction his reasonable charges for professional aid, advice and visit, and the cost of any medicine or other medical or surgical appliances, rendered or supplied by him to his patients.

(2) No person shall be entitled to recover any charge in a court for any medical or surgical advice or attendance or for the performance of any operation, or for any medicine which he has both prescribed and supplied, unless he is registered as a medical practitioner under this Act.

Offences by unregistered persons

26. Any person who, not being registered as a medical practitioner under this Act, shall—

(a) practise medicine or surgery or perform any surgical operation or give any medical opinion or advice, or prescribe any medical or surgical treatment within Anguilla, in respect of which he shall demand or receive any fee or gratuity, or any remuneration, profit or compensation under pretext of services rendered, loss of time, travelling or other expenses, or under any other pretext whatsoever; or

(b) hold himself out or pretend to be or take or use the name or title of physician, surgeon, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine or practitioner in medicine, or take or assume any other step, title, addition, designation or description implying that he is qualified to practise medicine, surgery, or midwifery under this Act, or that he is recognized by law as a physician or surgeon or licentiate in medicine or surgery, or practitioner in medicine;

is liable on summary conviction to a fine of $9,600 for the first offence and to a fine of $19,200 for the second or any subsequent offence.

Validity of certificates

27. No certificate required by any Act from any physician or other medical practitioner shall be valid unless the person signing it is registered under this Act.

PART 4

DENTISTS

Definition of the practice of dentistry

28. For the purposes of this Part, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists, and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to, or for the purposes of, or in connection with the fitting, insertion, or fixing of artificial teeth, shall be deemed to have practised dentistry within the meaning of this Act.

Registration of dentists

29. No person, unless duly registered as a dentist under the provisions of this Act, shall take or use the name or title of dentist (either alone or in combination with any other word or words), of dental practitioner, or any name, title, addition or description, implying that he is registered under this Act, or that he is a person specially qualified to practise dentistry.

Offences by unregistered persons

30. Any person, not being registered as a dentist under this Act, who shall—

(a) take or use any such name, title, addition or description as aforesaid, or any addition to a name, designation or description, whether expressed in words, or by letters or partly in words and partly in letters; or

(b) practise or hold himself out whether directly or by implication, as practising or entitled to practise dentistry;

is liable on summary conviction to a fine of $9,600 for the first offence and to a fine not exceeding $19,200 for the second or any subsequent offence but nothing in this section shall operate to prevent—

(c) the practice of dentistry by a registered medical practitioner;

(d) the extraction of teeth by a duly registered chemist and druggist with the application of local anaesthetics other than cocaine, if authorised in writing so to do by a Medical Board; or

(e) the performance of any minor dental work by anyone under the direct personal supervision of a registered dentist.

Qualifications necessary for registration

31. Any person is entitled to be registered as a dentist under this Act who shows to the satisfaction of a Medical Board that he is of good moral character, and otherwise fulfils the conditions prescribed by this Act, and who—

(a) holds any diploma or licence from any university, college or incorporated society in Great Britain or Ireland having authority to grant the same, and is by law entitled to practise dental surgery or dentistry in Great Britain or Ireland; or

(b) holds a certificate from a British possession or a foreign country recognized for the time being as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dental surgery or dentistry;

but the Governor in Council, after consultation with a Medical Board, may, by authority in writing, permit the performance of any minor dental work of a kind specified in such authority, in Anguilla when no registered dentist is available, by any person whom he considers to be competent to perform such work, subject to such conditions as the Governor in Council may think fit. Any conditions imposed on the granting of any such authority shall be endorsed thereon, and any person contravening the same is guilty of an offence.

No recovery of fees by unregistered person

32. No person shall be entitled to recover any fees or charge in any court for the performance of dental attendance or advice unless he is duly registered as a dentist under this Act or is a registered medical practitioner, or is empowered to charge fees for his services under any authority granted by the Governor in Council under the section 31.

PART 5

OPTICIANS

No person to practise sight-testing unless registered

33. No person, unless duly registered as an optician under the provisions of this Act, shall practise sight-testing in Anguilla either for or without reward or carry on business as an optician or take or use the title of optician (either alone or in combination with any other word or words) or name, title, addition or description implying that he is registered under this Act or that he is a person specially qualified to practise sight-testing.

Persons entitled to be registered

34. The following persons, upon satisfying a Medical Board by documentary or other evidence that they are of good moral character and of their right to be registered and upon payment of the prescribed fee, shall be entitled to be registered as opticians under this Act, namely—

(a) any person qualified or entitled to practise sight-testing in the United Kingdom under any Act for the time being in force or who holds the Sight-Testing Diploma of the Worshipful Company of Spectacle Makers or the British Optical Association, both of London, England;

(b) any person who holds a diploma, licence or certificate granted to him by any university, college or institution in a British possession or foreign country recognized by a Medical Board as furnishing a sufficient guarantee of the possession of requisite knowledge and skill for the efficient practice of sight-testing.

Evidence of practise of sight-testing

35. The use of test lenses, spectacles, trial frames, ophthalmoscope, retinoscope or any apparatus that may be used to measure refraction, or visual acuity, or muscular equilibrium, shall be deemed conclusive evidence of the practice of sight-testing.

Registered optician entitled to recover charges

36. Every person registered as an optician under this Act shall be entitled to practise sight-testing in Anguilla and to demand and recover in any court of competent jurisdiction reasonable charges for professional services or optical aid rendered by such person, and the cost of merchandise supplied by him, and no person, unless he is so registered, shall be entitled to recover any charge or fee in any court for performing any act or giving any advice as an optician.

Offences

37. Any person who—

(a) not being registered as an optician under this Act shall use or take the name or title or hold himself out or pretend to be an optometrist, optician or doctor or professor of optometry or any name, title, description or addition whether expressed in words or letters or both implying such qualifications or that he is a person specially qualified in sight-testing;

(b) whether registered under this Act or not, and not being a registered medical practitioner, assumes the title of oculist or eyesight specialist, or uses or causes to be used in connection with his business, trade, calling or profession, any written words, titles, initials, additions or abbreviations which are intended to represent or may reasonably cause any person to believe that he is qualified to practise medical or surgical treatment of the eye;

(c) whether registered under this Act or not, and not being a registered medical practitioner or acting under the instructions of a registered medical practitioner, administers any drug for the purpose of paralysing the accommodation of the eye or otherwise for facilitating the measurement of the powers of vision, or treats any disease of the eye by use of drugs; or

(d) contravenes the provisions of section 33;

is guilty of an offence against this Act, and is liable on summary conviction to a fine of $9,600 for the first offence, and to a fine of $19,200 for the second or any subsequent offence.

Exemptions

38. (1) Nothing in this Part shall extend to prejudice or in any way affect registered medical practitioners.

(2) Nothing in this Act shall operate so as to prohibit—

(a) any registered chemist and druggist from dispensing, selling or supplying any drugs;

(b) any wholesale dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business; or

(c) any person from selling from a permanent place of business, and otherwise than in compliance with a prescription given by a registered medical practitioner, or a registered optician, spectacles kept in stock in a state ready for use.

PART 6

CHEMISTS AND DRUGGISTS

No person to practise as druggist unless registered

39. (1) No person, unless duly registered as a chemist and druggist under the provisions of this Act, shall practise as a chemist or take or use the title of chemist or druggist or pharmaceutical chemist or pharmaceutist or pharmacist or dispensing chemist or dispensing druggist or any name, title or sign implying that he is registered under this Act, or that he is a person qualified to practise as a chemist and druggist.

(2) Any person who contravenes the provisions of this section is guilty of an offence against this Act and is liable on summary conviction to a fine of $9,600 for the first offence and to a fine of $19,200 for the second or any subsequent offence.

Qualifications for registration

40. The following persons shall be entitled to be registered as chemists and druggists under this Act, that is to say—

(a) any person possessing a diploma or certificate entitling him to practise as a pharmaceutical chemist or as a chemist and druggist or as an apothecary in any part of the United Kingdom;

(b) any person possessing a diploma or certificate entitling him to practise as a pharmaceutical chemist and druggist or as an apothecary in any Commonwealth country or British colony if a Medical Board shall report to the Registrar under this Act that the documents evidencing the qualifications of any such person and produced by him furnish sufficient guarantee of his knowledge and skill;

(c) any person producing to the Registrar a certificate of competency issued by a Medical Board under the provisions of this Act.

Procedure to be followed by applicants for certificates of competency

41. (1) Any person desiring to obtain a certificate of competency under this Act may apply in writing for that purpose to the Registrar, submitting with his application, certificates of his—

(a) moral character and respectability;

(b) having attained the age of 21 years;

(c) general education; and

(d) having been engaged for at least 3 years in the study of pharmacy, the last of which must have been devoted to dispensing work under a registered medical practitioner or chemist and druggist.

(2) If such certificates shall be found satisfactory, the Registrar shall, upon payment of the prescribed examination fee, request the Medical Board of the medical registration district in which the applicant desires to practise, to examine the applicant and such examination shall be conducted by the Medical Board who shall examine the applicant as to his fitness to be entrusted with the sale of drugs and poisons, as to his special knowledge of the same, and as to his ability to prepare and make up medicines and prescriptions.

(3) The examination shall be conducted in accordance with the rules to be made by the Medical Board subject to the approval of the Governor in Council. Such rules may provide for the mode of conducting the examination and for the subjects of examination and for the number of qualifying marks in each subject to be gained by any candidate in order to entitle him to a certificate of competency.

(4) After the completion of such examination, the Medical Board shall, in case the applicant has passed the examination and has satisfied the Medical Board that he is a fit and proper person to practise as a chemist and druggist, issue to such applicant a certificate of competency in the form set out in Schedule 3 and forward to the Registrar under this Act a duplicate of such certificate, and direct the Registrar to register him upon payment of the prescribed fee.

Exemption

42. Nothing in this Part shall operate to prevent any registered medical practitioner from compounding, dispensing or selling medicines by retail.

PART 7

SALE OF DRUGS AND POISONS

Prohibition of sale of drugs by unregistered person

43. (1) No person shall keep open any shop for selling, retailing, dispensing or compounding, or shall sell, retail, dispense or compound medicines, drugs or poisons, unless those medicines, drugs or poisons are sold, retailed, dispensed or compounded in a shop which is under the immediate personal control, management and supervision of a duly registered chemist and druggist, employed therein for the purpose, who is not acting in a similar capacity for any other person or in any other shop, and unless the medicines, drugs or poisons aforesaid are sold, retailed, dispensed, or compounded, by or under the direct charge and supervision of a registered chemist and druggist.

(2) Nothing in this section shall be deemed to restrict the right of any person to sell any patent or proprietary medicines in the same package, bottle, box or other container, and under wrapper or cover, as imported into Anguilla, properly secured and bearing the seal, name or trade mark of the proprietor, inventor or manufacturer thereof and directions for their use, and any household or domestic medicines of a non-poisonous nature, and medicines known as quinine, senna, epsom salts, and castor oil, but the sale of any class of patent or proprietary medicines by unregistered persons may at any time be prohibited by the Governor by Order in Council.

(3) The registered person by or under whose supervision any drugs or poisons are dispensed or compounded shall write, on a label on the bottle or other package containing the drugs or poison, his name or initials; and any label attached to the bottle or package and having the name or initials of any registered person written thereon, shall be *prima facie* evidence in any case that the drugs or poison were or was dispensed or compounded by him or under his supervision.

(4) The person by or in whose name any open shop aforesaid is kept, shall see that the provisions of subsection (3) are complied with in respect of all drugs or poisons sent from his shop.

Sign on shop for sale of drugs

44. (1) Any person having or keeping open any shop for the sale of drugs and poisons shall have over the principal entrance of the shop, painted in legible characters at least 1 inch each in length, the name of the registered chemist and druggist employed therein, with the addition of the words "Registered Chemist and Druggist".

(2) Any person contravening the provisions of this section is liable on summary conviction to a fine of $1,920.

Refusal to dispense; improper or negligent conduct

45. If any person who is a registered chemist and druggist at any time—

(a) wilfully refuses to mix, compound or prepare or to sell, put to sale or dispense to any person any drug or any appliance or thing whatsoever used in medical treatment and contained in his shop or premises or in the shop or premises of his employer (as the case may be); or

(b) deliberately or negligently, falsely, fraudulently or unduly makes, mixes, compounds, prepares, or gives or sells, puts to sale or dispenses any drug, appliance or thing whatsoever directed by any prescription, order or receipt signed with the name or with the initials in his own handwriting of any duly qualified medical practitioner;

he is guilty of an offence against this Act.

Prescriptions to be numbered and filed

46. (1) Every person who is a registered chemist and druggist shall—

(a) number each medical prescription which shall be brought to his establishment or to the establishment of his employer (as the case may be) to be made up;

(b) file such medical prescription, or, in the event of the person for whom the prescription was given desiring to retain the original prescription and such prescription does not contain any dangerous substances or quantities of any substance which would make it inadvisable for the qualified druggist to part with the same, a true copy thereof; and

(c) register in a book the number and date of each medical prescription made up on his establishment, or on the establishment of his employer (as the case may be), the name of the person for whom, and the name of the medical practitioner by whom the same was given, the particulars of every such prescription, and the directions which accompanied the medicine.

(2) Any person who fails to comply with the requirements of this section is guilty of an offence against this Act.

Substances to be deemed poisons

47. (1) The several articles named and described in Schedule 4 shall be deemed to be poisons within the meaning of this Act.

(2) The Governor in Council may at any time hereafter declare by regulation, that any other article, not mentioned or included in Schedule 4 shall be deemed to be a poison within the meaning of this Act; and such article shall be accordingly added to such Schedule and classified in such part thereof as the Governor in Council may by such regulation direct.

(3) The Governor in Council may by regulation amend Schedule 4 by declaring that any articles included in the Schedule shall thenceforth be excluded therefrom or by altering or modifying the description of any article included in the Schedule.

Prohibition of sale of poison to person under 16

48. No person shall sell any poison to anyone under 16 years of age unless prescribed by a legally qualified medical practitioner, and any person offending against this section is liable on summary conviction to a fine of $960.

Restriction on sale of poison

49. (1) No person shall sell any poison either by wholesale or retail unless the box, bottle, vessel, wrapper or cover in which the poison is contained is distinctly marked by a label stating the name of the article and the word "poison" and the name and address of the seller of the poison, and in the case of a preparation containing a poison as one of its ingredients stating in addition thereto the quantity of that poison in each dose of the preparation; and no person shall sell any poison named in Part 1 of Schedule 4 to any person unknown to the seller unless introduced by someone known to both parties; and on every sale of the article the seller shall, before delivery, enter or cause to be entered in a book to be kept for that purpose in the form set out in Schedule 5, the date of sale, name and address of purchaser, name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, and to the entry the signature of the purchaser and of the introducer, if any, shall be affixed, but—

(a) where the purchaser is a registered medical practitioner, veterinary surgeon or dentist, an order. signed by the purchaser may be accepted in place of the signature in the book aforesaid, and the seller shall enter therein the words "signed order" and retain the order for a period of 2 years; and

(b) in cases of emergency, any poison named in Part 1 of Schedule 4 or hereafter added to it, may be, on the written undertaking of a registered medical practitioner, veterinary surgeon or dentist, to furnish a signed order therefor within 24 hours, sold without the immediate requirement of the signed order or of the purchaser's signature in the book.

(2) Any person selling poisons otherwise than as provided under this Act is liable on summary conviction to a fine of $960 for the first offence and $1,920 for the second or any subsequent offence.

(3) For the purposes of this section, the person on whose behalf any sale is made by an apprentice or servant shall be deemed to be the seller.

(4) This section shall not apply to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, or to any article when forming part of the ingredients of any medicine dispensed by or under the supervision of any person registered under this Act, but the medicine shall be labelled in the manner aforesaid with the name and address of the seller and the ingredients thereof shall be entered with the name and address of the person to or for whom it is sold or delivered in a book to be kept for that purpose.

(5) No person shall sell any arsenic unmixed with other drugs unless before the sale thereof it is mixed with soot or indigo in the proportion of one ounce of soot, or half an ounce of indigo, at the least, to one pound of the arsenic, and so in proportion for any greater or less quantity but, where arsenic is stated by the purchaser to be required for some purpose for which that admixture would, according to the representation of the purchaser, render it unfit, the arsenic may be sold without the admixture in a quantity of not more than 10 pounds at any time.

Penalty for false information

50. If any person purchasing any poison gives false information to the person selling it in relation to the particulars which such last-mentioned person is hereby authorised to enquire into of such purchaser, or if any person shall sign his name as a witness to a sale of poison to a person unknown to the person so signing as a witness, every person so offending is liable for every such offence on summary conviction to a fine of $3,840.

Prohibition of sale or delivery of poison by uncertified shop assistant

51. (1) No poison shall be sold, dispensed or delivered by any shop assistant, or apprentice or other person except under the immediate supervision of a registered chemist and druggist or medical practitioner.

(2) Any shop assistant, or apprentice or other person contravening this section, and any person who keeps open any shop for the sale of drugs and poisons and the registered chemist and druggist by or under whose supervision any drugs or poisons are dispensed or compounded thereat, who permits or suffers any shop assistant, apprentice or other person to contravene this section is liable on summary conviction to a fine of $960.

Duty of druggist where excessive dose of poison prescribed

52. Any chemist and druggist who receives a prescription in which the maximum dose of any poisonous drug as laid down in the British pharmacopoeia has been exceeded shall not dispense the prescription unless that dose is specially initialled by the prescriber, but may reduce the dose, or without delay refer the prescription to the prescriber to be initialled if correct before proceeding to dispense it.

Label on container of patent or proprietary medicine

53. No patent or proprietary medicine shall be sold unless the box, bottle, vessel, wrapper, or cover in which that medicine is contained is distinctly labelled with the proportion of alcohol (if any) and of any of the substances or any of the preparations, derivatives, or salts of those substances (if any) mentioned in Schedule 4, contained in the medicine.

Prohibition of sale of unfit drugs

54. (1) No person having or keeping open any shop for the sale of drugs or medicines shall sell or offer for sale any drug or medicine which is unfit for use.

(2) Any person offending against the provisions of this section is liable on summary conviction to a fine of $1,920, in addition to and irrespective of any penalty to which he may be liable in case he shall not be registered under this Act.

Inspection of drugs and books

55. (1) It shall be lawful for any police officer or member of a Medical Board to enter the shop or store of any person registered as a chemist and druggist, or employing a person registered as a chemist and druggist under this Act, for the purpose of inspecting the medicines, drugs and poisons therein, and the sale of poisons book and such other books or records as may be necessary to ascertain whether the provisions of this Act are being complied with, and to seize any medicines, drugs or poisons appearing to be stale, unwholesome, adulterated or unfit for use.

(2) The medicines, drugs or poisons so seized shall be submitted as soon as practicable to 2 registered medical practitioners for examination and, if in their opinion the same are stale, unwholesome, adulterated or unfit for use, they shall be destroyed without compensation to the owner.

(3) Any person who shall obstruct or hinder any police officer or other person charged with the execution of any duty under this section is guilty of an offence under this Act.

Regulations

56. (1) The Governor in Council may make regulations for controlling and regulating the possession and sale of poisons and for the purposes of carrying out the provisions of this Act.

(2) The regulations made under this section may provide amongst other things—

(a) for regulating the possession of poisons;

(b) for regulating the sale of poisons;

(c) for fixing the quantities of poison which wholesale or retail dealers or other persons may respectively keep;

(d) for prohibiting or subjecting to conditions the possession and sale of poison in any shop or place where articles of food are sold or exposed for sale;

(e) for prescribing the marks which wholesale or retail dealers shall place on vessels or cases containing poison in the ordinary course of wholesale or retail dealing;

(f) for prescribing the books to be kept and entries to be made therein by wholesale or retail dealers when dealing wholesale or retail with poisons; and

(g) for every other purpose which may be deemed necessary for controlling and regulating the possession and sale of poisons.

Penalties

57. Any person who fails to comply with any of the requirements of this Act or of any order or regulation made thereunder, or does anything contrary to the provisions of this Act is guilty of an offence, and, in cases where a penalty is not specifically imposed by this Act, is liable on summary

conviction to a fine of $3,840, but nothing in this Act contained shall prevent any person from being liable to any other penalty, damages or punishment to which he would have been subject if this Act had not been passed.

Citation

58. This Act may be cited as the Medical Act, Revised Statutes of Anguilla, Chapter M65.

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SCHEDULE 1

(Section 1)

PRESCRIBED FEES

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1.	For registration as a Medical Practitioner	25.20
2.	For registration as a Dentist	15.12
3.	For registration as an Optician	15.12
4.	For registration as a Chemist and Druggist	10.08
5.	Examination by a Medical Board for a Certificate of Competency	5.04
6.	For registration of any additional qualification	1.20

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SCHEDULE 2

Anguilla

(Section 11(4))

MEDICAL ACT

No.

CERTIFICATE OF REGISTRATION

It is hereby certified that……..……of…….…….……

has been duly registered as entitled to practise as a ……..……in Anguilla under the provisions of the Medical Act.

Dated……

.....……..

Registrar

_____

SCHEDULE 3

Anguilla
(Section 41(4))
MEDICAL ACT

No.

CERTIFICATE OF COMPETENCY

It is hereby certified that……..……..of…….……...

has been duly examined and is duly qualified to be registered as a chemist and druggist under the provisions of the Medical Act.

Dated…….

.....……..... Chairman, Medical Board

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SCHEDULE 4

(Sections 47, 49 and 53)

POISONS

PART 1

ARSENIC, and its preparations, except preparations for use exclusively in agriculture or horticulture for the destruction of insects, fungi, or bacteria, or as a sheep wash or sheep dip, if the preparations are (1) contained in a closed package or vessel distinctly labelled with a notice of the special purpose for which the preparation is intended; (2) sold upon an order in writing given by or on behalf of a person, firm or body corporate known to the vendor; and (3) purchased for the purpose of the trade or profession of such person, firm or body corporate.

ACONITE, Aconitine and their preparations.

ALKALOIDS, all poisonous alkaloids not specifically named in this Schedule, and their salts, and all poisonous derivatives of alkaloids.

ATROPINE, and its salts, and their preparations.

BELLADONNA, and all preparations or admixtures (except belladonna plaisters) containing 0.1% or more of belladonna alkaloids.

CANNABIS (the dried flowering or fruiting tops of the pistillate plant of cannabis sativa) and the resins prepared therefrom.

CANTHARIDES and its poisonous derivatives.

COCA, any preparation or admixture of, containing 0.1% or more of coca alkaloids.

CORROSIVE sublimate.

CYANIDE of potassium, and all poisonous cyanides and their preparations.

DIAMORPHINE (also known as Heroin) and all preparations or admixtures containing 0.1% of diamorphine.

DIETHYL-BARBITURIC ACID, and other alkyl, aryl or metallic derivatives of barbituric acid whether described as veronal, proponal, medinal or by any other trade name, mark or designation and all poisonous urethanes and ureides.

DIGITALIN and all other poisonous constituents of Digitalis.

ECGONINE and all preparations or admixtures containing 0.1% of Ecgonine.

EMETIC TARTAR and all preparations or admixtures containing 1% or more emetic tartar.

ERGOT OF RYE and preparations of ergots.

LEAD in combination with Oleic Acid, or other higher fatty acids, whether sold as Diachylon or under any other designation (except machine-spread plasters).

NUX VOMICA and all preparations and admixtures containing 0.2% or more of strychnine.

OPIUM and all preparations or admixtures containing 0.2% or more of morphine.

PICROTOXIN

PRUSSIC ACID and all preparations or admixtures containing 0.1% or more of prussic acid.

SAVIN and its oil, and all preparations or admixtures containing savin or its oil.

SULPHONAL and its homologues, whether described as Trional, Tetronal or by any other trade mark or designation.

STROPHANTHIN, and all other poisonous constituents of Strophanthus.

TOBACCO, any preparations or admixtures containing the poisonous alkaloids of tobacco other than—

(a) tobacco prepared for smoking and snuff; and

(b) preparations or admixtures of tobacco for use in agriculture or horticulture for the destruction of insects**,** fungi, and bacteria, if the preparations are—

(i) contained in a closed package or vessel distinctly labelled with a notice of the special purpose for which the preparation is intended,

(ii) sold upon an order in writing given by or on behalf of a person, firm or body corporate known to the vendor, and

(iii) purchased for the purpose of the trade or profession of such person, firm or body corporate.

PART 2

ALMONDS, essential oil of, unless deprived of prussic acid.

ANTIMONAL wine.

ATEBRIN.

BARIUM, salts of, except BARIUM SULPHATE.

CANTHARIDES, tincture and all vesicating liquid preparations or admixtures of.

CARBOLIC acid, and liquid preparations of carbolic acid, and its homologues containing more than 3% of those substances, except preparations for use as sheep wash or for any other purpose in connection with agriculture or horticulture, contained in a closed vessel distinctly labelled with the word "Poisonous", the name and address of the seller, and a notice of the special purposes for which the preparations are intended.

CHLORAL hydrate.

CHLOROFORM, and all preparations or admixtures containing more than 20% of chloroform.

DIGITALIS.

MERCURIC IODINE.

MERCURIC SULPHOCYANIDE.

NITROBENZINE and its derivatives.

OXALIC ACID.

PLASMOQUIN (or Plasmochin).

POPPIES, all preparations of, excepting red poppy petals and syrup of red poppies *(papaver rhoeas).*

PRECIPITATE, red, and all oxides of mercury.

PRECIPITATE, white.

STROPHANTHUS.

ZINC CHLORIDE, and liquid preparations of zinc chloride, except preparations intended to be used for soldering or other purely industrial purpose, provided that they are contained in closed vessels labelled with the word "Poisonous" and bearing the name and address of the seller and a notice of the special purpose for which the preparations are intended.

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SCHEDULE 5

(Section 49(1))

POISONS SALE BOOK

Date	Name and address of purchaser	Name and quantity of poison sold	Purpose for which it is required	Signature	
				of purchaser	of person introducing purchaser