

EAST AFR. PROT
3 8 6 3 8

38638
REC'D
RES'D 15 AUG 16

for
Bouring 388

1916

28 June.

Last previous Paper.
for 18864

to Inst of Chemistry ans 28 Aug 16
Shed 634 - copy store sent ans. 6 Sept 16
See reminders 255. 24 March 17
See reminders 724. 5 Oct 17

Next subsequent Paper.
M/S
4/10/16

Order 5. 1916
Abuse of Operates Prevention
Amendment.

Submit

Have copies to library
to Taffy on
Mr Lancelotti Smith
(could see kind of table this
W.S. 17.8.16
1710)

S. 3. (91) ? after (1) add "and tabulating (41)"

U.S. 18/8/16.

Can you trace any provision for
registering or licensing Veterinary
Surgeons in the S.A.P. ?
W.S. 18/8/16

Mr. P. ...

No.

(The only legislative provisions in E.A.P. affecting Veterinary surgeons
are references in the Branding of Stock, Cruelty to Animals, &
Drugs & Poisons Ordinances - see Mr Sochet's Ind. V. 11
[347].
W.S. 19.8.16

Mr. Butler

Then I think Mr. Sochet's Ind. V.
amendment will do this.
Notify him of this allowance, but not

that action, analogous to that in
12 (4), is proposed when the principle
is that of a V.S.

Oct. 19, 8-16

~~Mr. Robinson to me on 18/16~~
~~on return~~

~~Mr. Benjamin Smith~~

I think Mr. Bottomley is right.
If you agree, please return the papers
to the E. A. Dept for action.

Before asking for disallowance,
we should ask the Institute of
Chemistry whether they have anything
to say about the definition of
Analytical chemist.

HAB.

21. 8. 16

at once.

Mr. Bottomley.

I agree with your minute of 19/8/16.

24. 21/8/16.

6/10/16

EAST AFRICA PROTECTORATE.
No. 388.

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

June 28th, 1916. 78678

Sir,

Ordinance
Memorandum

I have the honour to transmit herewith two authenticated and ten printed copies of "The Abuse of Opiates Prevention Amendment Ordinance, 1916" together with an explanatory memorandum by the Attorney General.

2. I have assented to the Ordinance in the name of His Majesty.

I have the honour to be,

Sir,

Your humble, obedient servant,

In the absence of
the GOVERNOR.

THE RIGHT HONOURABLE
ANDREW BONAR LAW, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S. W.

650

645

Original

INCLOSURE *Part*

In Despatch No. 303 of June 21 1916

38638

THE ABUSE OF OPIATES PREVENTION AMENDMENT ORDINANCE,

1913
RES-15 APR 15

STATEMENT OF OBJECTS AND REASONS.

The Bill entitled an Ordinance to amend the Abuse of Opiates Prevention Ordinance, 1913, has been passed primarily to remove the disabilities imposed upon Veterinary Surgeons by the absence of legal provision in the Abuse of Opiates Prevention Ordinance, 1913, to enable them to import, buy, possess, sell, prescribe and supply opiates for the purpose of their profession. A Veterinary Surgeon has been defined for the purposes of the Bill as a Fellow or Member of the Royal College of Veterinary Surgeons as defined by the Veterinary Surgeons Act, 1901, Section 2.

2. The Bill was drafted in consequence of the Circular despatch from the Secretary of State of the 27th December, 1913, and has had a very lengthy consideration by the Board formed under the Drugs and Poisons Ordinance, 1909.

3. The opportunity has been taken to define a duly qualified analytical chemist. Attention was drawn to the absence of such a definition by the Secretary of State in his No. 1045 of the 9th December, 1913. The definition in the Bill has been adopted at the recommendation of the Principal Medical Officer and the Board appointed for the purposes of the Drugs and Poisons Ordinance, 1909.

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4.

P.T.O.

4. The amendment to Section 4 Clause 4 of the Abuse of Opium Prevention Ordinance, 1913, has been made at the request of the Principal Medical Officer to render it clear that disposal by dilution should be entered in the book kept under Section 7 of the Ordinance.

5. The amendments contained in Clause 5 of the Bill are inserted in order that the construction of the provision may be free from doubt. The word "keep" used in the Ordinance of 1913 implies a continuous use of premises for opium or bang smoking. Such continuous use is difficult to prove in the circumstances which exist at many places in the Protectorate and it is considered that if the possession of opium smoking implements be an offence it should be an offence at any time to allow opium smoking on any premises.

6. Clause 6 of the Bill extends the power of search to an Assistant Inspector of Police. An Assistant Inspector is a European police Officer and in some places he is the principal subordinate police officer in the station. It is desirable from a police point of view that such an officer should have the power to exercise the right of search which may be conferred by a Magistrate under Section 14 of the Abuse of Opium Prevention Ordinance, 1913. The alteration in the law is free in my opinion from any objection.

7. The last provision of the Bill is a general Clause giving powers to Veterinary Surgeons and limiting the use of those powers to the purposes of their profession.

8. The Bill may in my opinion be assented to forthwith.

Mairahi,
The 15th day of June, 1916.

So J. B. BARTH
ATTORNEY GENERAL.

THE ABUSE OF OPIATES PREVENTION AMENDMENT ORDINANCE, 1916.

COMPARATIVE TABLE.

Section.	Remarks.
1.	Short title.
2.	Definitions. The Institute of Chemistry of Great Britain and Ireland is, I am informed, the only body which provides for the training and examination of analytical chemists in those countries. The definition of a Veterinary Surgeon has been adopted from the Veterinary Surgeons Act, 1881.
3.	This Clause extends to Veterinary Surgeons the power given by the Abuse of Opiates Prevention Ordinance, 1913, to Medical Practitioners and Druggists to import, purchase, possess, sell and prescribe opiates and the penalties for breach of the conditions under which such powers are exercised under the Ordinance.
4.	A provision that diluting an opiate shall be treated as compounding for

Section.	Remarks.
4. (Contd).	for the purposes of Section 7 of the Abuse of Opiates Prevention Ordinance, 1913.
5.	The Amendments in this Clause are the consequence of practical difficulties found by the police in obtaining conviction under Section 13 of the Abuse of Opiates Prevention Ordinance, 1913, in cases in which opium smoking is detected on premises.
6.	The extension of the powers of search to Assistant Inspectors is to facilitate the administration by the police of the provisions of the Ordinance.
7.	A General clause dealing ^{with} the powers of a Veterinary Surgeon and the use of such powers.

H. 26 AUG
D. 280

042
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28 Aug., 1916.

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SC

Recd. 41078

DRAFT.

The Secretary
Institute of Chemistry of
Great Britain & Ireland

MINUTE.

- Mr. Cooke 24/8/16
- Mr. Butler 25/8/16
- Mr.
- Mr.
- Mr. Read
- Mr. H. Just
- Mr. G. Fiddes
- Mr. Steel-Maitland
- Mr. Bonar Law

Copy for Mr. Law - to be kept

Sir,

I am &c to inform you that ~~the enclosed~~ ~~from the Com. of the Com.~~ ~~for examination & approval~~ ~~introduction of the proposed~~ ~~planning, copies of an~~ ordinance which ^{has been} enacted by the ^{Parliament} (of the E.A.P.) Legislature, entitled "The Abuse of Opiate's Prevention Amendment Ordinance, 1916" in the ^{abuse of opiate's prevention} principal ordinance ~~which~~ ~~is~~ ~~there~~ occurs the following provision ~~thereof~~ :- "Any opiate may be sold or supplied by a Medical Practitioner or Druggist to a duly qualified Analytical Chemist for analysis or to be used solely in connection with

his

Gov. EAP
38638
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G. D.
R. 2 SEP
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Draft

EAP

No. 634

Ans'd 36/6/16

Downing Street

6 September 1916

G. W. Balfour

11/9/16

Butler 1 f 3

Sir,

I have the honour to acknowledge the receipt of your despatch

(38638) No. 988 of the 28th of June, and to inform you that His Majesty will not be advised to exercise his power of disallowance

with respect to Ordinance No. LV of 1916

of the Legislature of the East Africa Protectorate, entitled

"An Ordinance to amend the Abuse of Opium Prevention Ordinance, 1913"

28 August (38738)
29 (1916/16)

1. I shall be glad to learn what action analogous to that contemplated in Section 12 (4) of the principal Order, is proposed in cases where the prescriber is that of a Veterinary Surgeon
2. I enclose for your consideration, a copy of the correspondence with the Institute of Chemistry of Great Britain & Ireland, regarding the definition of the Amendment Ordinance of the term "Duly Qualified Analytical Chemist" in the amending Order.

Your most obedient servant,
I have

The Officer Administering
the Government of

Rem to Mr Robinson to see

Sum J 8/9/16

work as an Analytical
 chemist"; and the
 opportunity of the
 passing of the Amendment
 Bill has not been
 defined
 to insert the
 term "Duly Qualified"
 Analytical
 chemist as a Fellow of the
 Institute of Chemistry of
 Great Britain and Ireland",
 Mr. Brown has
 (2) ~~thought~~ would
 glad to learn whether
 would to make any
 changes on this definition,
 a duly qualified analytical
 chemist.

Gov EAP
 38638
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Draft
 EAP
 No. 634
 G. W. Bolfield
 11/9/16
 10th St. S.

Downing Street
 6 September 1916
 O.D.
 R. 2 SEP
 Y

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28th June 1916 (58/28)
 29 (10/9/16)

The Officer Administering
 the Government of

sent to Mr. Robinson to see

I have