(*b*) is so placed in the vessel, aircraft or vehicle as to permit—

(i) unimpeded access thereto; and

(ii) adequate ventilation thereof.

(3) The provisions of paragraph (2) (*b*) (i) shall not apply where the receptacle is carried in the hold of an aircraft.

(4) A person who fails to comply with this regulation shall be guilty of an offence.

Accommodation of animals during transport.

8. (1) The transporter or other person in charge of animals transported in vessel, aircraft or vehicle, or any pen therein, shall ensure that the animals are not overcrowded and are so accommodated as to avoid any risk of injury or unnecessary suffering.

(2) A person who fails to comply with this regulation shall be guilty of an offence.

IATA Regulations.

9. (1) Without prejudice to the generality of these Regulations, where an animal is transported into or out of Kenya by air, or where an aircraft transporting an animal lands in Kenya in transit, the loading and transport of that animal shall comply with the 10th edition of the International Airport Transport Association Live Animals Regulations published in January, 1983.

(2) A person who loads or transports, or causes or permits the loading or transport of an animal contrary to the provisions of paragraph (1) shall be guilty of an offence under these regulations.

(3) Where another edition of the International Air Transport Association Live Animals Regulations is published, the Minister may, by notice adopt that edition with any amendments specified in the notice, in place of the edition referred to in paragraph (1).

Penalty.

10. A person who is guilty of an offence under these Regulations shall be liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months, or to both.

Made on the 23rd July, 1984.

W. O. OMAMO,
Minister for Agriculture and Livestock Development.

LEGAL NOTICE No. 120

THE PHARMACY AND POISONS ACT

(*Cap.* 244)

IN EXERCISE of the powers conferred by section 44 of the Pharmacy and Poisons Act, the Minister for Health, after consultation with the Board, makes the following Rules:—

THE PHARMACY AND POISONS (AMENDMENT) RULES, 1984

1. These Rules may be cited as the Pharmacy and Poisons (Amendment) Rules, 1984.

Sub. Leg.

2. The Pharmacy and Poisons Rules are amended—

(*a*) by deleting rule 3 and substituting the following—

Importation of drugs and part 1 poison.

3. (1) Any person, other than a person issued with an import licence in form 17 set out in Schedule VIII, who imports any drug or Part 1 poison from any place outside Kenya shall be guilty of an offence.

(2) The Board may issue an import licence authorizing the importation of any drug or Part 1 poison to the following persons—

(*a*) an authorized seller of poisons;

(*b*) persons licensed under the provisions of sections 27 and 28 of the Act, in accordance with the terms of such licence;

(*c*) the Government or a local authority and its institutions for public purposes;

(*d*) a person requiring to import poisons for industrial purposes;

(*e*) any *bona fide* tourist or visitor having in his possession, on his arrival in Kenya, any drug or poison for the medical treatment or any other lawful use by himself or any other member of his party;

(*f*) any duly qualified medical practitioner, dentist or veterinary surgeon who satisfies the Board that he is urgently in need of a drug or poison which he is unable to obtain in Kenya;

(*g*) a hospital at and of which a medical practitioner registered under the Medical Practitioners and Dentists Act, is resident and in direct control.

Cap. 253.

(3) A person requiring to import Part 1 poison under the provisions of paragraph (2) (*d*) shall indicate in his application for an import licence the purpose for which the poison is required and, if the importer is not the person who will use the poison, the name or names of the person or persons to whom the poison will be sold.

(4) The Board may, without assigning any reason therefor, refuse an application for a licence to import any drug or Part 1 poison; and any person aggrieved by the decision of the Board may appeal to the Minister whose decision shall be final.

(5) A person issued with an import licence under these Rules shall comply with the rules and regulations of the Central Bank of Kenya which may be in force from time to time.

(6) A person issued with an import licence under these Rules who imports any drug or Part 1 poison from any place outside Kenya shall keep a full, accurate and separate record of such importation.

(7) A person referred to in paragraph (2) and a licensed seller of Part 11 poison shall not import Part 11 poison without an import licence issued under these Rules.

(*b*) by deleting rule 3A and substituting the following—

Restriction on the importation, manufacture, advertisement or sale of specified drugs.

3A. (1) No person shall, without the approval of the Director of Medical Services, in writing, import, manufacture, advertise or sell any of the following drugs—

(*a*) amphetamine;
(*b*) amoberbital;
(*c*) amferpramone;
(*d*) barbital;
(*e*) dexamphetamine;
(*f*) cyclovarbital;
(*g*) ethinamate;
(*h*) lysergide, or its salts;
(*i*) glutethimide;
(*j*) methamphetamine;
(*k*) methylphenidate;
(*l*) meprobamate;
(*m*) methaqualone, or its salts;
(*n*) methylphenobarbital;
(*o*) methylprylon;
(*p*) psilocin;
(*q*) psilocybine;
(*r*) phencyclidine;
(*s*) phenmetrazine;
(*t*) phenobarbital;
(*u*) pentobarbital;
(*v*) pipradrol;
(*w*) secobarbital;
(*y*) medroxyprogeshrone and its salt; and
(*z*) foreign traditional medicine of any description.

(2) A person who contravenes paragraph (1) shall be guilty of an offence.

(*c*) by deleting rule 4 and substituting the following—

Exportation of drugs and poisons.

(4) (1) A person, other than a person issued with an export licence in form 23 set out in Schedule VIII, who exports any drug or poison to a destination outside Kenya shall be guilty of an offence.

(2) The Board may issue an export licence authorizing the exportation of any drug or poison to an authorized seller of poisons or other person licensed to deal in poisons under section 27 or section 28 of the Act.

(3) The Board may, without assigning any reason therefor, reject an application for a licence to export drugs or poisons to any destination outside Kenya; and a person who is aggrieved by the decision of the Board may appeal to the Minister whose decision shall be final.

(4) A person issued with an export licence under these Rules shall comply with the rules and regulations of the Central Bank of Kenya which are in force from time to time.

(5) Every authorized seller of poison and any other person licensed to deal in poisons under section 27 or section 28 of the Act who exports any drugs or poisons to a destination outside Kenya shall—

(*a*) keep a full and accurate record of those exports; and

(*b*) if the drug or poison is sent by post, send the export by registered or parcel post; and

(*c*) comply with the requirement of rule 15 relating to the transportation of poisons.

(6) A person who fails to comply with the provisions of paragraph (5) shall be guilty of an offence.

(*d*) in Schedule VIII—

Form 17 (i) by deleting Form 17 and substituting the following—

MINISTRY OF HEALTH AND CENTRAL BANK OF KENYA

FOR EXCHANGE CONTROL USE NO.

APPLICATION FOR IMPORT AND/OR FOREIGN EXCHANGE ALLOCATION

IMPORTER'S FULL NAME AND ADDRESS:	NOTE.—Applicant to attach sellers Proforma Invoice. Proforma Invoice No. Date: Reference:
IMPORTER'S BANK AND BRANCH:	TOTAL AMOUNT IN FOREIGN CURRENCY: In Figures: In Words: Exchange rates: Kenya Currency equivalent Sh.
SELLER'S FULL NAME AND ADDRESS:	APPLICABLE SCHEDULE:
	COUNTRY OF ORIGIN:
Date of Shipment:	Terms of Payment (State commission rate if applicable):
Mode of Transport Port of Loading:	F.O.B. Freight Insurance
Port of Discharge:	

S.I.T.C. Code	Generic Name	Trade Name	Package Size	Quantity	Reg. No.	Unit Price

Signature of Applicant: Date:

FOR OFFICIAL USE OF MINISTRY OF HEALTH

Valid up to *Replacement*

Extended to

FOR USE OF CENTRAL BANK OF KENYA

Replacement

Exchange Control Authorization Stamp and Signature

SPECIAL INSTRUCTIONS:

Approved subject to clean report of finding by general superintendence company limited as to: quality and quantity inspection and Price comparison:
To be contacted at:

FOR USE BY REMITTING BANK
PAYMENTS MADE

Date	Foreign Currency Remitted	Exchange Rate	Kenya Currency Equivalent	Branch Stamp and Authorized Signature

(ii) by adding the following new Form 23—

Form 23

MINISTRY OF HEALTH

APPLICATION FOR LICENCE FOR THE EXPORTATION OF DRUGS AND POISONS

EXPORTER'S NAME AND ADDRESS CODE NO.

CONSIGNEE'S NAME AND ADDRESS:	INVOICE NO.:
	CD3 No.
	Country of origin: Destination of goods:
DATE OF SHIPMENT:	Terms of delivery and payments:
Mode of transport: Port of loading	
Port of discharge:	F.O.B. Value:

Generic Name	Trade Name	Pack Size	Unit Price	Quantity	Batch No.	Country of Manufacture

I declare that the particulars which I have given are true and accurate to the best o my knowledge and belief.

Date..... *Signed* .....
Applicant

This document will be effective as an Export Licence only when it has been validated by the Chief Pharmacist.

FOR OFFICIAL USE ONLY: EXPORT LICENCE: NUMBER.....

Export of goods described above is approved, subject to.....

.....

Date .....

.....
for: Chief Pharmacist

This licence is not transferrable.

FORM TO BE FULLY COMPLETED IN TRIPLICATE (PREFERABLY TYPEWRITTEN) BY APPLICANT:

PHARMACY AND POISONS ACT CAP. 244 RULE .....

Made on the 2nd May, 1984.

KABEERE M'MBIJJEWE,
Minister of Health.