STATUTORY INSTRUMENTS

2015 No. 891

DANGEROUS DRUGS, ENGLAND AND WALES
DANGEROUS DRUGS, SCOTLAND

The Misuse of Drugs (Amendment) (No. 2) (England, Wales and Scotland) Regulations 2015

Made - - - -	*20th March 2015*
Laid before Parliament	*26th March 2015*
Coming into force in accordance with regulation 1	

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(**1**).

In accordance with section 31(3) of that Act the Secretary of State has consulted with the Advisory Council on the Misuse of Drugs.

Citation, commencement, interpretation, and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 2) (England, Wales and Scotland) Regulations 2015 and, subject to paragraphs (2) and (3), come into force on 1st June 2015.

(2) Regulation 11(d) comes into force on 1st July 2015.

(3) Regulations 10(a), 17 and 19 come into force on 30th November 2015.

(4) In these Regulations the "2001 Regulations" means the Misuse of Drugs Regulations 2001(**2**).

(5) These Regulations extend to England and Wales and Scotland.

Amendment of the 2001 Regulations

2. The 2001 Regulations are amended in accordance with regulations 3 to 19 below.

(**1**) 1971 c. 38. Section 22 has been amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2).

(**2**) S.I. 2001/3998. Relevant amending instruments are S.I. 2003/1432, S.I. 2003/1653, S.I. 2003/2429, S.I. 2004/1771, S.I. 2005/271, S.I. 2005/1653, S.I. 2005/2864, S.I. 2005/3372, S.I. 2006/986, S.I. 2006/1450, S.I. 2006/2178, S.I. 2007/2154, S.I. 2009/3136, S.I. 2010/1144, S.I. 2010/1799, S.I. 2011/448, S.I. 2012/277 which was not published and was revoked by S.I. 2012/385, S.I. 2012/973, S.I. 2012/1311, S.I. 2013/176, and S.I. 2013/625.

Amendment of regulation 2

3. In regulation 2(1) (interpretation)—

(a) in the definition of "health prescription", for "a doctor or a dentist" substitute "a doctor, a dentist, a nurse independent prescriber, a pharmacist independent prescriber or a supplementary prescriber";

(b) after the definition of "operating department practitioner" insert—

> ""organisation providing ambulance services" means one of the following health service organisations—
>
> (a) an NHS trust or NHS foundation trust established under the National Health Service Act 2006 which has a function of providing ambulance services;
>
> (b) an NHS trust established under the National Health Service (Wales) Act 2006(**3**) which has a function of providing ambulance services;
>
> (c) the Scottish Ambulance Board;" and

(c) after the definition of "prescription" insert—

> ""prison" has the same meaning as in section 4(9) of the Regulation of Investigatory Powers Act 2000(**4**);".

Amendment of regulation 6

4. In regulation 6 (general authority to supply and possess)—

(a) in paragraph (2) after "pharmacist independent prescriber," insert "a physiotherapist independent prescriber, a chiropodist independent prescriber,";

(b) after paragraph (7) insert—

> "(8) Notwithstanding the provisions of section 4(1)(b) of the Act, a person lawfully conducting a retail pharmacy business may supply or offer to supply medicines containing phenobarbital or phenobarbital sodium provided that the medicine is supplied (or in the case of an offer to supply would be supplied) in accordance with conditions A to E of regulation 224 or 225 of the Human Medicines Regulations 2012(**5**)

New regulation 6C

5. After regulation 6B (Authority for Nurse Independent Prescribers and Pharmacist Independent Prescribers to prescribe) insert—

> "**Authority for Physiotherapist Independent Prescribers and Chiropodist Independent Prescribers to prescribe**
>
> **6C.**—(1) A registered physiotherapist independent prescriber may prescribe any of the following controlled drugs for the treatment of organic disease or injury provided that the controlled drug is prescribed to be administered by the specified method—
>
> (a) Diazepam by oral administration
>
> (b) Dihydrocodeine by oral administration
>
> (c) Fentanyl by transdermal administration

(**3**) 2006 c. 41
(**4**) 2000 c. 23. Amendments have been made to section 4 but none is relevant.
(**5**) S.I. 2002/1916

(d) Lorazepam by oral administration

(e) Morphine by oral administration or by injection

(f) Oxycodone by oral administration

(g) Temazepam by oral administration.

(2) A registered chiropodist independent prescriber may prescribe any of the following controlled drugs for the treatment of organic disease or injury provided that the controlled drug is prescribed to be administered by the specified method—

(a) Diazepam by oral administration

(b) Dihydrocodeine by oral administration

(c) Lorazepam by oral administration

(d) Temazepam by oral administration.".

Amendment of regulation 7

6. After regulation 7(7) insert—

"(8) Notwithstanding the provisions of paragraph (3), a registered physiotherapist independent prescriber or registered chiropodist independent prescriber may administer to a patient without the directions of a doctor or a dentist, any controlled drug which such registered physiotherapist independent prescriber or registered chiropodist independent prescriber respectively may prescribe under regulation 6C provided it is administered for a purpose for which it may be prescribed under that regulation and by the method by which it was prescribed to be administered.

(9) Notwithstanding the provisions of paragraph (3), any person may administer to a patient, in accordance with the specific instructions of a registered physiotherapist independent prescriber or registered chiropodist independent prescriber, any controlled drug which such registered physiotherapist independent prescriber or registered chiropodist independent prescriber may prescribe under regulation 6C, provided it is administered for a purpose for which it may be prescribed under that regulation and by the method by which it was prescribed to be administered.".

Amendment of regulation 8

7. In regulation 8 (production and supply of drugs in Schedules 2 and 5)—

(a) after paragraph (2)(d) insert

"(da) the person in charge or acting person in charge of an organisation providing ambulance services";

(b) for paragraph (2)(e) substitute—

"(e) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at a hospital, care home or prison, the senior registered nurse, acting senior registered nurse, or registered midwife, for the time being in charge of a ward, theatre or other department in the hospital, care home or prison.";

(c) in the second paragraph (2)(i) for "a hospital" substitute "a hospital, organisation providing ambulance services";

(d) in paragraph (2)(ii) for "senior registered nurse or acting senior registered nurse" substitute "senior registered nurse, acting senior registered nurse or registered midwife";

(e) after paragraph (2)(iii) insert—

"(iv) the person in charge or acting person in charge of an organisation providing ambulance services to supply any drugs other than directly to employees of the organisation for the immediate treatment of sick or injured persons.";

(f) for paragraph (8)(b) substitute—

"(b) a registered nurse or a person specified in Schedule 8 may, when acting in their capacity as such, supply or offer to supply, under and in accordance with the terms of a patient group direction, any drug specified in Schedule 5 or ketamine to any person who may lawfully have that drug in his possession, except that this paragraph shall not have effect in the case of ketamine or any preparation of ketamine which is designed for administration by injection and which is to be used for the purpose of treating a person who is addicted to a drug;"; and

(g) after paragraph (8)(b) insert—

"(9) For the purposes of paragraph (8)(b) above, a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.".

Amendment of regulation 9

8. In regulation 9 (production and supply of drugs in Schedules 3 and 4)—

(a) in paragraph (3)(b) for "a hospital" substitute "a hospital, organisation providing ambulance services";

(b) for paragraph (3)(c) substitute—

"(c) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at that hospital, care home or prison, the senior registered nurse, acting senior registered nurse or registered midwife, for the time being in charge of a ward, theatre or other department in the hospital, care home or prison.";

(c) in paragraph (3)(i) for "a hospital" substitute "a hospital, organisation providing ambulance services";

(d) in paragraph (3)(ii) for "senior registered nurse or acting senior registered nurse" substitute " senior registered nurse, acting senior registered nurse or registered midwife"; and

(e) after paragraph (3)(iii) insert—

"(iv) the person in charge or acting person in charge of an organisation providing ambulance services to supply any drugs other than directly to employees of the organisation for the immediate treatment of sick or injured persons.".

Amendment of regulation 11

9. In regulation 11 (exemption for midwives)—

(a) in paragraph (1)(b) after "administer" insert "or supply"; and

(b) in paragraph (3) in the definition of "midwife's supply order" for "obtaining the drug," substitute "obtaining the drug, the name of the person to whom it is to be administered or supplied,".

Amendment of regulation 14

10. In regulation 14 (documents to be obtained by supplier of controlled drugs)—