STATUTORY RULES OF NORTHERN IRELAND

2020 No. 73

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*29th April 2020*
Coming into operation	*30th April 2020*

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(**2**) as adapted by sections 7(9), 31(4) and 38 of that Act and now vested in it(**3**) and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on 30th April 2020.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Misuse of Drugs Regulations (Northern Ireland) 2002

2. The Misuse of Drugs Regulations (Northern Ireland) 2002(**5**) are amended in accordance with regulations 3 to 5 below.

Amendment of regulation 2

3. In regulation 2(2) after the definition of "health prescription" insert—

(**1**) Formerly the Department of Health, Social Services and Public Safety, see 2016 c. 5 (N.I.), s. 1(5)
(**2**) 1971 c. 38. Section 7 was amended by the Police Reform and Social Responsibility Act 2011 (c. 13) ("the 2011 Act"), Sch 17, para 7. Section 10 was amended by the 2011 Act, Sch 17, para 10. Section 22 was amended by s. 177(1) of, and para 12 of Sch 4 to, the Customs and Excise Management Act 1979 (c. 2). Section 31 has been amended by the Drugs Act 2005 (c. 17), s. 2, and the Policing and Crime Act 2009 (c. 26), Sch 7, para 122, and Sch 8, Part 13. Section 38 was amended by the 2011 Act, Sch 17, para 20. See the definition of "prescribed" in s. 37(1) (as adapted by s. 38), which is relevant to the powers being exercised
(**3**) S.R. & O. (N. I.) 1973 No. 504, Article 5(a) and S.I. 1999/283 (N.I. 1), Article 3(6)
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2002 No. 1. Relevant amending Regulations are S.R. 2019 Nos. 208 and 21, S.R. 2018 Nos. 173 and 4, S.R. 2016 No. 29, S.R. 2015 No. 227, S.R. 2015 No.53, S.R. 2014 No. 261, 158 and 21, S.R. 2013 No.78, S.R. 2012 No. 213, S.R. 2011 No. 153, S.R. 2010 No. 247 and 148, S.R. 2009 No. 390, S.R. 2007 No. 348 and S.R. 2005 No. 360

""health service" means the general health services provided for in Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972(**6**);"

New regulation 10A

4. After regulation 10 (possession of drugs in Schedules 2, 3 and 4) insert—

"**Directions of a practitioner while a disease is, or in anticipation of a disease being imminently, pandemic etc.**

10A.—(1) For the purposes of regulation 10(2), the directions of a practitioner may be the directions of a pharmacist, which do not require a prescription, in the following circumstances—

(a) as a consequence of a disease being, or in anticipation of a disease being imminently—

(i) pandemic, and

(ii) a serious risk or potentially a serious risk to human health,

in order to assist in the management of the serious risk or potentially serious risk to human health, the Department has made an announcement in respect of the supply of drugs specified in Schedule 2, 3 or Part 1 of Schedule 4 as part of the health service;

(b) as part of the announcement, the Department has issued advice to the effect that—

(i) in the area to which the announcement relates,

(ii) in the particular circumstances specified in the announcement, and

(iii) during the period specified in the announcement,

arrangements for the provision of services as part of the health service ("health service arrangements") with a person lawfully conducting a retail pharmacy business may include provisions permitting the supply of drugs specified in Schedule 2, 3 or Part 1 of Schedule 4 in accordance with the directions of a pharmacist, provided that the supply is in accordance with regulation 226 or 226A of the Human Medicines Regulations 2012(**7**);

(c) the person lawfully conducting a retail pharmacy business with whom the health service arrangements are made complies with the requirements of the arrangements in respect of the supply of drugs specified in Schedule 2, 3 or Part 1 of Schedule 4; and

(d) the period specified in the announcement (taking into account any extension) has not ended and the announcement has not been withdrawn or amended in a way that means that the relevant provisions in the health service arrangements are no longer permitted by the announcement.

(2) The period specified in the announcement, as mentioned in paragraph (1)(b)(iii), must initially not be for more than three months, but it may be extended for further periods of not more than three months at a time.".

Amendment of regulation 15

5. In regulation 15 (form of prescriptions), after paragraph (3), insert—

(**6**) S.I. 1972/1265 (N.I. 14)
(**7**) S.I. 2012/1916. Regulation 226A was inserted by S.I. 2019/62