STATUTORY RULES OF NORTHERN IRELAND

2019 No. 208

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*24th October 2019*
Coming into operation	*15th November 2019*

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) 2019 and shall come into operation on 15th November 2019.

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

Amendments to 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 17 below.

Amendment of Regulation 2

3. In regulation 2(2)—

(a) in the definition of "health prescription" after "a pharmacist independent prescriber," insert "a physiotherapist independent prescriber, a podiatrist independent prescriber";

(b) after the definition of "installation manager" insert—

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), section 1(5)
(**2**) 1971 c. 38 as amended by section 151 of, and Schedule 17 to, the Police Reform and Social Responsibility Act 2011 c.13
(**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 No. 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 Nos. 78, S.R. 2012 No. 213, S.R. 2011 No. 153, S.R. 2010 Nos. 247 and 148, S.R. 2009 No. 390, S.R. 2007 No. 348 and S.R. 2005 No. 360

""juvenile justice centre" has the same meaning as in Article 51(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998(**6**);";

(c) after the definition of "nurse independent prescriber" insert—

""nursing home" has the same meaning as in Article 11 of the Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003(**7**);";

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

""organisation providing ambulance services" means the Northern Ireland Ambulance Service Health and Social Care Trust as established by the Northern Ireland Ambulance Service Health and Social Care Trust (Establishment) Order (Northern Ireland) 1995(**8**);";

(e) after the definition of "pharmacist independent prescriber" insert—

""physiotherapist independent prescriber" has the same meaning as in the Human Medicines Regulations 2012(**9**), and such a person may only prescribe controlled drugs in accordance with regulation 6C;

"podiatrist independent prescriber" has the same meaning as in the Human Medicines Regulations 2012(**10**), and such a person may only prescribe controlled drugs in accordance with regulation 6C;";

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

""prison" means any prison, young offenders centre or remand centre which is under the general superintendence of, or is provided by, the Department of Justice under the Prison Act (Northern Ireland) 1953(**11**);";

(g) for the definition of "pharmacist independent prescriber" substitute—

""pharmacist independent prescriber" has the same meaning as in the Human Medicines Regulations 2012, and such a person may only prescribe controlled drugs in accordance with regulation 6B;";

(h) omit the definition of "registered chiropodist";

(i) after the definition of "registered physiotherapist" insert—

""registered podiatrist" has the same meaning as in the Human Medicines Regulations 2012(**12**);".

Amendment of regulation 6

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

(a) in paragraph (2) for "an extended formulary nurse prescriber" substitute "a nurse independent prescriber";

(b) in paragraph (2) after "pharmacist independent prescriber," insert "a physiotherapist independent prescriber, and a podiatrist independent prescriber,";

(c) after paragraph (7) insert—

(**6**) S.I. 1998/1504 (N.I. 9)
(**7**) S.I. 2003/431 (N.I. 9)
(**8**) S.R. 1995 No. 143; the Trust was renamed by section 1(3)(a) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 c. 1 (N.I.)
(**9**) S.I. 2012/1916. Definition was inserted by S.I. 2013/1855, regulation 3(a)(viii)
(**10**) S.I. 2012/1916. Definition was inserted by S.I. 2013/1855, regulation 3(a)(viii)
(**11**) 1953 c. 18 (N.I.)
(**12**) S.I. 2012/1916. Definition was inserted by S.I. 2016/186, regulation 3(2)(c)

"(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(**13**).".

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 Podiatrist Independent Prescribers to prescribe**

6C.—(1) A 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;

(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 podiatrist 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 physiotherapist independent prescriber or podiatrist independent prescriber may administer to a patient without the directions of a doctor or a dentist, any controlled drug which such physiotherapist independent prescriber or podiatrist 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 physiotherapist independent prescriber or podiatrist independent prescriber, any controlled drug which such physiotherapist independent prescriber or podiatrist independent prescriber may prescribe

(**13**) S.I. 2012/1916

under regulation 6C, provided it is administered for a purpose for which it may by 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, nursing home, juvenile justice centre 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, nursing home, juvenile justice centre or prison;";

(c) in 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", and for "pharmacist independent prescriber; or" substitute "pharmacist independent prescriber;";

(e) in paragraph (2)(iii) for "pharmacist independent prescriber." substitute "pharmacist independent prescriber; or";

(f) after paragraph (2)(iii) insert—

"(iv) the person in charge or acting person in charge of an organisation providing ambulance services to supply any drug other than directly to a registered paramedic employed by the organisation for the immediate treatment of sick or injured persons.".

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, nursing home, juvenile justice centre 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, nursing home, juvenile justice centre 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 for "pharmacist independent prescriber; or" substitute "pharmacist independent prescriber;";

(e) in paragraph (3)(iii) for "pharmacist independent prescriber." substitute "pharmacist independent prescriber; or";

(f) after paragraph 3(iii) insert—