STATUTORY RULES OF NORTHERN IRELAND

2016 No. 29

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2016

Made - - - - 4th February 2016

Coming into operation- 1st March 2016

The Department of Health, Social Services and Public Safety 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**) as adapted by sections 7(9), 31(4) and 38 of that Act and now vested in it (**2**) 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) 2016 and come into operation on 1st March 2016.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) 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(**4**) are amended in accordance with regulations 3 to 9 below.

Amendment of regulation 2

3. In regulation 2(2) 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".

(**1**) 1971 c.38 as amended by s.151 of, and Schedule 17 to, the Police Reform and Social Responsibility Act 2011 c.13.
(**2**) S.R. & O. (N.I.) 1973 No.504, Article 5(a) and S.I.1999/283 (N.I.1), Article 3(6).
(**3**) 1954 c.33 (N.I.)
(**4**) S.R.2002 No.1. Relevant amending Regulations are S.R. 2015 No.227, S.R.2015 No.53, S.R. 2014 Nos.261, 158 and 21, S.R. 2013 No.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

Amendment of regulation 8

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

(a) 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

(b) 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 15

5. In regulation 15 (form of prescriptions) in paragraph (1) omit "or temazepam".

Amendment of regulation 16

6. In paragraph (1A) of regulation 16 (provisions as to supply on prescription) omit "or temazepam".

Amendment of Schedule 2

7. In paragraph 1 of Schedule 2 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 21, 23, 26, and 27) after "Isomethadone" insert—

"Ketamine".

Amendment of Schedule 3

8. In the heading of Schedule 3 (which specifies controlled drugs subject to the requirements of regulations 14, 15 (except Temazepam), 16, 18, 22, 23, 24, 26 and 27) omit "(except Temazepam)".

Amendment of Schedule 4

9. In paragraph 1 of Part 1 of Schedule 4 (which specifies controlled drugs subject to the requirements of regulations 22, 23, 26 and 27) omit "Ketamine".