STATUTORY RULES OF NORTHERN IRELAND

2012 No. 168

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*18th April 2012*
Coming into operation	*10th May 2012*

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 section 38 of that Act and now vested in it(**2**).

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

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 10th May 2012.

Interpretation

2.—(1) In these Regulations, the "2002 Regulations" means the Misuse of Drugs Regulations (Northern Ireland) 2002(**3**).

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

Amendment of the 2002 regulations

3. The 2002 Regulations shall be amended as follows.

(**1**) 1971 c.38

(**2**) The powers of the Ministry of Home Affairs for Northern Ireland were transferred to the Department of Health and Social Services by S.R & O. (N.I).1973 No 504, Article 5(a) of and Part 2 of Schedule 2. The Department of Health and Social Services was later renamed Department of Health, Social Services and Public Safety by Article 3(6) of S.I 1999/238(N.I.1)

(**3**) S.R. 2002 No.1:The relevant amending Regulations are S.R.2003 No. 314,324 and 420, S.R.2005 No. 119,360 and 564,S.R.2006 Nos. 44,214,264 and 334, S.R.2007 No 348,S.R.2009 No. 390 and 397, S.R.2010 No. 147 and 247,S.R.2011 No 153

(**4**) 1954 c.33 (N.I)

Amendment of regulation 2

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

(a) omit the definition of "medicinal product";

(b) after the definition of "patient group direction" insert the following definition—

> ""pharmacist independent prescriber" has the same meaning as the Prescription Only Medicines (Human Use) Order 1997(**5**), and such a person may only prescribe controlled drugs in accordance with regulation 6B;" and

(c) in the definition of "prescription", after "by a nurse independent prescriber for the medical treatment of a single individual,", insert "by a pharmacist independent prescriber for the medical treatment of a single individual,".

Amendment of regulation 4

5. In regulation 4 (exceptions for drugs in Schedules 4 and 5 and poppy-straw)—

(a) in paragraph (2) for "by any person for administration to himself of any drug specified in Part II of Schedule 4 which is contained in a medicinal product" substitute "which is carried out in person for administration to that person of any drug specified in Part II of Schedule 4"; and

(b) in paragraph (3)(a) omit "which is contained in a medicinal product".

Amendment of regulation 6

6. In regulation 6(2) (general authority to supply and possess)—

(a) after "a registered nurse," insert "a pharmacist independent prescriber,"; and

(b) after "a person specified in Schedule 8" insert "acting in accordance with a patient group direction".

Amendment of regulation 6A

7. In regulation 6A(2)(d) (supply of articles for administering or preparing controlled drugs) after "clinical management plan" insert—

"; and

(e) a nurse independent prescriber".

Amendment of regulation 6B

8. For regulation 6B (authority for nurse independent prescribers to prescribe) substitute—

"**6B.** Authority for Nurse Independent Prescribers and Pharmacist Independent Prescribers to prescribe"

(1) Subject to paragraph (2) of this regulation, a nurse independent prescriber or a pharmacist independent prescriber may prescribe any controlled drug specified in Schedule 2, 3, 4 or 5.

(2) Neither a nurse independent prescriber nor a pharmacist independent prescriber may prescribe any of the following substances to a person he considers, or has reasonable grounds to suspect, is addicted to any controlled drug listed in the Schedule to the Misuse of Drugs (Supply to Addicts) Regulations 1973(**6**) save for the purpose of treating organic disease or injury:

(**5**) SI 1997/1830, amended by SI 2006/915; there are other amending instruments but none is relevant.
(**6**) S.R & O (N.I) No.180 amended by S.R 1984 No.17 and S.R. 2005 No.564.

(a) cocaine, any salt of cocaine, and any preparation or other product containing cocaine or any salt of cocaine;

(b) diamorphine, any salt of diamorphine, and any preparation or other product containing diamorphine or any salt of diamorphine;

(c) dipipanone, any salt of dipipanone, and any preparation or other product containing dipipanone or any salt of dipipanone.

(3) For the purposes of paragraph (2) a person is addicted to a controlled drug if, and only if, he has as a result of repeated administration become so dependent upon that controlled drug that he has an overpowering desire for the administration of it to be continued.

Amendment of regulation 7

9. In regulation 7 (administration of drugs in Schedules 2, 3, 4 and 5)—

(a) in paragraph (3) after "any drug specified in Schedule 2, 3 or 4" insert ", and for these purposes the circumstances in which a person is to be regarded as administering in accordance with the directions of a doctor or dentist include where that person is acting in accordance with a patient group direction";

(b) for paragraph (4) substitute—

"(4) Notwithstanding the provisions of paragraph (3), a nurse independent prescriber or a pharmacist independent prescriber may administer to a patient, without the directions of a doctor or dentist, any controlled drug which such nurse independent prescriber or such pharmacist independent prescriber may prescribe under regulation 6B provided it is administered for a purpose for which it may be prescribed under that regulation.";

(c) for paragraph (5) substitute—

"(5) Notwithstanding the provisions of paragraph (3), any person may administer to a patient in accordance with the specific directions of a nurse independent prescriber or a pharmacist independent prescriber any controlled drug which such nurse independent prescriber or such pharmacist independent prescriber may prescribe under regulation 6B provided it is administered for a purpose for which it may be prescribed under that regulation."

Amendment of regulation 8

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

(a) in paragraph (1)(b) after "Schedule 2 or 5" insert—

";

(c) a nurse independent prescriber acting in his capacity as such, or a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, may compound any drug specified in Schedule 2 or 5 for the purposes of administration in accordance with regulation 7;

(d) any person acting in accordance with the written directions of a doctor, a dentist, a nurse independent prescriber, a pharmacist independent prescriber, or a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, may compound any drug specified in Schedule 2 or 5 for the purposes of administration in accordance with regulation 7".

(b) in paragraph (2)(k)(ii) after "nurse independent prescriber" insert "or a pharmacist independent prescriber";