STATUTORY RULES OF NORTHERN IRELAND

2007 No. 348

DANGEROUS DRUGS

The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2007

Made - - - - 30th July 2007

Coming into operation in accordance with regulation 2

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of powers conferred by sections 7, 10 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

1. These Regulations may be cited as the Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2007.

Commencement

2.—(1) Subject to paragraphs (2), (3) and (4), these Regulations shall come into operation on 20th August 2007.

(2) Regulation 5(12)(b) shall come into operation on 1st September 2007.

(3) The following regulations shall come into operation on 1st January 2008—

(a) regulation 4(3);

(b) regulation 5(6)(e);

(c) regulation 5(8);

(d) regulation 5(12)(a);

(e) regulation 5(13) to (14).

(4) The following regulations shall come into operation on 1st February 2008—

(a) regulation 5(10) to (11);

(**1**) 1971 c. 38

(**2**) S.R. & O. (N.I.) 1973 No. 504; Article 5(a) and S.I.1999/283 (N.I. 1); Article 3(6)

(b) regulation 5(15).

Interpretation

3.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

(a) "the 1973 Regulations" means the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973(**4**);

(b) "the 2002 Regulations" means the Misuse of Drugs Regulations (Northern Ireland) 2002(**5**).

Amendments to the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973

4.—(1) The 1973 Regulations shall be amended as follows.

(2) For regulation 3(1), substitute—

"This regulation applies to the following premises—

(a) those occupied by a retail dealer for the purposes of his business;

(b) any nursing home registered under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**6**);

(c) any private hospital within the meaning of the Mental Health (Northern Ireland) Order 1986."(**7**).

(3) In paragraph 3 of Schedule 1, after "Methyprylone" insert "(ha) Midazolam".

Amendments to the Misuse of Drugs Regulations (Northern Ireland) 2002

5.—(1) The 2002 Regulations shall be amended as follows.

(2) In regulation 2(2) (interpretation)—

(a) after the definition of "officer of customs and excise", insert—

""operating department practitioner" means a person who is registered under the Health Professions Order 2001(**8**) as an operating department practitioner;"

(b) after the definition of "register" insert—

""registered chiropodist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**9**);";

(c) for the definition of "registered ophthalmic optician", substitute—

""registered optometrist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**10**);

"registered orthoptist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**11**);";

(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1973 No. 179; the relevant amending Regulations are S.R. 1987 No. 67 and S.R. 1999 No. 252
(**5**) S.R. 2002 No. 1; the relevant amending Regulations are S.R. 2003 No. 314, S.R. 2003 No. 420, S.R. 2005 No. 119, S.R. 2005 No. 564, S.R. 2006 No. 44, S.R. 2006 No. 214, S.R. 2006 No. 264 and S.R. 2006 No. 334
(**6**) S.I. 2003/431 (N.I. 9)
(**7**) S.I. 1986/595 (N.I. 4)
(**8**) S.I. 2001/254 as amended by S.I. 2004/2033
(**9**) S.I. 1997/1830. The definition of "registered chiropodist" was inserted by S.I. 2003/1590
(**10**) S.I. 1997/1830. The definition of "registered optometrist" was inserted by S.I. 2005/848
(**11**) S.I. 1997/1830. The definition of "registered orthoptist" was inserted by S.I. 2003/1590

(d) after the definition of "registered orthotist and prosthetist" insert—

""registered paramedic" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**12**);";

(e) after the definition of "registered pharmacy" insert—

""registered physiotherapist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**13**);

"registered radiographer" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**14**);";

(f) omit the definitions of "sister or acting sister", "state registered chiropodist" and "state registered paramedic".

(3) For "sister or acting sister", in each place those words appear in the following regulations, substitute "senior registered nurse or acting senior registered nurse"—

(a) regulation 8(2) (production and supply of drugs in Schedules 2 and 5);

(b) regulation 9(3) (production and supply of drugs in Schedules 3 and 4);

(c) regulation 14(6) (documents to be obtained by supplier of controlled drugs);

(d) regulation 19(3) (record-keeping requirements in respect of Schedules 1 and 2).

(4) In regulation 6B(f) for "use in palliative care of treatment of tonic-clonic seizures" substitute "use in palliative care or treatment of tonic-clonic seizures"(**15**).

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

(a) after paragraph (2)(e), insert—

"(ea) in the case of such a drug supplied to him by a person responsible for the dispensing and supply of medicines at a hospital, an operating department practitioner practising in that hospital;";

(b) at the end of paragraph (2)(i), omit "or";

(c) in paragraph (2)(ii) for "doctor or dentist." substitute "doctor, dentist, supplementary prescriber acting under and in accordance with the terms of a clinical management plan or, subject to paragraph (2A), a nurse independent prescriber; or";

(d) after paragraph (2)(ii), insert—

"(iii) an operating department practitioner to supply any drug otherwise than for administration to a patient in a ward, theatre or other department in accordance with the directions of a doctor, dentist, supplementary prescriber acting under and in accordance with the terms of a clinical management plan or, subject to paragraph (2A), a nurse independent prescriber.";

(e) after paragraph (2), insert—

"(2A) The directions given by a nurse independent prescriber referred to in paragraph (2)(ii) and (iii) shall relate only to a controlled drug which he may prescribe under regulation 6B and a purpose for which it may be prescribed under that regulation.".

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

(a) after paragraph (3)(c), insert—

(**12**) S.I. 1997/1830. The definition of "registered paramedic" was inserted by S.I. 2003/1590
(**13**) S.I. 1997/1830. The definition of "registered physiotherapist" was inserted by S.I. 2003/1590
(**14**) S.I. 1997/1830. The definition of "registered radiographer" was inserted by S.I. 2003/1590
(**15**) Regulation 6B was inserted by regulation 6 of S.R. 2005 No. 564 and amended by regulation 4 of S.R. 2006 No. 214