STATUTORY RULES OF NORTHERN IRELAND

2006 No. 264

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) (No. 3) Regulations (Northern Ireland) 2006

Made - - - - 14th June 2006

Coming into operation in accordance with regulation 2

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

1. These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 3) Regulations (Northern Ireland) 2006.

Commencement

2.—(1) Subject to paragraph (2), these Regulations shall come into operation on 7th July 2006.

(2) Regulations 8(1) and 11 shall come into operation on 1st January 2007.

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, "the 2002 Regulations" means the Misuse of Drugs Regulations (Northern Ireland) 2002(**4**).

(**1**) 1971 c. 38; Section 22 of that Act was amended by Section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2)
(**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; the relevant amending Regulations are S.R. 2003 No. 420; S.R. 2005 Nos. 119 and 564, and S.R. 2006 No. 214

Amendment of the Misuse of Drugs Regulations 2002

4. The 2002 Regulations, shall be amended in accordance with regulations 5 to 12.

5. In regulation 2(2)—

(a) after the definition of "clinical management plan"; insert ""the Common Services Agency for the health service" means the body established under section 10 of the National Health Service (Scotland) Act 1978(**5**);";

(b) after the definition of "document", insert ""equivalent body" means a Local Health Board in Wales, a Health Board in Scotland or the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland;";

(c) after the definition of "exempt product", insert ""Health Board" means a board constituted under section 2 of the National Health Service (Scotland) Act 1978;";

(d) after the definition of "installation manager", insert ""Local Health Board" means a Local Health Board established in accordance with section 16BA of the National Service Act 1977(**6**);";

(e) after the definition of "medicinal product", insert—

> ""NHS Business Services Authority" means the special health authority established under Article 2 of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(**7**);
>
> "the Northern Ireland Central Services Agency for the Health and Social Services" means the body established under Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972(**8**);";

(f) after the definition of "patient group direction", insert—

> ""prescriber identification number" means the number recorded against a person's name by the relevant National Health Service Agency for the purposes of that person's private prescribing;";

(g) after the definition of "prescription", insert—

> ""Primary Care Trust" means a Primary Care Trust established under section 16A of the National Health Service Act 1977(**9**);
>
> "private prescribing" means issuing prescriptions other than health prescriptions, where the definition of "prescription" has effect as if the words "or by a veterinary surgeon or veterinary practitioner for the purposes of animal treatment" were omitted;
>
> "professional registration number" means the number recorded against a person's name in the register of any body that licenses or regulates any profession of which that person is a member;";

(h) after the definition of "registered nurse", insert ""registered occupational therapist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**10**);";

(**5**) 1978 c. 29; Section 10 of that Act has been amended by paragraph 2(4) of Schedule 2 to the Smoking Health and Social Care (Scotland) Act 2005 asp. 13
(**6**) 1977 c. 49; Section 16BA of that Act was inserted by section 6(1) of the National Health Services Reform and Health Care Professions Act 2002 (c. 17)
(**7**) S.I. 2005/2414
(**8**) S.I. 1972/1265 (N.I. 14)
(**9**) Section 16A of that Act was inserted by section 2(1) of the Health Act 1999 (c. 8)
(**10**) S.I. 1997/1830; the definition of "registered occupational therapist" was inserted by S.I. 2004/1189

(i) after the definition of "registered ophthalmic optician", insert ""registered orthotist and prosthetist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**11**);";

(j) after the definition of "registered pharmacy", insert ""relevant National Health Service agency" means, for England and Wales, the NHS Business Services Authority; for Scotland, the Common Services Agency for the health service, and for Northern Ireland, the Northern Ireland Central Services Agency for the Health and Social Services;".

6.—(1) In regulation 15(1)—

(a) after paragraph (a), insert "(aa) except in the case of a health prescription, be written on a prescription form provided by a Primary Care Trust or equivalent body for the purposes of private prescribing;";

(b) in paragraph (c) after "specify the" insert "prescriber identification number and the".

(2) After regulation 15(1), insert—

"(1A) A person shall not issue a prescription other than a health prescription containing temazepam unless it is written on a prescription form provided by a Primary Care Trust or equivalent body for the purposes of private prescribing and it specifies the prescriber identification number and the address of the person issuing it.

(1B) Nothing in this regulation prevents the issue of a prescription, other than a health prescription, which is not written on a prescription form provided by a Primary Care Trust or equivalent body for the purposes of private prescribing, containing a controlled drug other than a drug specified in Schedule 4 or 5. where the person issuing the description believes on reasonable grounds that the drug will be supplied by a pharmacist in a hospital."

7.—(1) In regulation 16(1), before "A person", insert "subject to paragraph (5),".

(2) In regulation 16(1)(a), before "unless", insert "subject to paragraphs (1A) and 1C),".

(3) In regulation 16(1)(d), (e) and 3(a) for "date specified in the prescription" substitute "appropriate date".

(4) In regulation 16(1)(e) and 3(a), for "thirteen weeks" substitute "twenty-eight days".

(5) After regulation 16(1), insert—

"(1A) A pharmacist may supply a controlled drug other than a drug specified in Schedule 4 or 5 or temazepam if the prescription contains minor typographical errors or spelling mistakes or if it does not comply with the provisions of regulation 15 in the way specified in paragraph (1B), provided that—

(a) having exercised all due diligence, he is satisfied on reasonable grounds that the prescription is genuine;

(b) having exercised all due diligence, he is satisfied on reasonable grounds that he is supplying the drug in accordance with the intention of the person issuing the prescription;

(c) he amends the prescription in ink or otherwise indelibly to correct the minor typographical errors or spelling mistakes or so that the prescription complies with the requirements of regulation 15 as the case may be; and

(d) he marks the prescription so that the amendment he has made under sub-paragraph (c) is attributable to him.

(**11**) S.I. 1997/1830; the definition of "registered orthotist and prosthetist" was inserted by S.I. 2004/1189