1986 No. 52

DANGEROUS DRUGS

The Misuse of Drugs (Northern Ireland) Regulations 1986

Made . . . . . *20th February 1986*

Coming into operation . . . *1st April 1986*

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The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(**a**), as adapted by section 38 of that Act and now vested in it(**b**) and of every other power enabling it in that behalf and after consultation in accordance with section 31(3) of that Act with the Advisory Council on the Misuse of Drugs, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Misuse of Drugs (Northern Ireland) Regulations 1986 and shall come into operation on 1st April 1986.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations, the expression—

"the Act" means the Misuse of Drugs Act 1971(**d**);

"authorised as a member of a group" means authorised by virtue of being a member of a class as respects which the Department has granted an authority under and for the purposes of regulations 8(3), 9(3) or 10(3) which is in force, and "his group authority", in relation to a person who is a member of such a class, means the authority so granted to that class;

"the Department" means the Department of Health and Social Services for Northern Ireland;

"document" has the same meaning as in Part I of the Civil Evidence Act (Northern Ireland) 1971(**e**);

"health prescription" means a prescription issued by a doctor or a dentist either under the Health and Personal Social Services (Northern Ireland) Order 1972(**f**), the National Health Service Act 1977(**g**), the National Health Service (Scotland) Act 1978(**h**), or the National Health Service (Isle of Man) Acts 1948 to 1979 (Acts of Tynwald);

(**a**) 1971 c. 38
(**b**) By S.R. & O. (N.I.) 1973 No. 504 art. 5(*a*)
(**c**) 1954 c. 33 (N.I.)
(**d**) Section 37(1) (interpretation) of the Act was amended by section 52 of the Criminal Law Act 1977 (c. 45)
(**e**) 1971 c. 36 (N.I.)
(**f**) S.I. 1972/1265 (N.I. 14)
(**g**) 1977 c. 49
(**h**) 1978 c. 29

"Health and Social Services Board" means a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972;

"installation manager" and "offshore installation" have the same meanings as in the Mineral Workings (Offshore Installations) Act 1971(**a**);

"master" and "seamen" have the same meanings as in the Merchant Shipping Act 1894(**b**);

"medicinal product" has the same meaning as in the Medicines Act 1968(**c**);

"the Merchant Shipping Acts" means the Merchant Shipping Acts 1894 to 1984;

"officer of customs and excise" means an officer within the meaning of the Customs and Excise Management Act 1979(**d**);

"prescription" means a prescription issued by a doctor for the medical treatment of a single individual, by a dentist for the dental treatment of a single individual or by a veterinary surgeon or veterinary practitioner for the purposes of animal treatment;

"register" means a bound book and does not include any form of loose leaf register or card index;

"registered pharmacy" has the same meaning as in the Medicines Act 1968;

"retail dealer" means a person lawfully conducting a retail pharmacy business or a pharmacist engaged in supplying drugs to the public at a health centre within the meaning of the Medicines Act 1968;

"sister or acting sister" includes any male nurse occupying a similar position;

"wholesale dealer" means a person who carries on the business of selling drugs to persons who buy to sell again.

Specification of controlled drugs for purposes of regulations

3. Schedules 1 to 5 shall have effect for the purpose of specifying the controlled drugs to which certain provisions of these regulations apply.

Exceptions for drugs in Schedules 4 and 5 and poppy-straw

4.—(1) Section 3(1) of the Act (which prohibits the importation and exportation of controlled drugs) shall not have effect in relation to the drugs specified in Schedules 4 and 5.

(2) Section 5(1) of the Act (which prohibits the possession of controlled drugs) shall not have effect in relation to—

(*a*) any drug specified in Schedule 4 which is contained in a medicinal product;

(*b*) the drugs specified in Schedule 5.

(3) Sections 4(1) (which prohibits the production and supply of controlled drugs) and 5(1) of the Act shall not have effect in relation to poppy-straw.

Licences to produce etc. controlled drugs

5. Where any person is authorised by a licence of the Department issued under this regulation and for the time being in force to produce, supply, offer to supply or have in his possession any controlled drug, it shall not by virtue of section 4(1) or 5(1) of the Act be unlawful for that person to produce, supply, offer to supply or have in his

(**a**) 1971 c. 61; section 1 of the Act was substituted by section 24 of the Oil and Gas (Enterprise) Act 1982 (c. 23)
(**b**) 1894 c. 60
(**c**) 1968 c. 67
(**d**) 1979 c. 2

possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

General authority to supply and possess

6.—(1) Notwithstanding the provisions of section 4(1)(*b*) of the Act, any person who is lawfully in possession of a controlled drug may supply that drug to the person from whom he obtained it.

(2) Notwithstanding the provisions of section 4(1)(*b*) of the Act, any person who has in his possession a drug specified in Schedule 2, 3, 4 or 5 which has been supplied by or on the prescription of a practitioner for the treatment of that person, or of a person whom he represents, may supply that drug to any doctor, dentist or pharmacist for the purpose of destruction.

(3) Notwithstanding the provisions of section 4(1)(*b*) of the Act, any person who is lawfully in possession of a drug specified in Schedule 2, 3, 4 or 5 which has been supplied by or on the prescription of a veterinary practitioner or veterinary surgeon for the treatment of animals may supply that drug to any veterinary practitioner, veterinary surgeon or pharmacist for the purpose of destruction.

(4) It shall not by virtue of section 4(1)(*b*) or 5(1) of the Act be unlawful for any person in respect of whom a licence has been granted and is in force under Article 18 of the Wildlife (Northern Ireland) Order 1985(**a**) to supply, offer to supply or have in his possession any drug specified in Schedule 3 for the purposes for which that licence was granted.

(5) Notwithstanding the provisions of section 4(1)(*b*) of the Act, any of the persons specified in paragraph (7) may supply any controlled drug to any person who may lawfully have that drug in his possession.

(6) Notwithstanding the provisions of section 5(1) of the Act, any of the persons so specified may have any controlled drug in his possession.

(7) The persons referred to in paragraphs (5) and (6) are—

(*a*) a constable when acting in the course of his duty as such;

(*b*) a person engaged in the business of a carrier when acting in the course of that business;

(*c*) a person engaged in the business of the Post Office when acting in the course of that business;

(*d*) an officer of customs and excise when acting in the course of his duty as such;

(*e*) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged;

(*f*) a person engaged in conveying the drug to a person who may lawfully have that drug in his possession.

Administration of drugs in Schedules 2, 3, 4 and 5

7.—(1) Any person may administer to another any drug specified in Schedule 5.

(2) A doctor or dentist may administer to a patient any drug specified in Schedule 2, 3 or 4.

(3) Any person other than a doctor or dentist may administer to a patient, in accordance with the directions of a doctor or dentist, any drug specified in Schedule 2, 3 or 4.

Production and supply of drugs in Schedules 2 and 5

8.—(1) Notwithstanding the provisions of section 4(1)(*a*) of the Act—

(a) S.I. 1985/171 (N.I. 2)

(*a*) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in Schedule 2 or 5;

(*b*) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the registered pharmacy at which he carries on that business, manufacture or compound any drug specified in Schedule 2 or 5.

(2) Notwithstanding the provisions of section 4(1)(*b*) of the Act any of the following persons, that is to say—

(*a*) a practitioner;

(*b*) a pharmacist;

(*c*) a person lawfully conducting a retail pharmacy business;

(*d*) the person in charge or acting person in charge of a hospital or nursing home which is wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions;

(*e*) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at the hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or other department in such a hospital or nursing home as aforesaid;

(*f*) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university, university college or such a hospital as aforesaid or to any other institution approved for the purpose under this sub-paragraph by the Department;

(*g*) a public analyst appointed under section 31 of the Food and Drugs Act (Northern Ireland) 1958(**a**);

(*h*) a sampling officer within the meaning of Schedule 3 to the Medicines Act 1968;

(*i*) a person employed or engaged in connection with a scheme for testing the quality or amount of the drugs, preparations and appliances supplied under the Health and Personal Social Services (Northern Ireland) Order 1972 and the regulations made thereunder; or

(*j*) a person authorised by the Department for the purposes of section 110 of the Medicines Act 1968,

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph authorises—

(i) the person in charge or acting person in charge of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug;

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a doctor or dentist.

(3) Notwithstanding the provisions of section 4(1)(*b*) of the Act, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his possession.

(**a**) 1958 c. 27 (N.I.)