1974. No. 272

DANGEROUS DRUGS

Misuse of Drugs

REGULATIONS, DATED 31ST OCTOBER 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 7, 10, 22(*a*) AND 31 OF THE MISUSE OF DRUGS ACT 1971.

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The Department of Health and Social Services in exercise of the powers conferred on it by sections 7, 10, 22(*a*) and 31 of the Misuse of Drugs Act 1971(**a**), and of every other power enabling it in that behalf and after consultation with the Advisory Council on the Misuse of Drugs, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Misuse of Drugs (Northern Ireland) Regulations 1974 and shall come into operation on 9th December 1974.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the expression—

"the Act" means the Misuse of Drugs Act 1971;

"authorised as a member of a group" means authorised by virtue of being a member of a class as respects which the Department of Health and Social Services has granted an authority under and for the purposes of regulation 8(3) or 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;

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

"health prescription" means a prescription issued by a doctor or a dentist either under the Health and Personal Social Services (Northern Ireland) Order 1972, the National Health Service Acts 1946 to 1973(**c**), the National Health Service (Scotland) Acts 1947 to 1973(**c**), or the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald) or upon a form issued for use in connection with the provision of health services by a Health and Social Services Board;

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

(**a**) 1971. c. 38.
(**b**) S.I. 1972. No. 1265 (N.I. 14).
(**c**) 1973. c. 32.
(**d**) 1971. c. 61.

"master" has the same meaning as in the Merchant Shipping Act 1894(e);

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

"the Merchant Shipping Acts" means the Merchant Shipping Acts 1894-1971;

"officer of customs and excise" means an officer within the meaning of the Customs and Excise Act 1952(f);

"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 meaning as in the Medicines Act 1968(g);

"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.

(2) The Interpretation Act (Northern Ireland) 1954(h) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Metric system and imperial system

3.—(1) For the purposes of these regulations—

(*a*) a controlled drug shall not be regarded as supplied otherwise than on a prescription or other order by reason only that the prescription or order specifies a quantity of the controlled drug in terms of the imperial system and the quantity supplied is the equivalent of that amount in the metric system;

(*b*) where any person may lawfully be in possession of a quantity of a controlled drug determined by or under these Regulations in terms of the imperial system he shall be deemed not to be in possession of a quantity of that controlled drug in excess of the first-mentioned quantity by reason only that he is in possession of a quantity of that drug which is the equivalent of the first-mentioned quantity in the metric system.

(2) For the purposes of this regulation the quantity of a controlled drug in the metric system which is the equivalent of a particular quantity in the imperial system shall be taken to be the appropriate quantity ascertained in accordance with the provisions of the Weights and Measures (Equivalents for dealings with drugs) Regulations (Northern Ireland) 1970(i).

(e) 57 & 58 Vict. c. 60.
(f) 15 & 16. Geo. 6 & 1 El. 2. c. 44.
(g) 1968. c. 67.
(h) 1954. c. 33.
(i) S.R. & O. (N.I.) 1970, No. 346.

PART II

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE MISUSE OF DRUGS ACT 1971

Exceptions for drugs in Schedule 1 and poppy-straw

4.—(1) Sections 3(1) and 5(1) of the Act (which prohibit the importation, exportation and possession of controlled drugs) shall not have effect in relation to the controlled drugs specified in Schedule 1.

(2) 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 of Health and Social Services 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 possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

General authority to possess

6. Any of the following persons may, notwithstanding the provisions of section 5(1) of the Act, have any controlled drug in his possession, that is to say—

(*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; or

(*f*) a person engaged in conveying the drug to a person authorised by these Regulations to have it in his possession.

Administration of drugs in Schedules 1, 2 and 3

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

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

(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 or 3.

Production and supply of drugs in Schedules 1 and 2

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

(*a*) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in Schedule 1 or 2;

(*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 1 or 2.

(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 matron or acting matron 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 by the Department of Health and Social Services;

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

(*h*) a sampling officer within the meaning of the Food and Drugs Act (Northern Ireland) 1958;

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

(*j*) 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

(*k*) an inspector appointed by the Head of the Department of Health and Social Services under section 8 of the Pharmacy and Poisons Act (Northern Ireland) 1925(**k**)

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 1 or 2 to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph authorises—

(i) the matron or acting matron 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.

(**j**) 1958. c. 27. (**k**) 15 & 16 Geo. 5 c. 8 (N.I.).