2005 No. 119

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2005

Made - - - - - *15th March 2005*

Coming into operation *11th April 2005*

The Department of Health, Social Services and Public Safety(**a**) in exercise of the powers conferred upon it by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(**b**), as adapted by section 38 of that Act and now vested in it(**c**) and of all other powers enabling it in that behalf and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 11th April 2005.

Interpretation

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

Amendment of the Misuse of Drugs Regulations (Northern Ireland) 2002

3.—(1) The Misuse of Drugs Regulations (Northern Ireland) 2002(**e**) shall be amended as follows.

(2) In regulation 2(2) –

(a) after the definition of "authorised as a member of a group", insert ""clinical management plan" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**f**);

(b) in the definition of "prescription", after "prescriber for the medical treatment of a single individual", insert "by a supplementary prescriber for the medical treatment of a single individual;";

(c) after the definition of "state registered paramedic", insert ""supplementary prescriber" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**g**)";

(**a**) *See* S.I. 1999/283 (N.I. I), Article 3(6)
(**b**) 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)
(**c**) S.R. & O. (N.I.) 1973 No. 504; Article 5(a)
(**d**) 1954 c. 33 (N.I.)
(**e**) S.R. 2002 No. 1 the relevant amending Regulations are S.R. 2003 Nos. 324 and 420
(**f**) S.I. 1997/1830; the definition of 'clinical management plan' was inserted by S.I. 2003/696
(**g**) S.I. 1997/1830; the definition of 'supplementary prescriber' was inserted by S.I. 2003/696 and amended by S.I. 2004/1771

(3) In regulation 6(2), after "registered nurse", insert ", a supplementary prescriber".

(4) In regulation 6A(2), after "treatment services" insert –

"(d) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan".

(5) In regulation 7, after paragraph (5) insert –

"(6) Notwithstanding the provisions of paragraph (3), a supplementary prescriber acting under and in accordance with the terms of a clinical management plan may administer to a patient, without the directions of a doctor or dentist, any drug specified in Schedule 2, 3 or 4.

(7) Notwithstanding the provisions of paragraph (3), any person may administer to a patient, in accordance with the directions of a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, any drug specified in Schedule 2, 3 or 4."

(6) In regulation 8(2), after paragraph (j) insert –

"(k) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan,".

(7) In regulation 9(2), after paragraph (h) insert –

"(i) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan,".

(8) In regulation 10 –

(a) in paragraph (1)(a), "(k)" shall be substituted for "(j)";

(b) in paragraph (1)(b), "(i)" shall be substituted for "(h)";

(c) in paragraph (2) after "practitioner", insert ", a supplementary prescriber acting under and in accordance with the terms of a clinical management plan";

(d) in paragraph (2) after "doctor", insert ", a supplementary prescriber";

(e) in paragraph (2)(a) after the first "doctor", insert ", another supplementary prescriber";

(f) in paragraph (2)(a) after the second "doctor", insert ", supplementary prescriber".

(9) In regulation 14(4) after paragraph (f), insert –

"(g) a supplementary prescriber".

(10) In regulation 18(2)(d) after "practitioner", insert "or supplementary prescriber".

(11) In regulation 26(2) after paragraph (h), insert –

"(i) a supplementary prescriber".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 15th March 2005.

(L.S.) *Deirdre Kenny*

A Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 3(2) to (11) amends the Misuse of Drugs Regulations (Northern Ireland) 2002 ("the 2002 Regulations") to make provision for supplementary prescribers (a first level nurse, pharmacist or registered midwife who satisfies certain conditions). Regulation 3(2) inserts a definition of "clinical management plan" and "supplementary prescriber" and provides that the term "prescription" includes a prescription issued by a supplementary prescriber for the medical treatment of a single individual. Regulation 3(3) enables a person who possesses a controlled drug set out in Schedules 2 to 5 to the 2002 Regulations, having been supplied them by a supplementary prescriber, to return them to certain persons for destruction. Regulation 3(4) provides that a supplementary prescriber who is acting under and in accordance with the terms of a clinical management plan may supply certain articles used for administering or preparing controlled drugs. Regulation 3(5) permits supplementary prescribers who are acting under and in accordance with the terms of a clinical management plan to administer those controlled drugs set out in Schedules 2, 3 and 4 to the 2002 Regulations and permits any person to administer such drugs to a patient in accordance with the directions of a supplementary prescriber acting under and in accordance with the terms of a clinical management plan. Regulation 3(6) and (7) permits supplementary prescribers who are acting under and in accordance with the terms of a clinical management plan, subject to certain exceptions, to supply those controlled drugs set out in Schedules 2 to 5 to the 2002 Regulations. Regulation 3(8) provides that persons can, in certain circumstances, possess those controlled drugs set out in Schedules 2 and 3 and Part I of Schedule 4 to the 2002 Regulations for administration for medical, dental or veterinary purposes in accordance with the directions of a supplementary prescriber acting under and in accordance with the terms of a clinical management plan. Regulation 3(8) also makes a number of consequential amendments. Regulation 3(9) provides that a supplier of a controlled drug must, before delivering those drugs to a supplementary prescriber, obtain certain information from the supplementary prescriber. Regulation 3(10) provides that the requirement in regulation 18 of the 2002 Regulations regarding the use of marked bottles, packages or other containers does not apply to the supply of controlled drugs by or on prescription of a supplementary prescriber. Regulation 3(11) requires supplementary prescribers to provide certain information regarding controlled drugs on demand.

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