

2005 No. 564

DANGEROUS DRUGS

**The Misuse of Drugs and the Misuse of Drugs (Notification
of and Supply to Addicts) (Amendment) Regulations
(Northern Ireland) 2005**

Made - - - - - *14th December 2005*

Coming into operation *16th January 2006*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred upon it 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).

In accordance with section 31(3) of that Act it has consulted with the Advisory Council on the Misuse of Drugs.

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs and the Misuse of Drugs (Notification of and Supply to Addicts) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 16th January 2006.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) 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. The Misuse of Drugs Regulations (Northern Ireland) 2002(d) shall be amended in accordance with regulations 4 to 14.

4.—(1) For the definition of “extended formulary nurse prescriber”(e) in regulation 2(2) (interpretation) substitute—

“ “extended formulary nurse prescriber” has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(f), and such a person may only prescribe controlled drugs in accordance with regulation 6B;”.

(2) For the definition of “register” in regulation 2(2) substitute—

(a) 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)
(b) S.R. & O. (N.I.) 1973 No. 504; Article 5(a) and S.I. 1999/283 (N.I. 1); Article 3(6)
(c) 1954 c. 33 (N.I.)
(d) S.R. 2002 No. 1; the relevant amending Regulations are S.R. 2003 Nos. 324 and 420
(e) The definition of “extended formulary nurse prescriber” was inserted by regulation 3(2)(a) of the Misuse of Drugs (Amendment) (No. 3) Regulations 2003
(f) S.I. 1997/1830, to which there are amendments not relevant to these Regulations

“ “register” means either a bound book, which does not include any form of loose leaf register or card index, or a computerised system which is in accordance with best practice guidance endorsed by the Secretary of State under section 2 of the National Health Service Act 1977(a);”.

5. In regulation 6A(1)(b) (supply of articles for administering or preparing controlled drugs) after sub-paragraph (e) insert—

“(f) ascorbic acid”.

6. After regulation 6A there shall be inserted—

“Authority for Extended Formulary Nurse Prescribers to prescribe

6B. An extended formulary nurse prescriber may only prescribe—

- (a) diamorphine, diazepam, lorazepam, midazolam, morphine or oxycodone for use in palliative care;
- (b) buprenorphine or fentanyl for transdermal use in palliative care;
- (c) diamorphine or morphine for pain relief in respect of suspected myocardial infarction or for relief of acute or severe pain after trauma including in either case post-operative pain relief;
- (d) chlordiazepoxide hydrochloride or diazepam for treatment of initial or acute withdrawal symptoms caused by the withdrawal of alcohol from persons habituated to it;
- (e) codeine phosphate, dihydrocodeine tartrate or co-phenotrope.”.

7. For regulation 7(4) and (5)(c) (administration of drugs in Schedules 2, 3, 4 and 5) substitute—

“(4) Notwithstanding the provisions of paragraph (3), an extended formulary nurse prescriber may administer to a patient, without the directions of a doctor or dentist, any controlled drug which she may prescribe under regulation 6B provided it is administered for a purpose for which it may be prescribed under that regulation.

(5) Notwithstanding the provisions of paragraph (3), any person may administer to a patient in accordance with the specific directions of an extended formulary nurse prescriber any controlled drug which the extended formulary nurse prescriber may prescribe under regulation 6B provided it is administered for a purpose for which it may be prescribed under that regulation.”.

8. For regulation 8(7)(d) (production and supply of drugs in Schedules 2 and 5) substitute—

“(7) Notwithstanding the provisions of section 4(1)(b) of the Act, an extended formulary nurse prescriber may, when acting in her capacity as such, supply or offer to supply—

- (a) codeine phosphate, dihydrocodeine tartrate and co-phenotrope;
- (b) diamorphine and morphine for pain relief in respect of suspected myocardial infarction or for relief of acute or severe pain after trauma including in either case post-operative pain relief;
- (c) diamorphine, morphine and oxycodone for use in palliative care; and
- (d) fentanyl for transdermal use in palliative care,

to any person who may lawfully have any of these drugs in his possession.”.

9. For regulation 9(7)(e) (production and supply of drugs in Schedules 3 and 4) substitute—

(a) 1977 c. 49
(b) Regulation 6A was inserted by S.R. 2003 No. 324
(c) Regulation 7(4) and (5) was inserted by S.R. 2003 No. 420
(d) Regulation 8(7) was inserted by S.R. No. 420
(e) Regulation 9(7) was inserted by S.R. No. 420

“(7) Notwithstanding the provisions of section 4(1)(b) of the Act, an extended formulary nurse prescriber may, when acting in her capacity as such, supply or offer to supply—

- (a) diazepam, lorazepam and midazolam for use in palliative care;
- (b) buprenorphine for transdermal use in palliative care; and
- (c) chlordiazepoxide hydrochloride and diazepam for treatment of initial or acute withdrawal symptoms caused by the withdrawal of alcohol from persons habituated to it,

to any person who may lawfully have any of these drugs in his possession”.

10.—(1) For regulation 15(1)(a) (form of prescriptions) substitute—

“(a) be written so as to be indelible, be dated and be signed by the person issuing it with his usual signature;”.

(2) Paragraphs (1)(b) and (2) of regulation 15 are revoked.

11.—(1) For regulation 20(d) (requirements as to registers) substitute—

“(d) every such entry and every correction of such an entry shall be made in ink or otherwise so as to be indelible or shall be in a computerised form in which every such entry is attributable and capable of being audited and which is in accordance with best practice guidance endorsed by the Secretary of State under section 2 of the National Health Service Act 1977;”.

(2) In regulation 20(g) after “relates” insert “and, where the register is in computerised form, be accessible from those premises”.

12. After regulation 24 (preservation of records relating to drugs in Schedules 3 and 5) insert—

“Preservation of records: supplementary

24A. For the purposes of regulations 23 and 24(6), “preserved” means kept in its original form, or copied and kept in a computerised form which is in accordance with best practice guidance endorsed by the Secretary of State under section 2 of the National Health Service Act 1977.”.

13. In Regulation 26 (furnishing of information with respect to controlled drugs) after paragraph (1) insert—

“(1A) For the purposes of paragraph (1)(c), the Department or any person authorised in writing by the Department in that behalf may request that a register which is kept in computerised form be produced by sending a copy of it, in computerised or other form, to the appropriate person.”.

14. In Schedule 5, paragraph 2 is revoked.

Amendment of the Misuse of Drugs (Notification of and Supply to Addicts) (Northern Ireland) Regulations 1973

15. For regulation 4(3)(a) of the Misuse of Drugs (Notification to and Supply to Addicts) (Northern Ireland) Regulations 1973(a) substitute—

“(a) cocaine, its salts and any preparation or other product containing cocaine or its salts;”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 14th December 2005.

(L.S.)

Deirdre Kenny

A senior officer of the Department of Health, Social Services and Public Safety

(a) S.R. & O (N.I.) 1973 No. 180 to which there is an amendment not relevant to these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Misuse of Drugs Regulations (Northern Ireland) 2002 (“the 2002 Regulations”). Regulation 4 amends the definition of extended formulary nurse prescriber (EFNPs) and the definition of register. Regulation 5 inserts a new regulation 6A(1)(f) into the 2002 Regulations, enabling certain persons to supply ascorbic acid for the purpose of administering or preparing controlled drugs. Regulation 6 inserts a new regulation 6B into the 2002 Regulations and specifies which controlled drugs EFNPs can prescribe in which circumstances. Regulation 7 substitutes new regulation 7(4) and (5) into the 2002 Regulations and provides that EFNPs can administer, and persons can administer in accordance with the directions of an EFNP, any drug which EFNPs are permitted to prescribe under new Regulation 6B of the 2002 Regulations so long as it is administered for a purpose for which it may be prescribed under that Regulation. Regulations 8 and 9 substitute new regulations 8(7) and 9(7) into the 2002 Regulations and specify which controlled drugs EFNPs can supply in which circumstances.

Regulation 10 amends regulation 15 of the 2002 Regulations to enable prescriptions to be written in any form, including typing, printing and any other mode of reproducing words in a visible form, with only the signature necessarily being handwritten.

Regulation 11 amends regulation 20 of the 2002 Regulations to provide that registers can be kept in a computerised form which is in accordance with specified best practice guidance. Regulation 12 inserts a new regulation 24A into the 2002 Regulations to provide that records may be preserved in a computerised form which is in accordance with specified best practice guidance. Regulation 13 amends regulation 26 of the 2002 Regulations to enable the Department or an authorised person to request that a register which is kept in computerised form be produced by sending a copy of it in computerised form to the appropriate person.

Regulation 14 revokes paragraph 2 of Schedule 5 to the 2002 Regulations, removing any preparation of cocaine containing not more than 0.1% of cocaine from the exception from the prohibition on importation, exportation and possession. Regulation 15 makes a consequential amendment to the Misuse of Drugs (Notification of and Supply to Addicts) (Northern Ireland) Regulations 1973.

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