
STATUTORY INSTRUMENTS

2001 No. 3998

The Misuse of Drugs Regulations 2001

Possession of drugs in Schedules 2, 3 and 4

10.—(1) Notwithstanding the provisions of section 5(1) of the Act—

- (a) a person specified in one of sub-paragraphs (a) to (j) of regulation 8(2) may have in his possession any drug specified in Schedule 2;
- (b) a person specified in one of sub-paragraphs (a) to (h) of regulation 9(2) may have in his possession any drug specified in Schedule 3 or 4;
- (c) a person specified in regulation 9(3)(b) or (c) or (6) may have in his possession any drug specified in Schedule 3,

for the purpose of acting in his capacity as such a person, except that nothing in this paragraph authorises—

- (i) a person specified in sub-paragraph (e) of regulation 8(2);
- (ii) a person specified in sub-paragraph (c) of regulation 9(3); or
- (iii) a person specified in regulation 9(6),

to have in his possession any drug other than such a drug as is mentioned in the paragraph or sub-paragraph in question specifying him.

(2) Notwithstanding the provisions of section 5(1) of the Act, a person may have in his possession any drug specified in Schedule 2, 3 or Part I of Schedule 4 for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner, except that this paragraph shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a doctor if—

- (a) that person was then being supplied with any controlled drug by or on the prescription of another doctor and failed to disclose that fact to the first mentioned doctor before the supply by him or on his prescription; or
- (b) that or any other person on his behalf made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.

(3) Notwithstanding the provisions of section 5(1) 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, have any drug specified in Schedule 2, 3 or Part I of Schedule 4 in his possession.

(4) Notwithstanding the provisions of section 5(1) of the Act—

- (a) a person who is authorised by a written authority issued by the Secretary of State under and for the purposes of this sub-paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, have in his possession any drug specified in Schedule 3 or 4;
- (b) a person who is authorised under regulation 9(1)(c) may have in his possession any drug which he may, by virtue of being so authorised, lawfully produce;

- (c) a person who is authorised under regulation 9(4)(a) may have in his possession any drug which he may, by virtue of being so authorised, lawfully supply or offer to supply.
- (5) Notwithstanding the provisions of section 5(1) of the Act—
 - (a) any person may have in his possession any drug specified in Schedule 2, 3 or Part I of Schedule 4 for the purpose of compliance with any of the provisions specified in regulation 8(6);
 - (b) the master of a foreign ship which is in a port in Great Britain may have in his possession any drug specified in Schedule 2, 3 or Part I of Schedule 4 so far as necessary for the equipment of the ship.
- (6) The foregoing provisions of this regulation are without prejudice to the provisions of regulation 4(3)(a).