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STATUTORY INSTRUMENTS

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**2001 No. 3998**

**The Misuse of Drugs Regulations 2001**

**Production and supply of drugs in Schedules 2 and 5**

**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 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 Secretary of State;
- (g) a public analyst appointed under section 27 of the Food Safety Act 1990<sup>(1)</sup>;
- (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 National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 and the regulations made thereunder;
- (j) a person authorised by the Pharmaceutical Society of Great Britain for the purposes of section 108 or 109 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, except that nothing in this paragraph authorises—

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<sup>(1)</sup> 1990 c. 16.

- (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; or
  - (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.
- (4) Notwithstanding the provisions of section 4(1)(b) of the Act, a person who is authorised by a written authority issued by the Secretary of State under and for the purposes of this paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 5 to any person who may lawfully have that drug in his possession.
- (5) Notwithstanding the provisions of section 4(1)(b) of the Act—
- (a) the owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it; or
  - (b) the installation manager of an offshore installation,
- may supply or offer to supply any drug specified in Schedule 2 or 5—
- (i) for the purpose of compliance with any of the provisions specified in paragraph (6), to any person on that ship or installation;
  - (ii) to any person who may lawfully supply that drug to him;
  - (iii) to any constable for the purpose of the destruction of that drug.
- (6) The provisions referred to in paragraph (5) are any provision of, or of any instrument which is in force under—
- (a) the Mineral Workings (Offshore Installations) Act 1971;
  - (b) the Health and Safety at Work etc. Act 1974(2) or
  - (c) the Merchant Shipping Act 1995.