

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 225

The Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009

PART 3

Entering premises, periodic inspections etc.

Accountable officers to carry out periodic inspections

19.—(1) An accountable officer, who is an accountable officer nominated or appointed by the Regional Board, shall establish and operate appropriate arrangements or ensure that his designated body establishes and operates appropriate arrangements for making, in connection with the performance of functions under these Regulations, periodic inspections (in accordance with section 20 of the 2006 Act) of premises which are—

- (a) used in connection with management or use of controlled drugs; and
- (b) not subject to inspection by—
 - (i) RQIA^{F1}... [^{F2};
 - (ii) the Department^[F3];
 - ^[F4](iii) an accountable officer of a regular or reserve force.]

(2) Where the designated body has authorised in writing under section 20(5)(c) of the 2006 Act a person to carry out inspections of relevant premises (or of specific relevant premises), the arrangements under paragraph (1) may (where appropriate) provide for that person to carry out periodic inspections under the arrangements.

(3) The accountable officer, or the person referred to in paragraph (2), is not required to give notice of the inspection to the owner or occupier of the premises.

(4) The accountable officer, or the person referred to in paragraph (2), shall keep a record of all the inspections carried out by him as part of the arrangements made under paragraph (1).

(5) That record of inspections may be kept in paper or electronic format.

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| F1 | Word in reg. 19(1)(b)(i) omitted (16.7.2015) by virtue of The Controlled Drugs (Supervision of Management and Use) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/278) , regs. 1(1), 13(a) |
| F2 | Semi colon in reg. 19(1)(b)(i) inserted (16.7.2015) by The Controlled Drugs (Supervision of Management and Use) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/278) , regs. 1(1), 13(a) |
| F3 | Reg. 19(1)(b)(ii): semi colon substituted for full stop (16.7.2015) by The Controlled Drugs (Supervision of Management and Use) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/278) , regs. 1(1), 13(b) |
| F4 | Reg. 19(1)(b)(iii) added (16.7.2015) by The Controlled Drugs (Supervision of Management and Use) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/278) , regs. 1(1), 13(e) |

Commencement Information

II Reg. 19 in operation at 1.10.2009, see [reg. 1](#)

Relevant premises

20.—(1) For the purposes of section 20 of the 2006 Act, the following are prescribed as relevant premises which may be inspected by the accountable officer nominated or appointed by the Regional Board, or (where appropriate) by a member of staff of the Regional Board—

- (a) the premises of the Regional Board;
- (b) the premises of any person acting on behalf of, or providing services under arrangements made with the Regional Board, unless those arrangements are with a HSC Trust [^{F5}or regular or reserve force];
- (c) any other premises which are covered by arrangements established by virtue of regulation 19(1) but which are not mentioned in sub-paragraphs (a) or (b).

(2) For the purposes of section 20 of the 2006 Act, the following are prescribed as relevant premises which may be inspected by an accountable officer nominated or appointed by a HSC trust ^{F6}..., or (where appropriate) by a member of the staff of the HSC trust ^{F6}...—

- (a) the premises of the HSC trust for which he is the accountable officer or (where appropriate) of which he is a member of staff; and
- (b) the premises of any person acting on behalf of, or providing services under arrangements made with the HSC trust, unless those arrangements are with the Board [^{F7}, regular or reserve force] or [^{F8}a relevant independent] hospital.

(3) For the purposes of section 20 of the 2006 Act, the following are prescribed as relevant premises which may be inspected by an accountable officer nominated or appointed by [^{F9}a relevant independent] hospital or (where appropriate) by a member of the staff of [^{F9}the relevant independent] hospital—

- (a) the premises of the [^{F10}relevant] independent hospital for which he is the accountable officer; and
- (b) the premises of any person acting on behalf of, or providing services under arrangements made with, that [^{F11}relevant] independent hospital, unless those arrangements are with the Regional Board [^{F12}, regular or reserve force] or a HSC Trust.

[^{F13}(3A) For the purposes of section 20 of the 2006 Act, the following are prescribed as relevant premises which may be inspected by an accountable officer nominated or appointed by the regular or reserve force or (where appropriate) by a member of the staff of the regular or reserve force —

- (a) the premises of that regular or reserve force in Northern Ireland for which he is the accountable officer or (where appropriate) of which he is a member of staff; and
- (b) the premises of anyone acting on behalf of, or providing services under arrangements made with that regular or reserve force, unless those arrangements are with the Regional Board, a HSC Trust or a relevant independent hospital.]

(4) All the premises mentioned in paragraphs (1) to [^{F14}(3A)] are also prescribed as relevant premises in relation to constables and persons authorised by the relevant authority under section 20(5)(a) of the 2006 Act (and accordingly they may exercise the powers under section 20 of the 2006 Act as regards those premises).

(5) An authorisation given under section 20(5)(a) or (c) of the 2006 Act must be in writing.

(6) An accountable officer (“the first accountable officer”) may request in writing that an accountable officer of another designated body of the same type inspect—

- (a) the premises of the designated body of the first accountable officer; or
- (b) the premises of any person acting on behalf of, or providing services under arrangements made with the designated body of the first accountable officer,

subject to an appropriate authorisation being granted.

- F5** Words in [reg. 20\(1\)\(b\)](#) inserted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(a\)](#)
- F6** Words in [reg. 20\(2\)](#) omitted (16.7.2015) by virtue of [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(b\)\(i\)](#)
- F7** Words in [reg. 20\(2\)\(b\)](#) inserted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(b\)\(ii\)\(aa\)](#)
- F8** Words in [reg. 20\(2\)\(b\)](#) substituted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(b\)\(ii\)\(bb\)](#)
- F9** Words in [reg. 20\(3\)](#) substituted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(c\)\(i\)](#)
- F10** Word in [reg. 20\(3\)\(a\)](#) inserted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(c\)\(ii\)](#)
- F11** Word in [reg. 20\(3\)\(b\)](#) inserted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(c\)\(iii\)\(aa\)](#)
- F12** Words in [reg. 20\(3\)\(b\)](#) inserted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(c\)\(iii\)\(bb\)](#)
- F13** [Reg. 20\(3A\)](#) inserted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(d\)](#)
- F14** Word in [reg. 20\(4\)](#) substituted (16.7.2015) by [The Controlled Drugs \(Supervision of Management and Use\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/278\)](#), [regs. 1\(1\)](#), [14\(e\)](#)

Commencement Information

- I2** [Reg. 20](#) in operation at 1.10.2009, see [reg. 1](#)

Inspections of private dwellings not requiring the presence of a constable

21.—(1) Section 20(3) of the 2006 Act does not apply as regards—

- (a) a member of staff of, or person authorised by, RQIA entering a residential care home or nursing home;
- (b) a member of staff of the Department entering a registered pharmacy;
- (c) a member of staff of, or a person authorised by, a designated body, entering premises which are or form part of a private dwelling of a health care professional—
 - (i) who is providing health care at the private dwelling, and
 - (ii) the private dwelling is on a statutory register of health care premises or is designated as practice premises under arrangements with the Regional Board to provide primary medical or dental services.

Commencement Information

- I3** [Reg. 21](#) in operation at 1.10.2009, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009, PART 3.