
STATUTORY INSTRUMENTS

1997 No. 1001

DANGEROUS DRUGS

The Misuse of Drugs (Supply to Addicts) Regulations 1997

Made - - - - 20th March 1997
Laid before Parliament 21st March 1997
Coming into force - - 1st May 1997

The Secretary of State, in pursuance of sections 10(2)(h) and (i), 22(c) and 31 of the Misuse of Drugs Act 1971⁽¹⁾, after consultation with the Advisory Council on the Misuse of Drugs, hereby makes the following Regulations:

1. These Regulations may be cited as the Misuse of Drugs (Supply to Addicts) Regulations 1997 and shall come into force on 1st May 1997.

2.—(1) In these Regulations, the expression “drug” means a controlled drug specified in the Schedule to these Regulations.

(2) For the purposes of these Regulations, a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.

3.—(1) Subject to paragraph (2) of this regulation, a doctor shall not administer or supply to a person who he considers, or has reasonable grounds to suspect, is addicted to any drug, or authorise the administration or supply to such a person of, any substance specified in paragraph (3) below, or prescribe for such a person any such substance, except—

- (a) for the purpose of treating organic disease or injury; or
- (b) under and in accordance with the terms of a licence issued by the Secretary of State in pursuance of these Regulations.

(2) Paragraph (1) of this regulation shall not apply to the administration or supply by a doctor of a substance specified in paragraph (3) below if the administration or supply is authorised by another doctor under and in accordance with the terms of a licence issued to him in pursuance of these Regulations.

(3) The substances referred to in paragraphs (1) and (2) above are—

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- (a) cocaine, its salts and any preparation or other product containing cocaine or its salts other than a preparation falling within paragraph 2 of Schedule 5 to the Misuse of Drugs Regulations 1985⁽²⁾;
- (b) diamorphine, its salts and any preparation or other product containing diamorphine or its salts;
- (c) dipipanone, its salts and any preparation or other product containing dipipanone or its salts.

4. These Regulations and, in relation only to the requirements of these Regulations, section 13(1) and (3), 14, 16, 19 and 25 of and Schedule 4 to the Misuse of Drugs Act 1971 (which relate to their enforcement) shall apply to servants and agents of the Crown.

5.—(1) The Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973⁽³⁾ and the Misuse of Drugs (Notification of and Supply to Addicts) (Amendment) Regulations 1983⁽⁴⁾ are hereby revoked.

(2) Notwithstanding anything in paragraph (1) of this Regulation, any licence issued by the Secretary of State in pursuance of the Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973 before the coming into force of these Regulations shall continue in force for the same time as if these Regulations had not been made and shall be deemed to have been issued in pursuance of these Regulations.

Home Office
20th March 1997

Tom Sackville
Parliamentary Under-Secretary of State

(2) S.I. 1985/2066.
(3) S.I. 1973/799.
(4) S.I. 1983/1909.

SCHEDULE

Regulation 2(1)

CONTROLLED DRUGS TO WHICH THESE REGULATIONS APPLY

1. The following substances and products, namely:—

Cocaine
Dextromoramide
Diamorphine
Dipipanone
Hydrocodone
Hydromorphone
Levorphanol
Methadone
Morphine
Opium
Oxycodone
Pethidine
Phenazocine
Piritramide

2. Any stereoisomeric form of a substance specified in paragraph 1 above, not being dextrorphan.

3. Any ester or ether of a substance specified in paragraph 1 or 2 above not being a substance for the time being specified in Part II of Schedule 2 to the Misuse of Drugs Act 1971.

4. Any salt of a substance specified in any of paragraphs 1 to 3 above.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4 above.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under the Misuse of Drugs Act 1971 revoke that part of the Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973 (S.I.1973/799; “the 1973 Regulations”) dealing with notification of addicts and re-enact that part of those regulations dealing with supply to addicts with drafting amendments only. Doctors will no longer be required to send to the Home Office particulars of persons whom they consider to be addicted to the controlled drugs specified in the Schedule. The prohibition on doctors supplying or prescribing cocaine, diamorphine (commonly known as heroin) and dipipanone for such persons except under licence of the Secretary of State or in certain cases for medical treatment is re-enacted.

Regulation 4 re-enacts the application of the provisions of the Regulations, together with the provisions of the Act necessary for their enforcement, to servants and agents of the Crown.

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Regulation 5 makes transitional provision for licences granted under the 1973 Regulations to continue in force as if issued in pursuance of these Regulations.