
STATUTORY INSTRUMENTS

2003 No. 1653

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) (No. 2) Regulations 2003

Made - - - - *26th June 2003*
Laid before Parliament *8th July 2003*
Coming into force - - *1st August 2003*

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

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) (No.2) Regulations 2003 and shall come into force on 1st August 2003.

Amendment of the Misuse of Drugs Regulations 2001

2.—(1) The Misuse of Drugs Regulations 2001(2) shall be amended as follows.
(2) After regulation 6 there shall be inserted—

“Supply of articles for administering or preparing controlled drugs

6A.—(1) Notwithstanding the provisions of section 9A(1) and (3)(3) of the Act, any of the persons specified in paragraph (2) may, when acting in their capacity as such, supply or offer to supply the following articles—

- (a) a swab;
- (b) utensils for the preparation of a controlled drug;
- (c) citric acid;
- (d) a filter;
- (e) ampoules of water for injection, only when supplied or offered for supply in accordance with the Medicines Act 1968(4) and of any instrument which is in force thereunder.

(1) 1971 c. 38.
(2) S.I.2001/3998.
(3) Section 9A was inserted in the Misuse of Drugs Act 1971 by section 34(1) of the Drug Trafficking Offences Act 1986 (c. 32).
(4) 1968 c. 67.

(2) The persons referred to in paragraph (1) are—

- (a) a practitioner;
- (b) a pharmacist;
- (c) a person employed or engaged in the lawful provision of drug treatment services.

(3) In regulation 2(1) for “has the same meaning as in Part 1 of the Civil Evidence Act 1968⁽⁵⁾” there shall be substituted “means anything in which information of any description is recorded (within the meaning of the Civil Evidence Act 1995⁽⁶⁾)”.

(4) In regulation 6(7)(c) for “the Post Office” there shall be substituted “ a postal operator (within the meaning of the Postal Services Act 2000⁽⁷⁾) ”.

(5) In regulation 16(1)(e) for “(3)” there shall be substituted “(4) ”.

Home Office
26th June 2003

Caroline Flint
Parliamentary Under-Secretary of State

⁽⁵⁾ 1968 c. 64.
⁽⁶⁾ 1995 c. 38.
⁽⁷⁾ 2000 c. 26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations 2001. Regulation 2(2) inserts regulation 6A which provides that practitioners, pharmacists and persons employed or engaged in the lawful provision of drug treatment services may, where the articles detailed in regulation 6A(1)(a)–(e) are believed to be used for the purposes of administering or preparing controlled drugs, lawfully supply or offer to supply these articles. Ampoules of water for injection are a prescription only medicine and may only be supplied in accordance with the Medicines Act 1968 and any instrument which is in force thereunder. The current instrument is the Prescription Only Medicines (Human Use) Order 1997⁽⁸⁾.

The supply or offer of supply of any of the articles detailed in this regulation by persons other than practitioners, pharmacists and persons employed or engaged in the lawful provision of drug treatment services, remains an offence under sections 9A(1) and (3) of the Misuse of Drugs Act 1971.

Paragraphs (3), (4) and (5) of regulation 2 correct errors in the Misuse of Drugs Regulations 2001.

⁽⁸⁾ S.I. 1997/1830, amended by S.I. 1997/2044, S.I. 1998/108, S.I. 1998/1178, S.I. 1998/2081, S.I. 1999/1044, S.I. 1999/3463, S.I. 2000/1917, S.I. 2000/2899, S.I. 2000/3231, S.I. 2001/2777, S.I. 2001/3942, S.I. 2002/549, S.I. 2003/696.