
STATUTORY INSTRUMENTS

2006 No. 3148

**The Controlled Drugs (Supervision of
Management and Use) Regulations 2006**

PART 2

Accountable officers

Persons who may be appointed as accountable officers

5.—(1) An English independent hospital may only nominate or appoint a person as its accountable officer if—

- (a) the person is—
 - (i) its registered manager, or
 - (ii) one of its officers or employees who is answerable to its registered manager, and if the person is its registered manager, he must be answerable to the chief executive, chairman or managing director of the hospital; and
- (b) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(2) Two or more English independent hospitals may jointly nominate or appoint one registered manager to be the accountable officer for both or all of the hospitals if the registered manager—

- (a) is registered as manager in relation to both or all of the hospitals; and
- (b) does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(3) A Scottish independent hospital may only nominate or appoint a person as its accountable officer if—

- (a) the person is—
 - (i) its manager, or
 - (ii) one of its officers or employees who is answerable to its manager, and if the person is its manager, he must be answerable to the chief executive, chairman or managing director of the hospital; and
- (b) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(4) Two or more Scottish independent hospitals may jointly nominate or appoint one manager to be the accountable officer for both or all of the hospitals if the manager—

- (a) is the manager of both or all of the hospitals; and
- (b) does not routinely supply, administer or dispose of controlled drugs as part of his duties.

(5) Subject to paragraph (6), a designated body which is neither an English nor a Scottish independent hospital may only nominate or appoint a person as its accountable officer if—

- (a) the person is an officer or employee of the designated body, and—

- (i) a member of the board of directors, or the management or executive committee of the designated body,
 - (ii) a member of the body (howsoever it may be called) that has responsibility for the management of the designated body, or
 - (iii) is answerable to a person referred to in paragraph (i) or (ii); and
- (b) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.
- (6) Two or more designated bodies which are neither English nor Scottish independent hospitals but which are of the same type may jointly nominate or appoint one person to be the accountable officer for both or all of the bodies, if—
- (a) the person satisfies paragraph (5)(a) in relation to one of the designated bodies;
 - (b) each designated body is satisfied that the person can properly discharge his responsibilities in relation to it; and
 - (c) the person does not routinely supply, administer or dispose of controlled drugs as part of his duties.
- (7) In this regulation—
- “manager”, in relation to a Scottish independent hospital, means the person appointed as the manager of that hospital pursuant to regulation 17(1) of the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002(1) (appointment of manager); and
- “registered manager”, in relation to an English independent hospital, means the person who is registered under Part II of the 2000 Act as the manager of the hospital.