

**2006 No. 986**

**DANGEROUS DRUGS**

**The Misuse of Drugs (Amendment) Regulations 2006**

*Made* - - - - *29th March 2006*

*Laid before Parliament* *3rd April 2006*

*Coming into force* - - *1st May 2006*

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 7(1) and (2), 10, 22 and 31(1) of the Misuse of Drugs Act 1971(a).

In accordance with section 31(3) of that Act he has consulted with the Advisory Council on the Misuse of Drugs.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations 2006 and shall come into force on 1st May 2006.

(2) In these Regulations, “the 2001 Regulations” means the Misuse of Drugs Regulations 2001(b).

**Amendment of regulation 2 of the 2001 Regulations**

2. In regulation 2 of the 2001 Regulations (interpretation), in paragraph (1)—

(a) omit the definition of “extended formulary nurse prescriber”(c);

(b) after the definition of “medicinal product” insert the following definition—

““nurse independent prescriber” has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(d), and such a person may only prescribe controlled drugs in accordance with regulation 6B;”;

(c) in the definition of “prescription”, for “an extended formulary nurse prescriber”(e) substitute “a nurse independent prescriber”.

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(a) 1971 c.38. Section 22 of that Act was amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2).  
(b) S.I. 2001/3998; relevant amending instruments are S.I. 2003/2429 and 2005/2864.  
(c) The definition of “extended formulary nurse prescriber” was inserted by S.I. 2003/2429 and substituted by S.I. 2005/2864.  
(d) S.I. 1997/1830. The definition of nurse independent prescriber will be inserted into the 1997 Order by the Medicines for Human Use (Prescribing) (Miscellaneous Amendments) Order 2006 (S.I. 2006/915) and will come into force on 1st May 2006.  
(e) The definition of “prescription” was amended to include a reference to “extended formulary nurse prescriber” by S.I. 2003/2429.

### **Amendment of regulation 6B of the 2001 Regulations**

3. In regulation 6B of the 2001 Regulations (authority for Extended Formulary Nurse Prescribers to prescribe)(a)—

- (a) in the heading, for “Extended Formulary Nurse Prescribers” substitute “Nurse Independent Prescribers”;
- (b) for “An extended formulary nurse prescriber” substitute “A nurse independent prescriber”;
- (c) in sub-paragraph (a), omit “diazepam, lorazepam, midazolam,”;
- (d) in sub-paragraph (e), at the end insert “; and”; and
- (e) after sub-paragraph (e), insert—
  - “(f) diazepam, lorazepam or midazolam for use in palliative care or treatment of tonic-clonic seizures.”

### **Amendment of regulation 7 of the 2001 Regulations**

4. In regulation 7(b) of the 2001 Regulations (administration of drugs in Schedules 2, 3, 4 and 5)—

- (a) in paragraph (4), for “an extended formulary nurse prescriber” substitute “a nurse independent prescriber”; and
- (b) in paragraph (5)—
  - (i) for “an extended formulary nurse prescriber” substitute “a nurse independent prescriber”, and
  - (ii) for “the extended formulary nurse prescriber” substitute “the nurse independent prescriber”.

### **Amendment of regulation 8 of the 2001 Regulations**

5. In regulation 8(c) of the 2001 Regulations (production and supply of drugs in Schedules 2 and 5), in paragraph (7), for “an extended formulary nurse prescriber” substitute “a nurse independent prescriber”.

### **Amendment of regulation 9 of the 2001 Regulations**

6. In regulation 9(d) of the 2001 Regulations (production and supply of drugs in Schedules 3 and 4), in paragraph (7)—

- (a) for “an extended formulary nurse prescriber” substitute “a nurse independent prescriber”; and
- (b) in sub-paragraph (a), after “care” add “or treatment of tonic-clonic seizures”.

### **Amendment of regulation 10 of the 2001 Regulations**

7. In regulation 10(e) of the 2001 Regulations (possession of drugs in Schedules 2, 3 and 4), in paragraph (2)—

- (a) for “an extended formulary nurse prescriber”, in both places those words appear, substitute “a nurse independent prescriber”; and

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(a) Regulation 6B was inserted by S.I. 2005/2864.  
(b) Regulation 7 has been amended; paragraphs (4) and (5) were inserted by S.I. 2003/2429 and substituted by S.I. 2005/2864.  
(c) Regulation 8 has been amended; paragraph (7) was inserted by S.I. 2003/2429 and substituted by S.I. 2005/2864.  
(d) Regulation 9 has been amended; paragraph (7) was inserted by S.I. 2003/2429 and substituted by S.I. 2005/2864.  
(e) Regulation 10 has been amended; paragraph (2) was amended to include extended formulary nurse prescribers by S.I. 2003/2429.

(b) in sub-paragraph (a), for “extended formulary nurse prescriber”, in both places those words appear, substitute “nurse independent prescriber”.

Home Office  
29th March 2006

*Paul Goggins*  
Parliamentary Under-Secretary of State

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Misuse of Drugs Regulations 2001 (“the 2001 Regulations”). Regulations 2 to 7 amend regulations 2, 6B and 7 to 10 of the 2001 Regulations, to replace references to “extended formulary nurse prescribers” with references to “nurse independent prescribers”. The effect is that nurse independent prescribers will be allowed to prescribe, supply, possess, administer and give directions for the administration of specified controlled drugs in those circumstances in which extended formulary nurse prescribers were previously able to.

Regulations 3(c) to (e) and 6(b) amend regulations 6B and 9 of the 2001 Regulations to allow nurse independent prescribers to prescribe and supply diazepam, lorazepam and midazolam for the treatment of tonic-clonic seizures.

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