

**EXPLANATORY MEMORANDUM TO**  
**THE MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2006**

**2006 No. 986**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This instrument amends the Misuse of Drugs Regulations 2001 (“the 2001 Regulations”). It contains provisions to:

- amend the title of Extended Formulary Nurse Prescribers to Nurse Independent Prescribers ; and
- allow Nurse Independent Prescribers, formerly Extended Formulary Nurse Prescribers to prescribe, administer and supply diazepam, lorazepam or midazolam for the treatment of tonic-clonic seizures.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 The instrument is made under sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971. That Act received Royal Assent on 27 May 1971. Section 31(3) of the Misuse of Drugs Act 1971 provides that the Secretary of State may not make regulations under that Act except after consultation with the Advisory Council on the Misuse of Drugs (ACMD). ACMD has been consulted and approved the prescribing, administering and supply of diazepam, lorazepam or midazolam for the treatment of tonic-clonic seizures and has been consulted on the name change from “Extended Formulary Nurse Prescribers” to “Nurse Independent Prescribers”.

**5. Extent**

5.1 This instrument applies to all of the United Kingdom.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy Background**

7.1 Since April 2002, the Department of Health has allowed Extended Formulary Nurse Prescribers (now to be called Nurse Independent Prescribers) to independently

prescribe a large number of prescription only medicines for patients without obtaining permission from a doctor.

7.2 Since October 2003, by virtue of the Misuse of Drugs (Amendment) (No.3) Regulation 2003 (SI No: 2003/2429) and the subsequent Misuse of Drugs (Amendment) Regulations 2005 (SI No; 2005/2864), Extended Formulary Nurse Prescribers have been allowed to prescribe specific controlled drugs for specific medical conditions. The Regulations have also allowed Extended Formulary Nurse Prescribers, when acting in their capacity as such, to supply or offer to supply the same specified controlled drug for the same specified medical conditions, to any person who may lawfully have any of the specified drugs in their possession.

7.3 Extended Formulary Nurse Prescribers are currently able to prescribe diazepam, lorazepam and midazolam (which are listed as Schedule 4 drugs in the 2001 Regulations) for use in palliative care and, when acting in their capacity as Extended Formulary Nurse Prescribers, are currently able to supply or offer to supply diazepam, lorazepam and midazolam for use in palliative care to any person who may lawfully have any of these drugs in his possession.

7.4 The amendments made by this instrument allow Nurse Independent Prescribers (formerly Extended Formulary Nurse Prescribers) to prescribe diazepam, lorazepam and midazolam for use in the treatment of tonic-clonic seizures and, when acting in their capacity as Nurse Independent Prescribers, to supply or offer to supply diazepam, lorazepam and midazolam for the treatment of tonic-clonic seizures to any person who may lawfully have any of these drugs in his possession.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs of businesses.

8.2 The impact on the public sector is to benefit patients by underpinning improvements in patient care and making the best use of professional skills.

8.3 There are no resource implications for the Home Office.

## **9. Contact for inquiries**

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