

---

STATUTORY INSTRUMENTS

---

**2006 No. 1450**

**The Misuse of Drugs (Amendment No. 2) Regulations 2006**

**Amendment of the Misuse of Drugs Regulations 2001**

6.—(1) In regulation 16(1), before “A person” insert “Subject to paragraph (5),”.

(2) In regulation 16(1)(a), before “unless” insert “subject to paragraphs (1A) and (1C),”.

(3) In regulation 16(1)(d), (e), and 16(4)(a) for “date specified in the prescription” substitute “appropriate date”.

(4) In regulations 16(1)(e) and 16(4)(a), for “thirteen weeks” substitute “twenty-eight days”.

(5) After regulation 16(1), insert—

“(1A) A pharmacist may supply a controlled drug other than a drug specified in Schedule 4 or 5 or temazepam if the prescription contains minor typographical errors or spelling mistakes or if it does not comply with the provisions of regulation 15 in the way specified in paragraph (1B), provided that—

- (a) having exercised all due diligence, he is satisfied on reasonable grounds that the prescription is genuine;
- (b) having exercised all due diligence, he is satisfied on reasonable grounds that he is supplying the drug in accordance with the intention of the person issuing the prescription;
- (c) he amends the prescription in ink or otherwise indelibly to correct the minor typographical errors or spelling mistakes or so that the prescription complies with the requirements of regulation 15 as the case may be; and
- (d) he marks the prescription so that the amendment he has made under subparagraph (c) is attributable to him.

(1B) The way specified in paragraph (1A) is that, in relation to regulation 15(1)(f), the total quantity of the preparation or of the controlled drug or the number of dosage units as the case may be is specified in either words or figures but not both.

(1C) A pharmacist may supply a controlled drug other than a drug specified in Schedule 4 or 5 on a prescription other than a health prescription in a hospital if it does not comply with regulation 15 in the ways specified in paragraph (1D).

(1D) The ways specified in paragraph (1C) are—

- (a) the prescription is not written on a prescription form provided by a Primary Care Trust or equivalent body for the purposes of private prescribing;
- (b) the prescription does not specify the prescriber identification number of the person issuing it.”

(6) After regulation 16(4), insert—

“(5) A person shall not supply a controlled drug specified in Schedule 4 on a prescription later than twenty-eight days after the appropriate date.

(6) A person who is asked to supply on prescription a controlled drug specified in Schedule 2 must first ascertain whether the person collecting the drug is the patient, the

patient's representative or a healthcare professional acting in his professional capacity on behalf of the patient; and—

- (a) where that person is the patient or the patient's representative, he may—
    - (i) request evidence of that person's identity; and
    - (ii) refuse to supply the drug if he is not satisfied as to the identity of that person;
  - (b) where that person is a healthcare professional acting in his professional capacity on behalf of the patient, he—
    - (i) must obtain that person's name and address;
    - (ii) must, unless he is acquainted with that person, request evidence of that person's identity; but
    - (iii) may supply the drug even if he is not satisfied as to the identity of that person.
- (7) In this regulation—

“appropriate date” means the later of the date on which it was signed by the person issuing it or the date indicated by him as being the date before which it shall not be supplied;

“healthcare professional” has the same meaning as in the National Health Service Act 1977(1);

“patient” means the person named in the prescription as the person to whom the drug is to be supplied;

“patient's representative” means a person sent by or on behalf of the patient (other than a healthcare representative acting in his professional capacity).”

---

(1) 1977 c. 49. The definition of “healthcare professional” is contained in section 28D(2) of that Act, which was inserted by section 21(1) of the National Health Service (Primary Care) Act 1997 (c. 46) and amended by section 177(1), (4) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).