STATUTORY RULES OF NORTHERN IRELAND

2003 No. 420

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) (No. 3) Regulations (Northern Ireland) 2003

Made - - - -	*23rd September 2003*
Coming into operation	*15th October 2003*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred by sections 7(1)(b), 10, 22 and 31(1) of the Misuse of Drugs Act 1971(**2**) as adapted by section 38 of that Act and now vested in it(**3**) and of every other power enabling it in that behalf and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 3) Regulations (Northern Ireland) 2003 and shall come into operation on 15th October 2003.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Misuse of Drugs Regulations (Northern Ireland) 2002

3.—(1) The Misuse of Drugs Regulations (Northern Ireland) 2002(**5**) shall be amended as follows.

(2) In Regulation 2(2) there shall be inserted –

(a) after the definition of "exempt product",

(**1**) *See*S.I. 1999/283 (N.I. 1), Article 3(6)
(**2**) 1971 c. 38; section 22 was amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2)
(**3**) S.R. & O. (N.I.) 1973 No. 504; Article 5(a)
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2002 No. 1 to which there are amendments not relevant to these regulations

""extended formulary nurse prescriber" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997(**6**) and such a person may only precribe –

(a) diazepam, lorazepam or midazolam for use in palliative care;

(b) codeine phosphate, dihydrocodeine tartrate or co-phenotrope;";

(b) after the definition of "officer of customs and excise",

""patient group direction" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997;";

(c) in the definition of "prescription", after "medical treatment of a single individual", "by an extended formulary nurse prescriber for the medical treatment of a single individual,";

(d) after the definition of "register",

""registered health visitor" means a person who is registered in the professional register by virtue of qualifications in relation to health visiting and the professional register is the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001(**7**);

"registered midwife" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997;

"registered nurse" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997;

"registered ophthalmic optician" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997;"

(e) after the definition of "sister or acting sister" –

""state registered chiropodist" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997;"

"state registered paramedic" has the same meaning as in the Prescription Only Medicines (Human Use) Order 1997;"

(3) In regulation 6 there shall be inserted –

in paragraph (2), after "practitioner", insert ", an extended formulary nurse prescriber, a registered nurse or a person specified in Schedule 8".

(4) In regulation 7 there shall be inserted after paragraph (3) –

"(4) Notwithstanding the provisions of paragraph (3), an extended formulary nurse prescriber may administer to a patient, without the directions of a doctor or dentist, diazepam, lorazepam and midazolam for use in palliative care.

(5) Notwithstanding the provisions of paragraph (3), any person may administer to a patient, in accordance with the directions of an extended formulary nurse prescriber, diazepam, lorazepam and midazolam for use in palliative care".

(5) In regulation 8 there shall be inserted after paragraph (6) –

"(7) Notwithstanding the provisions of section 4(1)(b) of the Act, an extended formulary nurse prescriber may, when acting in her capacity as such, supply or offer to supply codeine phosphate, dihydrocodeine tartrate and co-phenotrope, to any person who may lawfully have any of these drugs in his possession.

(**6**) S.I. 1997/1830, as amended by S.I. 1997/2044, S.I. 1998/108, 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

(**7**) S.I. 2002 /253

(8) Notwithstanding the provisions of section 4(1)(b) of the Act –

(a) a registered nurse, when acting in her capacity as such, may supply or offer to supply, under and in accordance with the terms of a patient group direction, diamorphine for the treatment of cardiac pain to a person admitted as a patient to a coronary care unit or an accident and emergency department of a hospital;

(b) a registered nurse or a person specified in Schedule 8 may, when acting in their capacity as such, supply or offer to supply, under and in accordance with the terms of a patient group direction, any drug specified in Schedule 5 to any person who may lawfully have that drug in his possession.".

(6) In regulation 9 there shall be inserted after paragraph (6) –

"(7) Notwithstanding the provisions of section 4(1)(b) of the Act, an extended formulary nurse prescriber may, when acting in her capacity as such, 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.

(8) Notwithstanding the provisions of section 4(1)(b) of the Act, a registered nurse or a person specified in Schedule 8, when acting in their capacity as such, may supply or offer to supply, under and in accordance with the terms of a patient group direction any drug specified in Schedule 4 to any person who may lawfully have that drug in his possession, except that this paragraph shall not have effect in the case of –

(a) the supply or offer to supply of any of the anabolic steroid drugs specified in Part II of Schedule 4; and

(b) any drug of preparation which is designed for administration by injection and which is to be used for the purpose of treating a person who is addicted to a drug;

(c) for the purposes of paragraph (b) above, a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.".

(7) In regulation 10 there shall be inserted –

(a) after paragraph (1)(c),

"(d) a person specified in regulation 9(3)(b) or (c) may have in his possession any drug specified in Part I of Schedule 4 which is contained in a medicinal product;

(e) a person specified in regulation 9(7) may have in her possession any drug specified in that regulation in accordance with the conditions specified in that regulation;".

(b) in paragraph (2) after "practitioner", insert "or an extended formulary nurse prescriber,";

(c) in paragraph (2) after "doctor", insert "or an extended formulary nurse prescriber,";

(d) in paragraph (2)(a) after "another doctor", insert "or another extended formulary nurse prescriber";

(e) in paragraph (2)(a) after "mentioned doctor", insert "or extended formulary nurse prescriber".

(8) After Schedule 7 the Schedule to these Regulations shall be inserted.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 23rd September 2003.

L.S.

D. C. Gowdy
Permanent Secretary,
Department of Health, Social Services and Public Safety

SCHEDULE

"SCHEDULE 8 Regulations 8(8) and 9(8)

1. Any of the following persons may supply or administer a specified controlled drug under a patient group direction, namely –

(a) a person who holds a certificate of proficiency in ambulance paramedic skills issued by, or with the approval of, the Secretary of State, or a person who is a state registered paramedic;

(b) a registered health visitor;

(c) a registered midwife;

(d) a registered ophthalmic optician;

(e) a state registered chiropodist;

(f) a person who is registered in the register of orthopists maintained by the Health Professions Council pursuant to paragraph 11 of Schedule 2 to the Health Professions Order (a state registered orthopist);

(g) a person who is registered in the register of physiotherapists maintained by the Health Professions Council pursuant to paragraph 11 of Schedule 2 to the Health Professions Order (a state registered physiotherapist);

(h) a person who is registered in the register of radiographers maintained by the Health Professions Council pursuant to paragraph 11 of Schedule 2 to the Health Professions Order (a state registered radiographer)."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Misuse of Drugs Regulations (Northern Ireland) 2002 ("the 2002 regulations"). Regulations 2(3), 2(4), 2(5), 2(6) and 2(7) amend regulations 2, 6, 7, 8, 9 and 10 to allow extended formulary nurse prescribers, registered nurses and persons authorised under patient group directions to prescribe, supply, possess and administer specified controlled drugs in certain circumstances only. The Schedule to these Regulations, inserts a new Schedule 8, into the 2002 Regulations which details the persons who may supply or administer specified controlled drugs under a patient group direction. Regulation 3(2) inserts further definitions into the 2002 Regulations, which are consequential upon the amendments made.