

2023 No. 218

DANGEROUS DRUGS

The Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2023

Made - - - - *13th December 2023*

Coming into operation - *31st December 2023*

The Department of Health, makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(a) as adapted by sections 7(9), 31(4) and 38 of that Act and now vested in it(b) and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment No. 2) Regulations (Northern Ireland) 2023 and shall come into operation on 31st December 2023.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to the Regulations as it applies to an Act of the Northern Ireland Assembly.

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

2.—(1) The Misuse of Drugs Regulations (Northern Ireland) 2002(d) are amended as follows.

(2) In regulation 2(2) (Interpretation)—

- (a) in the definition of “health prescription”(e), after “a podiatrist independent prescriber” insert “, a paramedic independent prescriber, a therapeutic radiographer independent prescriber”;
- (b) after the definition of “organisation providing ambulance services”(f), insert—
““paramedic independent prescriber” has the same meaning as in the Human Medicines Regulations 2012(g);”;
- (c) in the definition of “prescription”(h), after “by a pharmacist independent prescriber for the medical treatment of a single individual,” insert “a podiatrist independent prescriber for the medical treatment of a single individual, a physiotherapist independent prescriber for the medical treatment of a single individual, a paramedic independent prescriber for

(a) 1971 c. 38, as amended by the Police Reform and Social Responsibility Act 2011 (c. 13).

(b) S.R. & O (N.I.) 1973 No. 504, Article 5(a) and S.I. 1999/283 (N.I. 1), Article 3(6).

(c) 1954 c. 33 (N.I.).

(d) S.R. 2002 No. 1.

(e) The definition of “health prescription” was amended by S.R. 2016 No. 29 and S.R. 2019 No. 208.

(f) The definition of “organisation providing ambulance services” was inserted by S.R. 2019 No. 208.

(g) SI 2012/1916: the definition of “paramedic independent prescriber” was inserted into regulation 8 of those Regulations by SI 2018/199.

(h) The definition of “prescription” was amended by S.R. 2003 No. 420, S.R. 2005 No. 119, S.R. 2006 No. 214 and S.R. 2012 No. 168.

the medical treatment of a single individual, a therapeutic radiographer independent prescriber for the medical treatment of a single individual,”; and

(d) after the definition of “supplementary prescriber”(a), insert—

““therapeutic radiographer independent prescriber” has the same meaning as in the Human Medicines Regulations 2012(b);”.

(3) In regulation 6 (General authority to supply and possess)—

(a) in paragraph (2)(c), after “a supplementary prescriber” insert “, a paramedic independent prescriber, a therapeutic radiographer independent prescriber,”; and

(b) after paragraph (2) insert—

“(2A) Notwithstanding the provisions of section 4(1)(b) of the Act, a person who is in possession of a drug specified in Schedule 5 and who has been supplied that drug by a specified registered podiatrist, may supply that drug to any doctor, dentist or pharmacist for the purpose of destruction.”.

(4) After regulation 6C (Authority for Physiotherapist Independent Prescribers and Podiatrist Independent Prescribers to prescribe)(d), insert—

“Authority for Therapeutic Radiographer Independent Prescribers and Paramedic Independent Prescribers to prescribe

6D.—(1) A therapeutic radiographer independent prescriber may prescribe any of the following controlled drugs for the treatment of organic disease or injury provided that the controlled drug is prescribed to be administered by the specified method—

- (a) Tramadol by oral administration;
- (b) Lorazepam by oral administration;
- (c) Diazepam by oral administration;
- (d) Morphine by oral administration or by injection;
- (e) Oxycodone by oral administration;
- (f) Codeine by oral administration.

(2) A paramedic independent prescriber may prescribe any of the following controlled drugs for the treatment of organic disease or injury provided the controlled drug is prescribed to be administered by the specified method—

- (a) Morphine sulphate by oral administration or by injection;
- (b) Diazepam by oral administration or by injection;
- (c) Midazolam by oromucosal administration or by injection;
- (d) Lorazepam by injection;
- (e) Codeine phosphate by oral administration.”.

(5) In regulation 7 (Administration of drugs in Schedules 2,3, 4 and 5)(e), at the end insert—

“(10) Notwithstanding the provisions of paragraph (3), a paramedic independent prescriber or a therapeutic radiographer independent prescriber may administer to a patient without the directions of a doctor or a dentist, any controlled drug which such paramedic independent prescriber or such therapeutic radiographer independent prescriber may prescribe under regulation 6D provided it is administered for a purpose for which it may be

(a) The definition of “supplementary prescriber” was inserted by S.R. 2005 No. 119.

(b) The definition of “therapeutic radiographer independent prescriber” was inserted into regulation 8 of those Regulations by SI 2016/186.

(c) Regulation 6(2) was amended by S.R. 2003 No. 420, S.R. 2005 No. 119, S.R. 2012 No. 168 and S.R. 2019 No. 208.

(d) Regulation 6C was inserted by S.R. 2019 No. 208.

(e) Paragraphs (8) and (9) were inserted into regulation 7 by S.R. 2019 No. 208: there are other amendments which are not relevant to these Regulations.

prescribed under that regulation and by the method by which it was prescribed under that regulation and by the method by which it was prescribed to be administered.

(11) Notwithstanding the provisions of paragraph (3), any person may administer to a patient in accordance with the specific instructions of a paramedic independent prescriber or a therapeutic radiographer independent prescriber, any controlled drug which such paramedic independent prescriber or such therapeutic radiographer independent prescriber may prescribe under regulation 6D, provided it is administered for a purpose for which it may be prescribed under that regulation and by the method by which it was prescribed to be administered.”.

(6) In regulation 8 (Production and supply of drugs in Schedules 2 and 5)(a)—

(a) in paragraph (1)(d) after “pharmacist independent subscriber,” insert “paramedic independent prescriber, therapeutic radiographer independent prescriber,”.

(b) After paragraph (7), insert—

“(7A) Notwithstanding the provisions of section 4(1)(b) of the Act, a paramedic independent prescriber or a therapeutic radiographer independent prescriber may, when acting in their capacity as such, supply or offer to supply any controlled drug specified in Schedule 2 or 5 to any person who may lawfully have any of those drugs in their possession provided it is supplied or offered in circumstances where they may prescribe it under regulation 6D.”.

(c) in paragraph (8), at the end insert—

“(c) a specified registered podiatrist may, when acting in such capacity, supply or offer to supply the following controlled drugs—

(i) co-codamol 8/500, 15/500 and 30/500,

(ii) co-dydramol 10/500, and

(iii) codeine phosphate.”;

(d) after paragraph (8) insert—

“(8A) In paragraph (8)(c) “specified registered podiatrist” means the registered podiatrists specified in paragraph 11 of Part 1 and paragraph 2 of Part 4 of Schedule 17 to the Human Medicines Regulations 2012 (against whose names are recorded in the relevant register annotations signifying that they are qualified to use the medicine specified).”.

(7) In regulation 9 (Production and supply of drugs in Schedules 3 and 4)(b) —

(a) in paragraph (1)(e), after “pharmacist independent prescriber,” insert “paramedic independent prescriber, therapeutic radiographer independent prescriber”; and

(b) After paragraph (7) insert—

“(7A) Notwithstanding the provisions of section 4(1)(b) of the Act, a paramedic independent prescriber or a therapeutic radiographer independent prescriber may, when acting in their capacity as such, supply or offer to supply any controlled drug specified in Schedule 3 or 4 to any person who may lawfully have any of those drugs in their possession provided it is supplied or offered in circumstance where they may prescribe it under regulation 6D.”.

(8) In regulation 10 (Possession of drugs in Schedules 2, 3, 4 and nitrous oxide)(c)—

(a) in paragraph (1)—

(i) in sub-paragraph (e), for “regulation 8(7), regulation 8(8)(a), regulation 9(7) or regulation 9(8)” substitute “regulation 8(7) or (7A), regulation 8(8)(a), or regulation 9(7), (7A) or (8)”.

(a) Regulation 8(1)(d) was inserted by S.R. 2012 No. 168.

(b) Paragraphs (1)(e) and (7) were inserted by S.R. 2012 No. 168

(c) Regulation 10(1) was amended by S.R. 2003 No. 420, S.R. 2005 No. 119, S.R. 2007 No. 348, S.R. 2012 No. 168 and S.R. 2023 No. 180.

(ii) after sub-paragraph (f) insert—

“(g) a person specified in regulation 8(8)(b) may have possession of ketamine in accordance with that provision.”; and

(b) in paragraph (2)—

(i) in the opening words after “nurse independent prescriber,” in both places it occurs, insert “a podiatrist independent prescriber, a physiotherapist independent prescriber, a paramedic independent prescriber, a therapeutic radiographer independent prescriber”; and

(ii) in sub-paragraph (a)—

(aa) after “another pharmacist independent prescriber”, insert “, another podiatrist independent prescriber, another physiotherapist independent prescriber, another paramedic independent prescriber, another therapeutic radiographer independent prescriber”, and

(bb) after “pharmacist independent prescriber”, in the second place it occurs, insert “, podiatrist independent prescriber, physiotherapist independent prescriber, paramedic independent prescriber, therapeutic radiographer independent prescriber”.

(9) In regulation 18(2)(d) (Marking of bottles and other containers)(a), after “nurse independent prescriber” insert “, registered podiatrist, paramedic independent prescriber, therapeutic radiographer independent prescriber”.

(10) In regulation 26(2) (Furnishing of information with respect to controlled drugs)(b), at the end insert—

“(k) a specified registered podiatrist;

(l) a paramedic independent prescriber;

(m) a therapeutic radiographer independent prescriber.”.

Sealed with the Official Seal of the Department of Health on 13th December 2023.

(L.S.)

Cathy Harrison

A senior officer of the Department of Health

(a) Regulation 18(2)(d) was substituted by S.R. 2012 No. 168.

(b) Regulation 26(2) was amended by S.R. 2005 No. 119, S.R. 2012 No. 168 and S.R. 2019 No. 208.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations (Northern Ireland) 2002 (S.R. 2002 No. 1) (“the 2002 Regulations”) to permit independent prescribing of controlled drugs by therapeutic radiographer independent prescribers and paramedic independent prescribers. They also permit the supply of codeine products by podiatrists and make technical amendments in respect of podiatrist independent prescribers and physiotherapist independent prescribers, and as regards possession of ketamine by healthcare professionals.

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