

## STATUTORY INSTRUMENTS

# 2001 No. 3998

## The Misuse of Drugs Regulations 2001

### Exemption for midwives

**11.**—(1) Notwithstanding the provisions of sections 4(1)(b) and 5(1) of the Act, a registered midwife who has, in accordance with the provisions of rules made under [<sup>F1</sup>article 42 of the Order], notified to the local supervising authority her intention to practise may, subject to the provisions of this regulation—

- (a) so far as necessary to her professional practice, have in her possession;
- (b) so far as necessary as aforesaid, administer [<sup>F2</sup>or supply]; and
- (c) surrender to the appropriate medical officer such stocks in her possession as are no longer required by her of,

any controlled drug which she may, under and in accordance with the provisions of the Medicines Act 1968 and of any instrument which is in force thereunder, lawfully administer.

(2) Nothing in paragraph (1) authorises a midwife to have in her possession any drug which has been obtained otherwise than on a midwife's supply order signed by the appropriate medical officer.

(3) In this regulation—

<sup>F3</sup>  
...

“appropriate medical officer” means—

- (a) a doctor who is for the time being authorised in writing for the purposes of this regulation by the local supervising authority for the region or area in which the drug was, or is to be, obtained; or
- (b) for the purposes of paragraph (2), a person appointed under and in accordance with [<sup>F4</sup>article 43 of the Order] by that authority to exercise supervision over registered midwives within their area, who is for the time being authorised as aforesaid;

“local supervising authority” has the meaning it is given by [<sup>F5</sup>Schedule 4 of the Order];

“midwife's supply order” means an order in writing specifying the name and occupation of the midwife [<sup>F6</sup>obtaining the drug, the name of the person to whom it is to be administered or supplied,] the purpose for which it is required and the total quantity to be obtained.

[<sup>F7</sup>“the Order” means the Nursing and Midwifery Order 2001;]

### Textual Amendments

- F1** Words in reg. 11(1) substituted (1.8.2004) by *The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004* (S.I. 2004/1771), art. 1(1), **Sch. para. 24(c)(i)**
- F2** Words in reg. 11(1)(b) inserted (1.6.2015) by *The Misuse of Drugs (Amendment) (No. 2) (England, Wales and Scotland) Regulations 2015* (S.I. 2015/891), regs. 1(1), **9(a)**
- F3** Words in reg. 11(3) omitted (1.8.2004) by virtue of *The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004* (S.I. 2004/1771), art. 1(1), **Sch. para. 24(c)(ii)(aa)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Misuse of Drugs Regulations 2001, Section 11. (See end of Document for details)*

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- F4** Words in reg. 11(3) substituted (1.8.2004) by The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), art. 1(1), **Sch. para. 24(c)(ii)(bb)**
- F5** Words in reg. 11(3) substituted (1.8.2004) by The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), art. 1(1), **Sch. para. 24(c)(ii)(cc)**
- F6** Words in reg. 11(3) substituted (1.6.2015) by The Misuse of Drugs (Amendment) (No. 2) (England, Wales and Scotland) Regulations 2015 (S.I. 2015/891), regs. 1(1), **9(b)**
- F7** Words in reg. 11(3) inserted (1.8.2004) by The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771), art. 1(1), **Sch. para. 24(c)(ii)(dd)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Misuse of Drugs Regulations 2001, Section 11.