
STATUTORY INSTRUMENTS

2001 No. 3998

The Misuse of Drugs Regulations 2001

Provisions as to supply on prescription

16.—(1) [^{F1}Subject to paragraph (5),] a person shall not supply a controlled drug other than a drug specified in Schedule 4 or 5 on a prescription—

- (a) [^{F2}subject to paragraphs (1A) and (1C),] unless the prescription complies with the provisions of regulation 15;
- (b) unless the address specified in the prescription as the address of the person issuing it is an address within the United Kingdom;
- (c) unless he either is acquainted with the signature of the person by whom it purports to be issued and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine;
- (d) before the [^{F3}appropriate date];
- (e) subject to paragraph [^{F4}(4)], later than [^{F5}twenty-eight days] after the [^{F3}appropriate date].

[^{F6}(1A) A pharmacist may supply a controlled drug other than a drug specified in Schedule 4 or 5 ^{F7}... 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 sub-paragraph (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 [^{F8}[^{F9}NHS England] or an] equivalent body for the purposes of private prescribing;
- (b) the prescription does not specify the prescriber identification number of the person issuing it.]

(2) Subject to paragraphs (3) and (4), a person supplying on prescription a controlled drug other than a drug specified in Schedule 4 or 5 shall, at the time of the supply, mark on the prescription the date on which the drug is supplied and, ^{F10}if it is a veterinary prescription, shall retain the prescription on the premises from which the drug was supplied.

(3) A person supplying temazepam on prescription in accordance with a prescription form of a kind specified in regulation 2A(1)(a)(i) of the National Health Service (Pharmaceutical Services) Regulations 1992 shall, at the time of the supply, enter on the form by electronic means the date on which the drug is supplied.

(4) In the case of a prescription containing a controlled drug other than a drug specified in Schedule 4 or 5, which contains a direction that specified instalments of the total amount may be supplied at stated intervals, the person supplying the drug shall not do so otherwise than in accordance with that direction, and—

- (a) paragraph (1) shall have effect as if for the requirement contained in sub-paragraph (e) thereof there were substituted a requirement that the occasion on which the first instalment is supplied shall not be later than ^{F11}twenty-eight days] after the ^{F12}appropriate date];
- (b) paragraph (2) shall have effect as if for the words “at the time of the supply” there were substituted the words “ on each occasion on which an instalment is supplied ”.

^{F13}(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;

“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).]

Textual Amendments

- F1** Words in reg. 16(1) inserted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(1)** (with regs. 12, 13)
- F2** Words in reg. 16(1)(a) inserted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(2)** (with regs. 12, 13)

- F3** Words in reg. 16(1)(d)(e) substituted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(3)** (with regs. 12, 13)
- F4** Word in reg. 16(1)(e) substituted (1.8.2003) by [The Misuse of Drugs \(Amendment\) \(No. 2\) Regulations 2003 \(S.I. 2003/1653\)](#), regs. 1, **2(5)**
- F5** Words in reg. 16(1)(e) substituted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(4)** (with regs. 12, 13)
- F6** Reg. 16(1A)-(1D) inserted (7.7.2006 for E.S. and for W. in so far as inserting reg. 16(1A)(1B), 1.1.2007 in so far as not already in force) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1)(3), **6(5)** (with regs. 12, 13)
- F7** Words in reg. 16(1A) omitted (1.6.2015) by virtue of [The Misuse of Drugs \(Amendment\) \(No. 2\) \(England, Wales and Scotland\) Regulations 2015 \(S.I. 2015/891\)](#), regs. 1(1), **12**
- F8** Words in reg. 16(1D)(a) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 50(4)** (with Sch. 3 para. 5)
- F9** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F10** Words in reg. 16(2) substituted (1.9.2006) by [The Misuse of Drugs \(Amendment No. 3\) Regulations 2006 \(S.I. 2006/2178\)](#), regs. 1(1), **5**
- F11** Words in reg. 16(4)(a) substituted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(4)** (with regs. 12, 13)
- F12** Words in reg. 16(4)(a) substituted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(3)** (with regs. 12, 13)
- F13** Reg. 16(5)-(7) inserted (7.7.2006) by [The Misuse of Drugs \(Amendment No. 2\) Regulations 2006 \(S.I. 2006/1450\)](#), regs. 2(1), **6(6)** (with regs. 12, 13)

Changes to legislation:

There are currently no known outstanding effects for the The Misuse of Drugs Regulations 2001, Section 16.