
STATUTORY INSTRUMENTS

2001 No. 3998

The Misuse of Drugs Regulations 2001

Production and supply of drugs in Schedules 2 and 5

- 8.—(1) Notwithstanding the provisions of section 4(1)(a) of the Act—
- (a) a practitioner or pharmacist, acting in his capacity as such, may manufacture or compound any drug specified in Schedule 2 or 5;
 - (b) a person lawfully conducting a retail pharmacy business and acting in his capacity as such may, at the registered pharmacy at which he carries on that business, manufacture or compound any drug specified in Schedule 2 or 5;
 - [^{F1}(c) a nurse independent prescriber acting in her capacity as such, or a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, may compound any drug specified in Schedule 2 or 5 for the purposes of administration in accordance with regulation 7;
 - (d) any person acting in accordance with the written directions of a doctor, a dentist, a nurse independent prescriber, a pharmacist independent prescriber, [^{F2}paramedic independent prescriber, therapeutic radiographer independent prescriber] or a supplementary prescriber acting under and in accordance with the terms of a clinical management plan, may compound any drug specified in Schedule 2 or 5 for the purposes of administration in accordance with regulation 7]
- (2) Notwithstanding the provisions of section 4(1)(b) of the Act, any of the following persons, that is to say—
- (a) a practitioner;
 - (b) a pharmacist;
 - (c) a person lawfully conducting a retail pharmacy business;
 - (d) the person in charge or acting person in charge of a hospital or [^{F3}care home] which is wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions;
 - [^{F4}(da) the person in charge or acting person in charge of an organisation providing ambulance services;]
 - [^{F5}(e) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at a hospital, care home or prison, the senior registered nurse, acting senior registered nurse, or registered midwife, for the time being in charge of a ward, theatre or other department in the hospital, care home or prison.]
 - [^{F6}(ea) in the case of such a drug supplied to him by a person responsible for the dispensing and supply of medicines at a hospital, an operating department practitioner practising in that hospital;]
 - (f) a person who is in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research and which is attached to a university, university college or such a hospital as aforesaid or to any other institution approved for the purpose under this sub-paragraph by the Secretary of State;

- (g) a public analyst appointed under section 27 of the Food Safety Act 1990 ^{M1};
- (h) a sampling officer within the meaning of Schedule 3 to the Medicines Act 1968;
- (i) a person employed or engaged in connection with a scheme for testing the quality or amount of the drugs, preparations and appliances supplied under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978 and the regulations made thereunder;
- (j) [^{F7}a person authorised by the General Pharmaceutical Council] for the purposes of section 108 or 109 of the Medicines Act 1968,
- [^{F8}(k) a supplementary prescriber acting under and in accordance with the terms of a clinical management plan,]

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his possession, except that nothing in this paragraph authorises—

- (i) the person in charge or acting person in charge of [^{F9}a hospital, organisation providing ambulance services] or [^{F3}care home], having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug; ^{F10}...
- (ii) a [^{F11}senior registered nurse, acting senior registered nurse or registered midwife] for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a [^{F12}doctor, dentist, supplementary prescriber acting under and in accordance with the terms of a clinical management plan or, subject to paragraph (2A), a nurse independent prescriber [^{F13}or a pharmacist independent prescriber]; or]
- [^{F14}(iii) an operating department practitioner to supply any drug otherwise than for administration to a patient in a ward, theatre or other department in accordance with the directions of a doctor, dentist, supplementary prescriber acting under and in accordance with the terms of a clinical management plan or, subject to paragraph (2A), a nurse independent prescriber [^{F15}or a pharmacist independent prescriber].]
- [^{F16}(iv) the person in charge or acting person in charge of an organisation providing ambulance services to supply any drugs other than directly to employees of the organisation for the immediate treatment of sick or injured persons.]

[^{F17}(2A) The directions given by a nurse independent prescriber or a pharmacist independent prescriber referred to in paragraph (2)(k)(ii) and (iii) shall relate only to a controlled drug which such nurse independent prescriber or such pharmacist independent prescriber respectively may prescribe under regulation 6B and a purpose for which it may be prescribed under that regulation.]

(3) Notwithstanding the provisions of section 4(1)(b) of the Act, a person who is authorised as a member of a group may, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto, supply or offer to supply any drug specified in Schedule 2 or 5 to any person who may lawfully have that drug in his possession.

(4) Notwithstanding the provisions of section 4(1)(b) of the Act, a person who is authorised by a written authority issued by the Secretary of State under and for the purposes of this paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 5 to any person who may lawfully have that drug in his possession.

(5) Notwithstanding the provisions of section 4(1)(b) of the Act—

- (a) the owner of a ship, or the master of a ship which does not carry a doctor among the seamen employed in it; or

- (b) the installation manager of an offshore installation,
may supply or offer to supply any drug specified in Schedule 2 or 5—
- (i) for the purpose of compliance with any of the provisions specified in paragraph (6), to any person on that ship or installation;
 - (ii) to any person who may lawfully supply that drug to him;
 - (iii) to any constable for the purpose of the destruction of that drug.
- (6) The provisions referred to in paragraph (5) are any provision of, or of any instrument which is in force under—
- (a) the Mineral Workings (Offshore Installations) Act 1971;
 - (b) the Health and Safety at Work etc. Act 1974 ^{M2} or
 - (c) the Merchant Shipping Act 1995.

[^{F18}[^{F19}(7) Notwithstanding the provisions of section 4(1)(b) of the Act, a nurse independent prescriber may, when acting in her 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 his possession provided it is supplied or offered in circumstances where she may prescribe it under regulation 6B.]

[^{F20}(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.]

- (8) Notwithstanding the provisions of section 4(1)(b) of the Act—
- (a) a registered nurse [^{F21}or a pharmacist], 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 [^{F22}or morphine where administration of such drugs is required for the immediate, necessary treatment of sick or injured persons];
 - [^{F23}(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 or ketamine to any person who may lawfully have that drug in his possession, except that this paragraph shall not have effect in the case of ketamine or any preparation of ketamine 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;]]
 - [^{F24}(c) Notwithstanding the provisions of section 4(1)(b) of the Act, a specified registered chiropodist or 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.]

[^{F25}(8A) In paragraph (8)(c) “specified registered chiropodist” and “specified registered podiatrist” mean the registered chiropodists and 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).]

[^{F26}(9) For the purposes of paragraph (8)(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.]

Textual Amendments

- F1** Reg. 8(1)(c)(d) inserted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(a)**
- F2** Words in reg. 8(1)(d) inserted (31.12.2023) by The Misuse of Drugs (England and Wales and Scotland) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1345), regs. 1(2), **7(a)**
- F3** Words in reg. 8(2) substituted (16.8.2007) by The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations 2007 (S.I. 2007/2154), regs. 2(1), **4(3)(a)**
- F4** Reg. 8(2)(da) 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), **7(a)**
- F5** Reg. 8(2)(e) 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), **7(b)**
- F6** Reg. 8(2)(ea) inserted (16.8.2007) by The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations 2007 (S.I. 2007/2154), regs. 2(1), **4(5)(a)**
- F7** Words in reg. 8(2)(j) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 34(2)** (with Sch. 5); S.I. 2010/1621, art. 2(1), Sch.
- F8** Reg. 8(2)(k) inserted (14.3.2005) by The Misuse of Drugs (Amendment) Regulations 2005 (S.I. 2005/271), regs. 1, **2(6)**
- F9** Words in reg. 8(2)(i) 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), **7(c)**
- F10** Word in reg. 8(2)(i) revoked (16.8.2007) by The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations 2007 (S.I. 2007/2154), regs. 2(1), **4(5)(b)**
- F11** Words in reg. 8(2)(ii) 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), **7(d)**
- F12** Words in reg. 8(2)(ii) substituted (16.8.2007) by The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations 2007 (S.I. 2007/2154), regs. 2(1), **4(5)(c)**
- F13** Words in reg. 8(2)(ii) inserted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(b)**
- F14** Reg. 8(2)(iii) inserted (16.8.2007) by The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations 2007 (S.I. 2007/2154), regs. 2(1), **4(5)(d)**
- F15** Words in reg. 8(2)(iii) inserted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(c)**
- F16** Reg. 8(2)(iv) 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), **7(e)**
- F17** Reg. 8(2A) substituted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(d)**
- F18** Reg. 8(7)(8) inserted (15.10.2003) by The Misuse of Drugs (Amendment) (No. 3) Regulations 2003 (S.I. 2003/2429), regs. 1, **2(5)**
- F19** Reg. 8(7) substituted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(e)**
- F20** Reg. 8(7A) inserted (31.12.2023) by The Misuse of Drugs (England and Wales and Scotland) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1345), regs. 1(2), **7(b)**
- F21** Words in reg. 8(8)(a) inserted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(f)(i)**
- F22** Words in reg. 8(8)(a) substituted (23.4.2012) by The Misuse of Drugs (Amendment No.2) (England, Wales and Scotland) Regulations 2012 (S.I. 2012/973), regs. 1(1), **9(f)(ii)**
- F23** Reg. 8(8)(b) 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), **7(f)**

- F24** Reg. 8(8)(c) inserted (31.12.2023) by The Misuse of Drugs (England and Wales and Scotland) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1345), regs. 1(2), **7(c)**
- F25** Reg. 8(8A) inserted (31.12.2023) by The Misuse of Drugs (England and Wales and Scotland) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1345), regs. 1(2), **7(d)**
- F26** Reg. 8(9) 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), **7(g)**

Marginal Citations

- M1** 1990 c. 16.
M2 1974 c. 37.

Changes to legislation:

There are currently no known outstanding effects for the The Misuse of Drugs Regulations 2001, Section 8.