
STATUTORY INSTRUMENTS

2006 No. 3148

The Controlled Drugs (Supervision of Management and Use) Regulations 2006

PART 1

Preliminary

Citation, commencement and application

1.—(1) These Regulations may be cited as the Controlled Drugs (Supervision of Management and Use) Regulations 2006, and—

- (a) as they apply in relation to England, shall come into force on 1st January 2007; and
- (b) as they apply in relation to Scotland, shall come into force on 1st March 2007.

(2) These Regulations apply in relation to England and Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 1977 Act” means the National Health Service Act 1977(1);

“the 1978 Act” means the National Health Service (Scotland) Act 1978(2);

“the 2000 Act” means the Care Standards Act 2000(3);

“the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003(4);

“the 2006 Act” means the Health Act 2006;

“the 2006 Regulations” means the National Health Service (Discipline Committees) (Scotland) Regulations 2006(5);

“accountable officer” means a person nominated or appointed under regulation 4;

“Commission for Social Care Inspection” means the Commission for Social Care Inspection established under section 42 of the 2003 Act (the Commission for Social Care Inspection);

“Common Services Agency” means the body constituted under section 10 of the 1978 Act(6) (Common Services Agency);

“designated body” shall be construed in accordance with regulation 3;

(1) 1977 c.49.

(2) 1978 c.29.

(3) 2000 c.14.

(4) 2003 c.43.

(5) S.I. 2006/330.

(6) Section 10 has been amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), Schedule 2, paragraph 2(4).

“English care home” means a body that runs an establishment in England which is a care home for the purposes of the 2000 Act by virtue of section 3 of that Act (care homes);

“English independent hospital” means a body that runs a hospital in England which is not a health service hospital (within the meaning given in section 128(1) of the 1977 Act⁽⁷⁾ (interpretation and construction)) but which is—

- (a) an establishment, the main purpose of which is to provide palliative care or medical or psychiatric treatment for illness or for mental disorder (that is, mental illness, arrested or incomplete development of mind, psychopathic disorder, or any other disorder or disability of mind); or
- (b) any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983⁽⁸⁾;

“Health Board” means a board which is constituted under, and called a Health Board by virtue of, section 2(1)(a) of the 1978 Act⁽⁹⁾ (Health Boards);

“the health service” means—

- (a) as regards England, the health service established in pursuance of the National Health Service Act 1946⁽¹⁰⁾; and
- (b) as regards Scotland, the health service established in pursuance of the National Health Service (Scotland) Act 1947⁽¹¹⁾;

“Healthcare Commission” means the Commission for Healthcare Audit and Inspection established by section 41 of the 2003 Act (Commission for Healthcare Audit and Inspection);

“local authority” means—

- (a) an English council referred to in section 1 of the Local Authority Social Services Act 1970⁽¹²⁾ (local authorities);
- (b) the Council of the Isles of Scilly; or
- (c) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹³⁾ (constitution of councils) and also includes a joint board or joint committee within the meaning of section 235(1) of that Act);

“local intelligence network” shall be construed in accordance with regulation 18(2);

“misuse of drugs legislation” means the Misuse of Drugs Act 1971⁽¹⁴⁾ and any subordinate legislation made under that Act;

“National Waiting Times Centre Board” means the Special Health Board constituted under article 3 of the National Waiting Times Centre Board (Scotland) Order 2002⁽¹⁵⁾ (constitution, name and area of the Board);

(7) Relevant amendments have been made to section 128(1) by: the Health Service Act 1980 (c.53), Schedule 1, paragraph 77(d); the National Health Service and Community Care Act 1990 (c.19), section 26(2)(c); the Health Act 1999 (c.8), Schedule 4, paragraph 38(2)(a); and the Health and Social Care (Community Health and Standards) Act 2003, Schedule 4, paragraph 42.

(8) 1983 c.20.

(9) Section 2(1) has been amended by: the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 7, paragraph 1; the National Health Service and Community Care Act 1990, section 28(4); and the Smoking, Health and Social Care (Scotland) Act 2005, Schedule 2, paragraph 2(2).

(10) 1946 c.81. This Act was repealed by the National Health Service Act 1977.

(11) 1947 c.27. This Act was repealed by the National Health Service (Scotland) Act 1978.

(12) 1970 c.42; amended by the Local Government Act 1972 (c.70), section 195(3), and the Local Government (Wales) Act 1994 (c.19), Schedule 10, paragraph 7.

(13) 1994 c.39.

(14) 1971 c.38.

(15) S.S.I. 2002/305.

“NHS Business Services Authority” means the NHS Business Services Authority established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(16);

“NHS foundation trust” means an NHS foundation trust authorised under Part 1 of the 2003 Act;

“NHS Quality Improvement Scotland” means the Special Health Board constituted under article 3 of the NHS Quality Improvement Scotland Order 2002(17) (constitution, name and area of the Board);

“NHS trust” means an National Health Service trust established by an Order under section 5(1) of the National Health Service and Community Care Act 1990(18) (NHS trusts);

“Primary Care Trust” means a Primary Care Trust established under section 16A of the 1977 Act(19) (Primary Care Trusts);

“registered dentist” means a person who is registered in the dentists register kept under section 14 of the Dentists Act 1984(20) (the dentists register and the registrar);

“registered pharmacist” means a person registered in the register of pharmacists maintained by the Royal Pharmaceutical Society of Great Britain;

“retail pharmacy business” has the meaning given in section 132 of the Medicines Act 1968(21) (general interpretation provisions);

“registered pharmacy” means a retail pharmacy business in England or Scotland that is for the time being entered in the register kept under section 75 of the Medicines Act 1968 (registration of premises);

“regulatory body” means a body referred to in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (the Council for the Regulation of Health Care Professionals);

“relevant premises” shall be construed in accordance with regulation 20;

“responsible body”, unless the context otherwise requires, shall be construed in accordance with regulation 22;

“Scottish Ambulance Service Board” means the Special Health Board established under the Scottish Ambulance Service Board Order 1999(22);

“Scottish Commission for the Regulation of Care” means the Scottish Commission for the Regulation of Care established under section 1 of the Regulation of Care (Scotland) Act 2001(23) (Scottish Commission for the Regulation of Care);

“Scottish independent hospital” means a body that runs a hospital in Scotland that is an independent hospital within the meaning given in section 77(1) and (2) of the Regulation of Care (Scotland) Act 2001(24) (interpretation);

“Special Health Board” means a board which is constituted under, and called a Special Health Board by virtue of, section 2(1)(b) of the 1978 Act;

(16) S.I. 2005/3361.

(17) S.S.I 2002/534.

(18) Section 5(1) was amended by the Health Act 1999, sections 13(1)(a) and(10) and 65(2) and Schedule 5.

(19) Section 16A was inserted by the Health Act 1999, section 2(1), and amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), section 2(2) and (3).

(20) 1984 c. 24.

(21) 1968 c.67. There are amendments to section 132 which are not relevant to the definition of “retail pharmacy business”.

(22) S.I. 1999/686.

(23) 2001 asp 8.

(24) Relevant amendments have been made to section 77 by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), section 331, and Schedule 4, paragraph 10, and Schedule 5, Part 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“State Hospitals Board for Scotland” means the Special Health Board constituted under article 3 of the State Hospitals Board for Scotland Order 1995⁽²⁵⁾ (constitution, name and area of the Board);

“Strategic Health Authority” means a Strategic Health Authority established under section 8 of the 1977 Act⁽²⁶⁾ (which relates to Strategic Health Authorities).

(2) Where, by virtue of these Regulations, a person or body is required to ensure a matter, the requirement is to be construed as a requirement to take all reasonable steps to ensure that matter.

(3) Where reference is made in these Regulations to arrangements to provide services, the reference is to be construed as a reference to arrangements to provide services that involve, or may involve, the management or use of controlled drugs.

(4) For the purposes of these Regulations, “enactment” includes, an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament.

⁽²⁵⁾ S.I. 1995/574.

⁽²⁶⁾ Section 8 was substituted by the National Health Service Reform and Health Care Professions Act 2002, section 1(2).