

2023 No. 1345

DANGEROUS DRUGS

**The Misuse of Drugs (England and Wales and Scotland)
(Amendment) (No. 2) Regulations 2023**

<i>Made</i>	- - - -	<i>5th December 2023</i>
<i>Laid before Parliament</i>		<i>8th December 2023</i>
<i>Coming into force</i>		<i>31st December 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 7(1)(b), 10(1), 22(1)(a) and 31(1)(a) of the Misuse of Drugs Act 1971(a).

In accordance with section 31(3) of that Act the Secretary of State has consulted with the Advisory Council on the Misuse of Drugs.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs (England and Wales and Scotland) (Amendment) (No. 2) Regulations 2023.

(2) These Regulations come into force on 31st December 2023.

(3) In these Regulations “the 2001 Regulations” means the Misuse of Drugs Regulations 2001(b).

(4) These Regulations extend to England and Wales and Scotland.

Amendment of the 2001 Regulations

2. The 2001 Regulations are amended in accordance with regulations 3 to 11.

Amendment of regulation 2

3. In regulation 2(1) (interpretation)—

(a) in the definition of “health prescription”(c), after “a pharmacist independent prescriber” insert “, a podiatrist independent prescriber, a physiotherapist independent prescriber, a paramedic independent prescriber, a therapeutic radiographer independent prescriber”;

(b) after the definition of “organisation providing ambulance services”(d) insert—

(a) 1971 c. 38; sections 7, 10 and 22 were amended by Schedule 17 to the Police Reforms and Social Responsibility Act 2011 (c. 13); there are other amendments to sections 10, 22 and 31 which are not relevant to these Regulations.

(b) S.I. 2001/3998.

(c) The definition of “health prescription” was amended by S.I. 2015/891.

(d) The definition of “organisation providing ambulance services” was inserted by S.I. 2015/891.

““paramedic independent prescriber” has the same meaning as in the Human Medicines Regulations 2012;”(a);

- (c) in the definition of “prescription”(b) 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 the medical treatment of a single individual, a therapeutic radiographer independent prescriber for the medical treatment of a single individual.”;
- (d) after the definition of “pharmacist independent prescriber”(c) insert—
 - ““physiotherapist independent prescriber” has the same meaning as in the Human Medicines Regulations 2012;
 - “podiatrist independent prescriber” has the same meaning as in the Human Medicines Regulations 2012”(d);”;
- (e) in the definition of “registered chiropodist”, at the end insert “(but see regulation 8(8A) of these Regulations)”;
- (f) after the definition of “registered physiotherapist”(e), insert—
 - ““registered podiatrist” has the same meaning as in the Human Medicines Regulations 2012 (but see regulation 8(8A) of these Regulations);”(f);
- (g) after the definition of “supplementary prescriber”(g) insert—
 - ““therapeutic radiographer independent prescriber” has the same meaning as in the Human Medicines Regulations 2012;”(h).

Amendment of regulation 6

4. In regulation 6 (general authority to supply and possess)—

- (a) in paragraph (2)(i) after “a supplementary prescriber” insert “, a paramedic independent prescriber, a therapeutic radiographer independent prescriber”.
- (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 registered chiropodist or registered podiatrist, may supply that drug to any doctor, dentist or pharmacist for the purpose of destruction.”.

Insertion of regulation 6D

5. After regulation 6C (authority for physiotherapist independent prescribers and chiropodist independent prescribers to prescribe)(j) insert—

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- (a) S.I. 2012/1916: the definition of paramedic independent prescriber was inserted into regulation 8 of those Regulations by S.I. 2018/199.
 - (b) The definition of “prescription” was amended by S.I. 2003/2429, 2005/271, 2006/986, and 2012/973.
 - (c) The definition of “pharmacist independent prescriber” was inserted by S.I. 2012/1916.
 - (d) The definitions of “physiotherapist independent prescriber” and “podiatrist independent prescriber” were inserted into regulation 8 of the Human Medicines Regulations 2012 by S.I. 2013/1855.
 - (e) The definition of “registered physiotherapist” was inserted by S.I. 2007/2154.
 - (f) The definition of “registered podiatrist” was inserted into regulation 8 of the Human Medicines Regulations 2012 by S.I. 2016/186.
 - (g) The definition of “supplementary prescriber” was inserted by S.I. 2005/271.
 - (h) The definition of “therapeutic radiographer independent prescriber” was inserted into regulation 8 of the Human Medicines Regulations 2012 by S.I. 2016/186.
 - (i) Regulation 6(2) was amended by S.I. 2003/2429, 2004/1771, 2005/271, 2012/973 and 2015/891.
 - (j) Regulation 6C was inserted by S.I. 2015/891.

“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.”.

Amendment of regulation 7

6. In regulation 7 (administration of drugs in Schedules 2,3,4 and 5)(a), 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 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.”.

Amendment of regulation 8

7. In regulation 8 (production and supply of drugs in Schedules 2 and 5)(b)—

(a) in paragraph (1)(d) after “pharmacist independent prescriber,” 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

(a) Paragraphs (8) and (9) were inserted into regulation 7 by S.I. 2015/891; there are other amendments not relevant to these Regulations.

(b) Regulation 8(1)(d) was amended by S.I. 2012/973.

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) 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.”

(d) after paragraph (8) insert—

“(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).”.

Amendment of regulation 9

8. In regulation 9 (production and supply of drugs in Schedules 3 and 4)(a)—

(a) in paragraph (1)(e) after “pharmacist independent prescriber,” 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 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.”.

Amendment of regulation 10

9. In regulation 10 (possession of drugs in Schedules 2, 3, 4 and nitrous oxide)(b)—

(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)”;

(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.”;

(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”;

(ii) in sub-paragraph (a)—

(a) Paragraphs (1)(e) and (7) were inserted by S.I. 2012/973.

(b) Regulation 10(1) was amended by S.I. 2003/2429, 2005/271, 2007/2154, 2012/973 and 2023/1099 and regulation 10(2) was amended by S.I. 2003/2429, 2005/271, and 2012/973 (and the section heading was amended by S.I. 2023/1099).

- (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”.

Amendment of regulation 18

10. In regulation 18(2)(d) (exceptions from requirements for marking of bottles etc)(a), after “nurse independent prescriber” insert “, registered chiropodist or registered podiatrist, paramedic independent prescriber, therapeutic radiographer independent prescriber”.

Amendment of regulation 26

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

- “(k) a registered chiropodist or registered podiatrist;
- (l) a paramedic independent prescriber;
- (m) a therapeutic radiographer independent prescriber.”.

5th December 2023

Chris Philp
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations 2001 in England and Wales and Scotland.

The effect of the amendments is 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.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and community bodies is available from www.legislation.gov.uk and published with an Explanatory Memorandum alongside the instrument. Copies may be obtained from the Drug Misuse Unit of the Home Office at 2 Marsham Street, London, SW1P 4DF.

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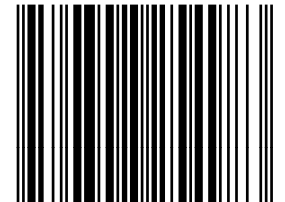
(a) Regulation 18(2)(d) was substituted by S.I. 2012/973.

(b) Regulation 26(2) was amended by S.I. 2005/271, 2007/2154, 2012/973 and 2015/891.

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<http://www.legislation.gov.uk/id/uksi/2023/1345>

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