1973. No. 177 **[C]**

DANGEROUS DRUGS

Misuse of Drugs

REGULATIONS, DATED 8TH JUNE 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 7, 10, 22(*a*) AND 31 OF THE MISUSE OF DRUGS ACT 1971.

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The Ministry of Home Affairs, on behalf of the Secretary of State and in exercise of the powers conferred on it by sections 7, 10, 22(*a*) and 31 of the Misuse of Drugs Act 1971(**a**), and of every other power enabling it in that behalf and after consultation with the Advisory Council on the Misuse of Drugs, hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Northern Ireland) Regulations 1973 and shall come into operation on 1st July 1973.

Interpretation

2.—(1) In these Regulations, unless the context othewise requires, the expression—

"the Act" means the Misuse of Drugs Act 1971:

"authorised as a member of a group" means authorised by virtue of being a member of a class as respects which the Ministry of Home Affairs has granted an authority under and for the purposes of Regulation 8(3) or 9(3) or 10(3) which is in force, and "his group authority", in relation to a person who is a member of such a class, means the authority so granted to that class;

"health prescription" means a prescription issued by a doctor or a dentist either under the National Health Service Act 1946(**b**), the National Health Service (Scotland) Acts 1947 to 1972(**c**), the Health Services Act (Northern Ireland) 1971(**d**) or the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald) or upon a form issued by a local authority for use in connection with the health service of that authority;

"installation manager" and "offshore installation" have the same meanings as in the Mineral Workings (Offshore Installations) Act 1971(**e**);

"master" has the same meaning as in the Merchant Shipping Act 1894(**f**);

"matron or acting matron" includes any male nurse occupying a similar position;

"the Merchant Shipping Acts" means the Merchant Shipping Acts 1894-1971;

(a) 1971. c. 38.
(b) 9 & 10 Geo. 6. c. 81.
(c) 1972. c. 58.
(d) 1971. c. 1. (N.I.).
(e) 1971. c. 61.
(f) 57 & 58 Vict. c. 60.

"officer of customs and excise" means an officer within the meaning of the Customs and Excise Act 1952(**g**);

"prescription" means a prescription issued by a doctor for the medical treatment of a single individual, by a dentist for the dental treatment of a single individual or by a veterinary surgeon or veterinary practitioner for the purposes of animal treatment;

"register" means a bound book and does not include any form of loose leaf register or card index;

"registered pharmacy" has the meaning as in the Medicines Act 1968(**h**);

"retail dealer" means a person lawfully conducting a retail pharmacy business or a pharmacist engaged in supplying drugs to the public at a Health Centre within the meaning of the Medicines Act 1968;

"sister or acting sister" includes any male nurse occupying a similar position;

"wholesale dealer" means a person who carries on the business of selling drugs to persons who buy to sell again.

(2) The Interpretation Act (Northern Ireland) 1954(**i**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland

Metric system and imperial system

3.—(1) For the purposes of these Regulations—

(*a*) a controlled drug shall not be regarded as supplied otherwise than on a prescription or other order by reason only that the prescription or order specifies a quantity of the controlled drug in terms of the imperial system and the quantity supplied is the equivalent of that amount in the metric system;

(*b*) where any person may lawfully be in possession of a quantity of a controlled drug determined by or under these Regulations in terms of the imperial system he shall be deemed not to be in possession of a quantity of that controlled drug in excess of the first-mentioned quantity by reason only that he is in possession of a quantity of that drug which is the equivalent of the first-mentioned quantity in the metric system.

(2) For the purposes of this Regulation the quantity of a controlled drug in the metric system which is the equivalent of a particular quantity in the imperial system shall be taken to be the appropriate quantity ascertained in accordance with the provisions of the Weights and Measures (Equivalents for dealing with drugs) Regulations (Northern Ireland) 1970(**j**).

PART II

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE MISUSE OF DRUGS ACT 1971

Exceptions for drugs in Schedule 1 and poppy-straw

4.—(1) Sections 3(1) and 5(1) of the Act (which prohibit the importation, exportation and possession of controlled drugs) shall not have effect in relation to the controlled drugs specified in Schedule 1.

(2) Sections 4(1) (which prohibits the production and supply of controlled drugs) and 5(1) of the Act shall not have effect in relation to poppy-straw.

(**g**) 15 & 16 Geo. 6 & 1 El. 2. c. 44.
(**h**) 1968. c. 67.
(**i**) 1954. c. 33.
(**j**) S.R. & O. (N.I.) 1970, No. 346.

Licences to produce, etc., controlled drugs

5. Where any person is authorised by a licence of the Ministry of Home Affairs issued under this Regulation and for the time being in force to produce, supply, offer to supply or have in his possession any controlled drug, it shall not by virtue of section 4(1) or 5(1) of the Act be unlawful for that person to produce, supply, offer to supply or have in his possession that drug in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

General authority to possess

6. Any of the following persons may, notwithstanding the provisions of section 5(1) of the Act, have any controlled drug in his possession, that is to say—

(*a*) a constable when acting in the course of his duty as such;

(*b*) a person engaged in the business of a carrier when acting in the course of that business;

(*c*) a person engaged in the business of the Post Office when acting in the course of that business;

(*d*) an officer of customs and excise when acting in the course of his duty as such;

(*e*) a person engaged in the work of any laboratory to which the drug has been sent for forensic examination when acting in the course of his duty as a person so engaged;

(*f*) a person engaged in conveying the drug to a person authorised by these Regulations to have it in his possession.

Administration of drugs in Schedules 1, 2 *and* 3

7.—(1) Any person may administer to another any drug specified in Schedule 1.

(2) A doctor or dentist may administer to a patient any drug specified in Schedule 2 or 3.

(3) Any person other than a doctor or dentist may administer to a patient, in accordance with the directions of a doctor or dentist, any drug specified in Schedule 2 or 3.

Production and supply of drugs in Schedules 1 *and* 2

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 1 or 2;

(*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 1 or 2.

(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 matron or acting matron of a hospital or nursing home which is wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions;

(*e*) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at the hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or other department in such a hospital or nursing home as aforesaid;

(*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 by the Ministry of Home Affairs;

(*g*) a public analyst appointed under section 31 of the Food and Drugs Act (Northern Ireland) 1958(**k**);

(*h*) a sampling officer within the meaning of the Food and Drugs Act (Northern Ireland) 1958;

(*i*) a sampling officer within the meaning of Schedule 3 to the Medicines Act 1968;

(*j*) 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 Health Services Act (Northern Ireland) 1971 and the Regulations made thereunder;

(*k*) an inspector appointed by the Minister of Home Affairs under section 8 of the Pharmacy and Poisons Act (Northern Ireland) 1952(**l**).

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 1 or 2 to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph authorises—

(i) the matron or acting matron of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug;

(ii) a sister or acting sister 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 doctor or dentist.

(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 1 or 2 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 whose name is for the time being entered in the register kept for the purposes of this paragraph by the Ministry of Home Affairs may, at the premises in respect of which his name is so entered and in compliance with any conditions subject to which his name is so entered, supply or offer to supply any drug specified in Schedule 1 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 on board as part of her complement, may supply or offer to supply any drug specified in Schedule 1 or 2—

(i) to any member of the crew;

(**k**) 1958. c. 27.

(**l**) 15 & 16 Geo. 5. c. 8 (N.I.).

(ii) to any person who may lawfully supply that drug; or
(iii) to any person authorised by the Ministry of Home Affairs for the purpose of destruction;

(*b*) the installation manager of an offshore installation may supply or offer to supply any drug specified in Schedule 1 or 2—
(i) to any person on that installation, whether present in the course of his employment or not;
(ii) to any person who may lawfully supply that drug; or
(iii) to any person authorised by the Ministry of Home Affairs for the purpose of destruction.

Production and supply of drugs in Schedule 3

9.—(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 3;

(*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 3;

(*c*) a person whose name is for the time being entered in the register kept for the purpose of this sub-paragraph by the Ministry of Home Affairs may produce, at the premises in respect of which his name is so entered and in compliance with any conditions subject to which his name is so entered, any drug specified in Schedule 3.

(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 matron or acting matron of a hospital or nursing home;
(*e*) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at the hospital or nursing home, the sister of acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home;
(*f*) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research;
(*g*) a public analyst appointed under section 31 of the Food and Drugs Act (Northern Ireland) 1958;
(*h*) a sampling officer within the meaning of the Food and Drugs Act (Northern Ireland) 1958;
(*i*) a sampling officer within the meaning of Schedule 3 to the Medicines Act 1968;
(*j*) 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 Health Services Act (Northern Ireland) 1971 and the Regulations made thereunder;
(*k*) an inspector appointed by the Minister of Home Affairs under section 8 of the Pharmacy and Poisons Act (Northern Ireland) 1925,

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3 to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph authorises—

(i) the matron or acting matron of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug;

(ii) a sister or acting sister 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 doctor or dentist.

(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 3 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*) a person whose name is for the time being entered in the register kept for the purposes of this sub-paragraph by the Ministry of Home Affairs may, at the premises in respect of which his name is so entered and in compliance with any conditions subject to which his name is so entered, supply or offer to supply any drug specified in Schedule 3 to any person who may lawfully have that drug in his possession;

(*b*) a person whose name is for the time being entered in the register kept for the purposes of paragraph (1)(*c*) by the Ministry of Home Affairs may supply or offer to supply any drug which he may, by virtue of his name being so entered, lawfully produce 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 on board as part of her complement, may supply or offer to supply any drug specified in Schedule 3—

(i) to any member of the crew; or

(ii) to any person who may lawfully supply that drug;

(*b*) the installation manager of an offshore installation may supply or offer to supply any drug specified in Schedule 3—

(i) to any person on that installation, whether present in the course of his employment or not; or

(ii) to any person who may lawfully supply that drug.

Possession of drugs in Schedules 2 and 3

10.—(1) Notwithstanding the provisions of section 5(1) of the Act—

(*a*) a person specified in Regulation 8(2) may have in his possession any drug specified in Schedule 2;

(*b*) a person specified in Regulation 9(2) may have in his possession any drug specified in Schedule 3,

for the purpose of acting in his capacity as such.

(2) Notwithstanding the provisions of section 5(1) of the Act a person may have in his possession any drug specified in Schedule 2 or 3 for administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner:

Provided that this paragraph shall not have effect in the case of a person to whom the drug has been supplied by or on the prescription of a doctor if—

(*a*) that person was then being supplied with any controlled drug or by or on the prescription of another doctor and failed to disclose that fact to the first mentioned doctor before the supply by him or on his prescription; or

(*b*) that or any other person on his behalf made a declaration or statement, which was false in any particular, for the purpose of obtaining the supply or prescription.

(3) Notwithstanding the provisions of section 5(1) 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, have any drug specified in Schedule 2 or 3 in his possession.

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

(*a*) a person whose name is for the time being entered in the register kept for the purposes of this sub-paragraph by the Ministry of Home Affairs may, in compliance with any conditions subject to which his name is so entered, have in his possession any drug specified in Schedule 3.

(*b*) a person whose name is for the time being entered in the register kept for the purposes of Regulation 9(1)(*c*) by the Ministry of Home Affairs may have in his possession any drug which he may, by virtue of his name being so entered, lawfully produce;

(*c*) a person whose name is for the time being entered in the register kept for the purposes of Regulation 9(4)(*a*) by the Ministry of Home Affairs may have in his possession any drug which he may, by virtue of his name being so entered, lawfully supply or offer to supply.

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

(*a*) the owner of a ship or the master of a ship which does not carry a doctor on board as part of her complement may have in his possession any drug specified in Schedule 2 or 3 so far as necessary for the purpose of compliance with the Merchant Shipping Acts;

(*b*) the master of a foreign ship which is in a port in Northern Ireland may have in his possession any drug specified in Schedule 2 or 3 so far as necessary for the equipment of the ship;

(*c*) the installation manager of an offshore installation may have in his possession any drug specified in Schedule 2 or 3 so far as necessary for the purpose of compliance with the Mineral Workings (Offshore Installations) Act 1971.

Exemption for midwives in respect of pethidine

11.—(1) Notwithstanding the provisions of sections 4(1)(*b*) and 5(1) of the Act, a midwife, who has in accordance with the provisions of the Nurses and Midwives Act (Northern Ireland) 1970(**m**) notified to the health authority her intention to practise, may, subject to the provisions of this Regulation—

(*a*) so far as necessary for the practice of her profession or employment as a midwife, have pethidine in her possession;

(*b*) so far as necessary as aforesaid, administer pethidine; and

(*c*) surrender to the appropriate medical officer of health any stocks of pethidine in her possession which are no longer required by her.

(m) 1970. c. 11 (N.I.).

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

(3) In this Regulation, the expression—

"appropriate medical officer of health" means—

(*a*) the medical officer of health of the local health authority for the area in which the pethidine was, or is to be, obtained; or

(*b*) a doctor in the employment of that authority who is for the time being authorised in writing in that behalf by the medical officer of health of that authority; or

(*c*) for the purposes of paragraph (2), a person appointed under section 38 of the Nurses and Midwives Act (Northern Ireland) 1970 by that authority to exercise supervision over midwives within their area, who is for the time being authorised as aforesaid;

"midwife" and "health authority" have the same meanings as in the Nurses and Midwives Act (Northern Ireland) 1970;

"midwife's supply order" means an order in writing specifying the name and occupation of the midwife obtaining the pethidine, the purpose for which it is required and the total quantity to be obtained.

Cultivation under licence of cannabis plant

12. Where any person is authorised by a licence of the Ministry of Home Affairs issued under this Regulation and for the time being in force to cultivate plants of the genus *Cannabis*, it shall not by virtue of section 6 of the Act be unlawful for that person to cultivate any such plant in accordance with the terms of the licence and in compliance with any conditions attached to the licence.

Approval of premises for cannabis smoking for research purposes

13. Section 8 of the Act (which makes it an offence for the occupier of premises to permit certain activities there) shall not have effect in relation to the smoking of cannabis or cannabis resin for the purposes of research on any premises for the time being approved for the purpose by the Ministry of Home Affairs.

PART III

REQUIREMENTS AS TO DOCUMENTATION AND RECORD KEEPING

Documents to be obtained by supplier of controlled drugs

14.—(1) Where a person (hereafter in this paragraph referred to as "the supplier"), not being a practitioner, supplies a controlled drug otherwise than on a prescription, the supplier shall not deliver the drug to a person who—

(*a*) purports to be sent by or on behalf of the person to whom it is supplied (hereafter in this paragraph referred to as "the recipient"); and

(*b*) is not authorised by any provision of these Regulations other than the provisions of Regulation 6(*f*) to have that drug in his possession,

unless that person produces to the supplier a statement in writing signed by the recipient to the effect that he is empowered by the recipient to receive that drug on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) Where a person (hereafter in this paragraph referred to as "the supplier") supplies a controlled drug, otherwise than on a prescription or by way of administration, to any of the persons specified in paragraph (4), the supplier shall not deliver the drug—

(*a*) until he has obtained a requisition in writing which—

(i) is signed by the person to whom the drug is supplied (hereafter in this paragraph referred to as "the recipient");

(ii) states the name, address and profession or occupation of the recipient;

(iii) specifies the purpose for which the drug supplied is required and the total quantity to be supplied; and

(iv) where appropriate, satisfies the requirements of paragraph (5);

(*b*) unless he is reasonably satisfied that the signature is that of the person purporting to have signed the requisition and that that person is engaged in the profession or occupation specified in the requisition:

Provided that where the recipient is a practitioner and he represents that he urgently requires a controlled drug for the purpose of his profession, the supplier may, if he is reasonably satisfied that the recipient so requires the drug and is, by reason of some emergency, unable before delivery to furnish to the supplier a requisition in writing duly signed, deliver the drug to the recipient on an undertaking by the recipient to furnish such a requisition within the twenty-four hours next following.

(3) A person who has given such an undertaking as aforesaid shall deliver to the person by whom the controlled drug was supplied a signed requisition in accordance with the undertaking.

(4) The persons referred to in paragraph (2) are—

(*a*) a practitioner;

(*b*) the matron or acting matron of a hospital or nursing home;

(*c*) 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;

(*d*) the owner of a ship, or the master of a ship which does not carry a doctor on board as part of her complement;

(*e*) the master of a foreign ship in a port in Northern Ireland;

(*f*) the installation manager of an offshore installation;

(*g*) a person employed or engaged in connection with a scheme for testing the quality or amount of drugs, preparations and appliances supplied under the Health Services Act (Northern Ireland) 1971 and the Regulations made thereunder;

(5) A requisition furnished for the purposes of paragraph (2) shall—

(*a*) where furnished by the matron or acting matron of a hospital or nursing home, be signed by a doctor or dentist employed or engaged in that hospital or nursing home;

(*b*) where furnished by the master of a foreign ship, contain a statement, signed by the medical officer of health, or the assistant medical officer of health, of the health authority within whose jurisdiction the ship is, that the quantity of the drug to be supplied is the quantity necessary for the equipment of the ship.

(6) Where the person responsible for the dispensing and supply of medicines at any hospital or nursing home supplies a controlled drug to the sister or acting sister for the time being in charge of any ward, theatre or other department in that hospital or nursing home (hereafter in this paragraph referred to as "the recipient") he shall—

(*a*) obtain a requisition in writing, signed by the recipient, which specifies the total quantity of the drug to be supplied; and

(*b*) mark the requisition in such manner as to show that it has been complied with,

and any requisition obtained for the purposes of this paragraph shall be retained in the dispensary at which the drug was supplied and a copy of the requisition or a note of it shall be retained or kept by the recipient.

(7) Nothing in this Regulation shall have effect in relation to the drugs specified in Schedule 1 or poppy-straw.

Form of prescriptions

15.—(1) Subject to the provisions of this Regulation, a person shall not issue a prescription containing a controlled drug other than a drug specified in Schedule 1 unless the prescription complies with the following requirements, that is to say, it shall—

(*a*) be in ink or otherwise so as to be indelible and be signed by the person issuing it with his usual signature and be dated by him;

(*b*) insofar as it specifies the information required by sub-paragraphs (*e*) and (*f*) below to be specified, be written by the person issuing it in his own handwriting;

(*c*) except in the case of a health prescription, specify the address of the person issuing it;

(*d*) have written thereon, if issued by a dentist, the words "for dental treatment only" and, if issued by a veterinary surgeon or a veterinary practitioner, the words "for animal treatment only";

(*e*) specify the name and address of the person for whose treatment it is issued or, if it is issued by a veterinary surgeon or veterinary practitioner, of the person to whom the controlled drug prescribed is to be delivered;

(*f*) specify the dose to be taken and—

(i) in the case of a prescription containing a controlled drug which is a preparation, the form and, where appropriate, the strength of the preparation, and either the total quantity (in both words and figures) of the preparation or the number (in both words and figures) of dosage units, as appropriate to be supplied;

(ii) in any other case, the total quantity (in both words and figures) of the controlled drug to be supplied;

(*g*) in the case of a prescription for a total quantity intended to be dispensed by instalments, contain a direction specifying the amount of the instalments of the total amount which may be dispensed and the intervals to be observed when dispensing.

(2) Paragraph (1)(*b*) shall not have effect in relation to a prescription issued by a person approved (whether personally or as a member of a class) for the purposes of this paragraph by the Ministry of Home Affairs.

(3) In the case of a prescription issued for the treatment of a patient in a hospital or nursing home, it shall be a sufficient compliance with paragraph (1)(*e*) if the prescription is written on the patient's bed card or case sheet.

Provisions as to supply on prescription

16.—(1) A person shall not supply a controlled drug other than a drug specified in Schedule 1 on a prescription—

(*a*) 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 date specified in the prescription;

(*e*) subject to paragraph (3), later than thirteen weeks after the date specified in the prescription.

(2) Subject to paragraph (3), a person dispensing a prescription containing a controlled drug other than a drug specified in Schedule 1 shall, at the time of dispensing it, mark thereon the date on which it is dispensed and, unless it is a health perscription, shall retain it on the premises on which it was dispensed.

(3) In the case of a prescription, containing a controlled drug other than a drug specified in Schedule 1, which contains a direction that specified instalments of the total amount may be dispensed at stated intervals, the person dispensing it shall not supply the drug 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 dispensed shall not be later than thirteen weeks after the date specified in the prescription;

(*b*) paragraph (2) shall have effect as if for the words "at the time of dispensing it" there were substituted the words "on each occasion on which an instalment is dispensed."

Exemption for certain prescriptions

17. Nothing in Regulations 15 and 16 shall have effect in relation to a prescription issued for the purposes of a scheme for testing the quality and amount of the drugs, preparations and appliances supplied under the Health and Personal Social Services (Northern Ireland) Order 1972(**n**) and the Regulations made thereunder or to any prescriptions issued for the purposes of the Food and Drugs Act (Northern Ireland) 1958 to a sampling officer within the meaning of this Act or for the purposes of the Medicines Act 1968 to a sampling officer within the meaning of that Act.

Marking of bottles and other containers

18.—(1) Subject to paragraph (2), no person shall supply a controlled drug otherwise than in a bottle, package or other container which is plainly marked—

(*a*) in the case of a controlled drug other than a preparation, with the amount of the drug contained therein;

(*b*) in the case of a controlled drug which is a preparation—

(i) made up into tablets, capsules or other dosage units, with the amount of each component (being a controlled drug) of the preparation in each dosage unit and the number of dosage units in the bottle, package or other container;

(**n**) 1972. No. 1265 (N.I. 14).

(ii) not made up as aforesaid, with the total amount of the preparation in the bottle, package or other container and the percentage of each of its components which is a controlled drug.

(2) Nothing in this Regulation shall have effect in relation to the drugs specified in Schedule 1 or poppy-straw or in relation to the supply of a controlled drug by or on the prescription of a practitioner.

Keeping of registers

19.—(1) Subject to paragraph (3) and Regulation 21, every person authorised by or under Regulation 5 or 8 to supply any drug specified in Schedule 2 or 4 shall comply with the following requirements, that is to say—

(*a*) he shall, in accordance with the provisions of this Regulation and of Regulation 20, keep a register and shall enter therein in chronological sequence in the form specified in Part I or Part II of Schedule 5, as the case may require, particulars of every quantity of a drug specified in Schedule 2 or 4 obtained by him and of every quantity of such a drug supplied (whether by way of administration or otherwise) by him whether to persons within or outside Northern Ireland;

(*b*) he shall use a separate register or separate part of the register for entries made in respect of each class of drugs, and each of the drugs specified in paragraphs 1, 3 and 6 of Schedule 2 and paragraphs 1 and 3 of Schedule 4 together with its salts and any preparation or other product containing it or any of its salts shall be treated as a separate class, so however that any stereoisomeric form of a drug or its salts shall be classed with that drug.

(2) Nothing in paragraph (1) shall be taken as preventing the use of a separate section within a register or separate part of a register in respect of different drugs or strengths of drugs comprised within the class of drugs to which that register or separate part relates.

(3) The foregoing provisions of this Regulation shall not have effect in relation to—

(*a*) a person licensed under Regulation 5 to supply any drug, where the licence so directs; or

(*b*) the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home.

Requirements as to registers

20. Any person required to keep a register under Regulation 19 shall comply with the following requirements, that is to say—

(*a*) the class of drugs to which the entries on any page of any such register relate shall be specified at the head of that page;

(*b*) every entry required to be made under Regulation 19 in such a register shall be made on the day on which the drug is obtained or, as the case may be, on which the transaction in respect of the supply of the drug by the person required to make the entry takes place or, if that is not reasonably practicable, on the day next following that day;

(*c*) no cancellation, obliteration or alteration of any such entry shall be made, and a correction of such an entry shall be made only by way of marginal note or footnote which shall specify the date on which the correction is made;

(*d*) every such entry and every correction of such an entry shall be made in ink or otherwise so as to be indelible;

(*e*) such a register shall not be used for any purpose other than the purposes of these Regulations;

(*f*) the person so required to keep such a register shall on demand made by the Ministry of Home Affairs or by any person authorised in writing by the Ministry of Home Affairs in that behalf—

(i) furnish such particulars as may be requested in respect of the obtaining or supplying by him of any drug, or in respect of any stock of drugs in his possession;

(ii) for the purpose of confirming any such particulars, produce any stock of drugs in his possession;

(iii) produce the said register and such other books or documents in his possession relating to any dealings in drugs as mey be requested;

(*g*) a separate register shall be kept in respect of each premises at which the person required to keep the register carries on his business or occupation, but subject to that not more than one register shall be kept at one time in respect of each class of drug in respect of which he is required to keep a separate register, so, however, that a separate register may, with the approval of the Ministry of Home Affairs, be kept in respect of each department of the business carried on by him;

(*h*) every such register in which entries are currently being made shall be kept at the premises to which it relates.

Record-keeping requirements in particular cases

21.—(1) Where a drug specified in Schedule 2 is supplied in accordance with Regulation 8(5)(*a*)(i) to a member of the crew of a ship, an entry in the official log book required to be kept under the Merchant Shipping Acts or, in the case of a ship which is not required to carry such an official log book, a report signed by the master of the ship, shall, notwithstanding anything in these Regulations, be a sufficient record of the supply if the entry or report specifies the drug supplied and, in the case of a report, it is delivered as soon as may be to the superintendent of a mercantile marine office established and maintained under the Merchant Shipping Acts.

(2) Where a drug specified in Schedule 2 is supplied in accordance with Regulation 8(5)(*b*)(i) to a person on an offshore installation, an entry in the installation log book required to be maintained under the Offshore Installations (Logbooks and Registration of Death) Regulations 1972(**o**) which specifies the drug supplied shall, notwithstanding anything in these Regulations, be a sufficient record of the supply.

(3) A midwife authorised by Regulation 11(1) to have pethidine in her possession shall—

(*a*) on each occasion on which she obtains a supply of pethidine, enter in a book kept by her and used solely for the purposes of this paragraph the date, the name and address of the person from whom the drug was obtained, the amount obtained and the form in which it was obtained; and

(*b*) on administering pethidine to a patient, enter in the said book as soon as practicable the name and address of the patient, the amount administered and the form in which it was administered.

(**o**) S.I. 1972, No. 1542 (1972. III, p. 4532).

Preservation of registers and books

22.—(1) All registers and books kept in pursuance of Regulation 19 or 21(3) shall be preserved for a period of two years from the date on which the last entry therein is made.

(2) Every requisition, order or prescription (other than a health prescription) on which a controlled drug is supplied in pursuance of these Regulations shall be preserved for a period of two years from the date on which the last delivery under it was made.

Preservation of records relating to drugs in Schedule 1

23.—(1) A producer of any drug specified in Schedule 1 and a wholesale dealer in any such drug shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him and in respect of each quantity of such a drug supplied by him.

(2) A retail dealer in any drug specified in Schedule 1 shall keep every invoice or other like record issued in respect of each quantity of such a drug obtained by him.

(3) Every document kept in pursuance of this Regulation shall be preserved for a period of two years from the date on which it is issued:

Provided that the keeping of a copy of the document made at any time during the said period of two years shall be treated for the purposes of this paragraph as if it were the keeping of the original document.

PART IV

MISCELLANEOUS

Destruction of controlled drugs

24.—(1) No person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep records with respect to a drug specified in Schedule 2 or 4 shall destroy such a drug or cause such a drug to be destroyed except in the presence of and in accordance with any directions given by a person authorised (whether personally or as a member of a class) for the purposes of this paragraph by the Ministry of Home Affairs (hereafter in this Regulation referred to as an "authorised person").

(2) An authorised person may, for the purpose of analysis, take a sample of a drug specified in Schedule 2 or 4 which is to be destroyed.

(3) Where a drug specified in Schedule 2 or 4 is destroyed in pursuance of paragraph (1) by or at the instance of a person who is required by any provision of, or by any term or condition of a licence having effect under, these Regulations to keep a record in respect of the obtaining or supply of that drug, that record shall include particulars of the date of destruction and the quantity destroyed and shall be signed by the authorised person in whose presence the drug is destroyed.

(4) Where the master or owner of a ship or installation manager of an offshore installation has in his possession a drug specified in Schedule 2 which he no longer requires, he shall not destroy the drug or cause it to be destroyed but shall dispose of it to a person authorised by the Ministry of Home Affairs or to a person who may lawfully supply it.

Transitional provisions

25.—(1) Any licence issued for the purposes of section 6(1) of the Dangerous Drugs Act 1965(**p**) (which makes it an offence to cultivate any cannabis plant except under licence) and in force immediately before the repeal of that Act shall continue in force for the same period of time as if that Act had not been repealed and shall have effect as if it had been issued for the purposes of Regulation 12.

(2) Any licence issued for the purposes of any provision of the Dangerous Drugs Regulations (Northern Ireland) 1965(**q**) and in force immediately before the repeal of the said Act of 1965 shall, insofar as it authorises any person to do any thing which could be authorised by a licence issued under Regulation 5, continue in force for the same period of time as if that Act had not been repealed and shall have effect as if it had been issued for the purposes of Regulation 5.

(3) Any authority granted in respect of any class for the purposes of any provision of the said Regulations of 1965 and in force immediately before the repeal of the said Act of 1965 shall, insofar as it authorises any class of persons to do anything which could be authorised by an authority granted for the purposes of Regulation 8(3) or 10(3), continue in force as if that Act had not been repealed and shall have effect as if granted for the purposes of Regulation 8(3) or 10(3) as the case may be.

(4) Any register, record, book, prescription or other document required to be preserved under Regulation 26 of the said Regulations of 1965 shall, notwithstanding the repeal of the said Act of 1965, be preserved for the same period of time as if that Act had not been repealed.

(5) In the case of a prescription issued before the coming into operation of these Regulations, Regulation 16(1) shall have effect as if—

(*a*) in the case of a prescription containing a controlled drug specified in the Schedule to the Drugs (Prevention of Misuse) Act 1964(**r**) immediately before the repeal of that Act, sub-paragraphs (*a*) and (*b*) of that paragraph were omitted; and

(*b*) in any other case, for the said sub-paragraphs (*a*) and (*b*) there were substituted the words "unless the prescription complies with the provisions of the Dangerous Drugs Regulations (Northern Ireland) 1965 relating to prescriptions".

(6) In this Regulation, any reference to the repeal of the Dangerous Drugs Act 1965 or the Drugs (Prevention of Misuse) Act 1964 shall be construed as a reference to its repeal by section 39(2) of and Schedule 6 to the Act.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 8th day of June 1973.

(L.S.) *W. A. Willis,*
Assistant Secretary.

(**p**) 1965. c. 15.
(**q**) S.R. & O. (N.I.) 1965. No. 30.
(**r**) 1964. c. 64.

SCHEDULE 1 Regulations 4, 7, 8, 14, 15, 16, 18, and 23

Controlled drugs excepted from the prohibition on importation exportation and possession and subject to the requirements of Regulation 23

1.—(1) Any preparation of one or more of the substances to which this paragraph applies, not being a preparation designed for administration by injection, when compounded with one or more active or inert ingredients and containing a total of not more than 100 milligrams of the substance or substances (calculated as base) per dosage unit and with a total concentration of not more than 2.5 per cent. (caluclated as base) in undivided preparations.

(2) The substances to which this paragraph applies are acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, nicocodine, nicodicodeine (6-nicotinoyl-dihydrocodeine), norcodeine, pholcodine and their respective salts.

2. Any preparation of cocaine containing not more than 0.1 per cent. of cocaine calculated as cocaine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the cocaine cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

3. Any preparation of medicinal opium or of morphine containing (in either case) not more than 0.2 per cent. of morphine calculated as an anhydrous morphine base, being a preparation compounded with one or more other active or inert ingredients in such a way that the opium or, as the case may be, the morphine, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health.

4. Any preparation of diphenoxylate containing, per dosage unit, not more than 2.5 milligrammes of diphenoxylate calculated as base and a quantity of atropine sulphate equivalent to at least 1% of the dose of diphenoxylate.

5. Any powder of ipecacuanha and opium comprising—

10 per cent. opium, in powder,
10 per cent. ipecacuanha root, in powder,
well mixed with
80 per cent. of any other powdered ingredient containing no controlled drug.

6. Any mixture containing one or more of the preparations specified in paragraphs 1 to 5 above, being a mixture of which none of the other ingredients is a controlled drug.

SCHEDULE 2 Regulations 7, 8, 10, 19, 21 and 24

Controlled drugs subject to the requirements of Regulations 14, 15, 16, 18, 19, 20, 21 and 24

1. The following substances and products, namely:—

Acetorphine
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzethidine
Benzylmorphine (3-benzylmorphine).
Betacetylmethadol.
Betameprodine
Betamethadol.
Betaprodine.
Bezitramide.
Clonitazene.
Cocaine.
Desomorphine.
Dextromoramide.
Diamorphine
Diampromide.
Diethylthiambutene.
Dihydrocodeinone *O*-carboxymethyloxime.
Dihydromorphine.
Dimenoxadole.
Dimepheptanol.
Dimethylthiambutene.
Dioxaphetyl butyrate.
Diphenoxylate.
Dipipanone.
Drotebanol (3,4-dimethoxy-17-methylmorphinan -6β, 14-diol).
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.
Ethylmethylthiambutene.
Etonitazene.
Etorphine.
Etoxeridine.
Fentanyl.
Furethidine.
Hydrocodone.
Hydromorphinol.
Hydromorphone.
Hydroxypethidine.
Isomethadone
Ketobemidone.
Levomethorphan.
Levomoramide.
Levophenacylmorphan.
Levorphanol.
Medicinal opium.
Metazocine.
Methadone.
Methadyl acetate.
Methyldesorphine.
Methyldihydromorphine (6-methyldihydromorphine).
Metopon.
Morpheridine.
Morphine.
Morphine methobromide, morphine *N*-oxide and other pentavalent nitrogen morphine derivatives.
Myrophine.
Nicomorphine.
Noracymethadol.
Norlevorphanol.
Normethadone.
Normorphine.
Norpipanone.
Oxycodone.
Oxymorphone.
Pethidine.
Phenadoxone.
Phenampromide.
Phenazocine.
Phenomorphan.
Phenoperidine.
Piminodine.
Piritramide.
Proheptazine.
Properidine.
Racemethorphan.
Racemorphan.
Racemoramide.
Thebacon.
Thebaine.
Trimeperidine.
4-Cyano-2-dimethylamino-4, 4-diphenylbutane.
4-Cyano-1-methyl-4-phenylpiperidine.
1-Methyl-4-phenylpiperidine-4-carboxylic acid.
2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid.
4-Phenylpiperidine-4-carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance specified in paragraph 1 not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance specified in paragraph 1 or 2, not being a substance specified in paragraph 6.

4. Any salt of a substance specified in any of paragraphs 1 to 3.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a perparation specified in Schedule 1.

6. The following substances and products:—

Acetyldihydrocodeine.
Amphetamine.
Codeine.
Dexamphetamine.
Dihydrocodeine.
Ethylmorphine (3-ethylmorphine).
Methaqualone.
Methylamphetamine.
Methylphenidate.
Nicocodine.
Nicodicodine (6-nicotinoyldihydrocodeine).
Norcodeine.
Phenmetrazine.
Pholcodine.
Propiram.

7. Any stereoisomeric form of a substance specified in paragraph 6.

8. Any salt of a substance specified in paragraph 6 or 7.

9. Any preparation or other product containing a substance or product specified in any of paragraphs 6 to 8, not being a preparation specified in Schedule 1.

SCHEDULE 3 Regulations 7, 9 and 10

Controlled drugs subject to the requirements of Regulations 14, 15, 16 and 18

1. The following substances, namely:—

Benzphetamine	Phendimetrazine
Chlorphentermine	Pipradrol
Mephentermine	

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any salt of a substance specified in paragraph 1 or 2.

4. Any preparation or other product containing a substance specified in any of paragraphs 1 to 3, not being a preparation specified in Schedule 1.

SCHEDULE 4

Controlled drugs subject to the requirements of Regulations 14, 15, 16, 18, 19, 20 and 24

1. The following substances and products, namely:—

   Bufotenine.
   Cannabinol.
   Cannabinol derivatives.
   Cannabis and cannabis resin.
   Coca leaf.
   Concentrate of poppy-straw.
   Lysergamide.
   Lysergide and other *N*-alkyl derivatives of lysergamide.
   Mescaline.
   Raw opium.
   Psilocin.
   N,*N*-Diethyltryptamine.
   N,*N*-Dimethyltryptamine.
   2,5-Dimethoxy-*a*,4-dimethylphenethylamine.

2. Any stereoisomeric form of a substance specified in paragraph 1.

3. Any ester or ether of a substance specified in paragraph 1 or 2.

4. Any salt of a substance specified in any of paragraphs 1 to 3.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4, not being a preparation specified in Schedule 1.

SCHEDULE 5 Regulation 19

FORM OF REGISTER

PART I

Entries to be made in case of obtaining

Date on which supply received	*NAME*	*ADDRESS*	*Amount obtained*	*Form in which obtained*
	Of person or firm from whom obtained			

PART II

Entries to be made in case of supply

Date on which the transaction was effected	*NAME*	*ADDRESS*	*Particulars as to licence or authority of person or firm supplied to be in possession*	*Amount supplied*	*Form in which supplied*
	Of person or firm supplied				

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make provision for certain exemptions from the provisions of the Misuse of Drugs Act 1971 which, subject to such regulations, prohibit the production, importation, exportation, possession and supply of controlled drugs, that is to say, drugs for the time being specified in Schedule 2 to that Act.

The exemptions are set out in Part II of the Regulations.

The Regulations also make provision in relation to prescriptions, records and other documents concerning controlled drugs and for the supervision of the destruction of such drugs.