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## STATUTORY INSTRUMENTS

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# 2001 No. 3998

## The Misuse of Drugs Regulations 2001

### Production and supply of drugs in Schedules 3 and 4

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 or 4;
- (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 or 4;
- (c) a person who is authorised by a written authority issued by the Secretary of State under and for the purposes of this sub-paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, produce any drug specified in Schedule 3 or 4.

(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) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research;
- (e) a public analyst appointed under section 27 of the Food Safety Act 1990;
- (f) a sampling officer within the meaning of Schedule 3 to the Medicines Act 1968;
- (g) 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;
- (h) a person authorised by the Pharmaceutical Society of Great Britain for the purposes of section 108 or 109 of the Medicines Act 1968,
- [<sup>F1</sup>(i) 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 3 or 4 to any person who may lawfully have that drug in his possession.

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

- (a) a person who is authorised as a member of a group, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto;
- (b) the person in charge or acting person in charge of a hospital or nursing home;
- (c) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at that hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home,

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*Status: Point in time view as at 14/11/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Misuse of Drugs Regulations 2001, Section 9. (See end of Document for details)*

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may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3, or any drug specified in Schedule 4 which is contained in a medicinal product, 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 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.
- (4) Notwithstanding the provisions of section 4(1)(b) of the Act—
- (a) a person who is authorised by a written authority issued by the Secretary of State under and for the purposes of this sub-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 3 or 4 to any person who may lawfully have that drug in his possession;
  - (b) a person who is authorised under paragraph (1)(c) may supply or offer to supply any drug which he may, by virtue of being so authorised, 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 among the seamen employed in it;
  - (b) the installation manager of an offshore installation,

may supply or offer to supply any drug specified in Schedule 3, or any drug specified in Schedule 4 which is contained in a medicinal product—

- (i) for the purpose of compliance with any of the provisions specified in regulation 8(6), to any person on that ship or installation; or
- (ii) to any person who may lawfully supply that drug to him.

(6) Notwithstanding the provisions of section 4(1)(b) of the Act, a person in charge of a laboratory may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3 which is required for use as a buffering agent in chemical analysis to any person who may lawfully have that drug in his possession.

[<sup>F2</sup>]<sup>F3</sup>(7) Notwithstanding the provisions of section 4(1)(b) of the Act, an extended formulary nurse prescriber may, when acting in her capacity as such, supply or offer to supply—

- (a) diazepam, lorazepam and midazolam for use in palliative care;
- (b) buprenorphine for transdermal use in palliative care; and
- (c) chlordiazepoxide hydrochloride and diazepam for treatment of initial or acute withdrawal symptoms caused by the withdrawal of alcohol from persons habituated to it,

to any person who may lawfully have any of these drugs in his possession.]

(8) Notwithstanding the provisions of section 4(1)(b) of the Act, a registered nurse or a person specified in Schedule 8, when acting in their capacity as such, may supply or offer to supply, under and in accordance with the terms of a patient group direction, any drug specified in Schedule 4 to any person who may lawfully have that drug in his possession, except that this paragraph shall not have effect in the case of—

- (a) the supply or offer to supply of any of the anabolic steroid drugs specified in Part II of Schedule 4; and

- (b) any drug or preparation 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;
- (c) for the purposes of paragraph (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. 9(2)(i) inserted (14.3.2005) by [The Misuse of Drugs \(Amendment\) Regulations 2005 \(S.I. 2005/271\)](#), regs. 1, **2(7)**
- F2** Reg. 9(7)(8) inserted (15.10.2003) by [The Misuse of Drugs \(Amendment\) \(No. 3\) Regulations 2003 \(S.I. 2003/2429\)](#), regs. 1, **2(6)**
- F3** Reg. 9(7) substituted (14.11.2005) by [The Misuse of Drugs and the Misuse of Drugs \(Supply to Addicts\) \(Amendment\) Regulations 2005 \(S.I. 2005/2864\)](#), regs. 1(1), **8**

**Status:**

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**Changes to legislation:**

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