



MISUSE OF DRUGS (MISCELLANEOUS ENACTMENTS) (APPLICATION) ORDER 2013

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Statutory Document No. 2013/0310



Misuse of Drugs Act 1976

MISUSE OF DRUGS (MISCELLANEOUS ENACTMENTS) (APPLICATION) ORDER 2013¹

Approved by Tynwald: 19 November 2013
Coming into Operation: 1 December 2013

The Department of Health makes the following Order under section 33 of the Misuse of Drugs Act 1976.

1 Title

This Order is the Misuse of Drugs (Miscellaneous Enactments) (Application) Order 2013.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 December 2013¹.

3 Interpretation

In this Order —

“the 1973 Regulations” means the Misuse of Drugs (Safe Custody) Regulations 1973²;

“the 1997 Regulations” means the Misuse of Drugs (Supply to Addicts) Regulations 1997³;

“the 2001 Regulations” means the Misuse of Drugs Regulations 2001⁴;

“the 2001 Order” [Revoked]²

“the Act” means the Misuse of Drugs Act 1976; and

“the Department” means the Department of Health and Social Care.³

¹ Tynwald approval is required by section 34 of the Act

² SI 1973/798

³ SI 1997/1001

⁴ SI 2001/3998

4 Application of the 1973 Regulations, 1997 Regulations and the 2001 Regulations⁴

The 1973 Regulations, 1997 Regulations and the 2001 Regulations as they are in force from time to time⁵ in relation to England apply to the Island, subject to the modifications set out below.⁵

5 General modifications of the 1973 Regulations, 1997 Regulations and the 2001 Regulations⁶

In the application of the 1973 Regulations, 1997 Regulations and the 2001 Regulations by virtue of article 4 —

- (a) references to the Secretary of State, the Welsh Ministers or the Scottish Ministers are to be read as references to the Department;⁷
- (b) references to any National Health Service body are to be read as references to the Department (and any consequent adjustment to pronouns is to be made);
- (c) references to enactments that have effect in England (or Great Britain) are to be read as references to the corresponding enactment having effect in the Island;
- (d) references to enactments that have effect (only) in Scotland are to be omitted; and
- (e) references to care homes are to be read as references to adult care homes.⁸

6 Other modifications of the 1973 Regulations

- (1) The 1973 Regulations are further modified as follows.
- (2) Any references to “chief officer of police” are to be read as “Chief Constable”.
- (3) In regulation 2(1) —
 - (a) omit the definitions of “care home” and “care home service”; and
 - (b) at the appropriate point in the alphabetical list insert —
“adult care home” has the same meaning as in the Regulation of Care Act 2013;**”**.

7 Other modifications of the 1997 Regulations

- (1) The 1997 Regulations are further modified as follows.
- (2) In regulation 3 substitute “appropriate body” with **“the Department”**.⁹

⁵ See section 33(1A) of the Act

8 Other modifications of the 2001 Regulations

- (1) The 2001 Regulations are further modified as follows.
- (2) Before every reference to “equivalent body” insert **“an**.
- (3) In regulation 2(1) (interpretation) —
 - (a) omit the definitions of “accountable officer”, “care home”, “care home service”, “the Common Services Agency for the health service”, “Health Board”, “Local Health Board”, “NHS Business Services Authority”, “the Northern Ireland Central Services Agency for the Health and Social Services prison”, “registered chiropodist”, “registered midwife”, “registered nurse”, “registered occupational therapist”, “registered orthoptist”, “registered orthotist and prosthetist”, “registered paramedic”, “registered pharmacy”; “registered physiotherapist”, “registered radiographer” and “relevant National Health Service agency”;¹⁰
 - (b) in the definition of “clinical management plan” for “Human Medicines Regulations 2012” substitute **“Prescription Only Medicines (Human Use) Order 1997”**;¹¹
 - (ba) after the definition of “clinical trial” insert —
“the Commission” means the Isle of Man Gambling Supervision Commission;¹¹
 - (c) for the definition of “equivalent body” substitute —
“equivalent body” means any organisation in the United Kingdom which has equivalent National Health Service responsibilities as the Department;
 - (d) for the definition of “health prescription” substitute —
“health prescription” has the same meaning as the term “prescription form” in the National Health Service (Pharmaceutical Services) Regulations 2005;
 - (da) in the definition of “register”, after “Department” insert **“or the Commission”**;¹²
 - (e) at the appropriate point in the alphabetical list insert —
“adult care home” has the same meaning as in the Regulation of Care Act 2013;
“registered chiropodist”, “registered occupational therapist”, “registered orthoptist”, “registered prosthetist and orthotist”, “registered paramedic”, “registered physiotherapist” and “registered radiographer” have the same meanings as in the Health Professions Order 2002;

⁶ SI 1997/1830 as applied to the Island by SD 11/05

⁷ SD 727/05

⁸ SD 160/02 as amended by SD 770/04

“registered” in relation to a nurse or midwife, has the same meaning as in the National Health Service Act 2001.

“registered pharmacy” has the same meaning as in the Medicines Act 2003;⁹

- (f) for the definition of “nurse independent prescriber” substitute —
“nurse independent prescriber” has the same meaning as the term **“independent nurse prescriber”** in the National Health Service (Pharmaceutical Services) Regulations 2005;¹⁰
 - (g) in the definition of “operating department practitioner” for “under the Health Professions Order 2001” substitute **“in accordance with the Health Professions Order 2002”**;
 - (ga) for the definition of “organisation providing ambulance services” substitute —
“organisation providing ambulance services” means the division of the Department which has the function of providing ambulance services under the National Health Services Act 2001;¹³
 - (h) for the definition of “patient group direction” substitute —
“Patient Group Direction” has the same meaning as in the Medicines (Pharmacy and General Sale – Exemption) Order 1980⁹;
 - (i) in the definitions of “pharmacist” and “supplementary prescriber” for “Human Medicines Regulations 2012” substitute **“National Health Service (Pharmaceutical Services) Regulations 2005”**;
 - (j) for the definition of “professional register” substitute —
“professional register” means the register referred to in section 39A of the National Health Service Act 2001;¹⁰
 - (k) in the definition of “register” for the words “Secretary of State” to the end substitute **“Department”**; and
 - (l) in the definition of “registered optometrist” for “Human Medicines Regulations 2012” substitute **“Opticians Act 1996”**¹⁰.
- (4) After regulation 4B insert —

4C Removal of drugs to or from United Kingdom

- (1) Subject to paragraph (2), it shall not by virtue of section 4(1) of the Act be unlawful for a person to produce a controlled drug where the person is authorised by a licence issued by the Department or the Commission under section 3(2)(b) of the Act to remove that drug —
 - (a) to the Isle of Man from the United Kingdom; or

⁹ SI 1980/1924 as applied to the Island by SD 13/05

¹⁰ As amended by SD 902/05

- (b) from the Isle of Man to the United Kingdom.¹⁴
 - (2) Paragraph (1) applies only to such production of a controlled drug as is deemed by section 3(4) of the Act to take place by virtue of the removal of the drug as mentioned in paragraph (1)(a) or (b).²²
- (4A) In regulation 6 —
 - (a) after paragraph (7)(d), insert —
 - ²³(da) an officer or employee of the Commission when acting in the course of his duty as such;²²; and
 - (b) in paragraph (8), for “A to E of regulation 224 or 225 of the Human Medicines Regulations 2012”, substitute ²³subparagraphs (2)(a) to (e) or subparagraphs (4)(a) to (e) of article 8 of the Prescription Only Medicines (Human Use) Order 1997¹¹ ²².¹⁵
- (5) Omit regulation 6A(3) to (5).
- (5A) [Revoked]¹⁶
- (5B) In regulation 8(2)(f) and 8(4) after “Department” insert ²³or the Commission ²².¹⁷
- (5C) In regulation 9(1)(c) and (4)(a) after “Department” insert ²³or the Commission ²².¹⁸
- (5D) In regulation 10(4)(a) after “Department” insert ²³or the Commission ²².¹⁹
- (6) In regulation 11 —
 - (a) omit the words from “who has” to “practise”;
 - (b) in paragraph (1) for “appropriate medical officer” substitute ²³Director of Public Health ²²; and
 - (c) omit paragraphs (2) and (3).
- (6A) Omit regulation¹².²⁰
- (6B) In regulation 14(2)(a)(v) after “Department” insert ²³or the Commission ²².²¹
- (7) In regulation 14 —
 - (a) in paragraph (5)(b) for the words from “proper officer” to “ship is” substitute ²³Director of Public Health ²²; and
 - (b) for paragraph (5A)(b) substitute —
 - ²³(b) send the requisition to the Department in accordance with arrangements specified by it. ²².
- (7A) In regulation 15(4) for the definition of “electronic prescription form” substitute —

¹¹ SI 1997/1830 as applied to the Island by SD 11/05.

“electronic prescription form” means data created in an electronic form for the purpose of ordering a drug or appliance.²²

(8) In regulation 16 —

- (a) in paragraph (1)(b) after “United Kingdom” insert “or the Isle of Man”; and
- (b) in paragraph (7) for the definition of “healthcare professional” substitute —

“healthcare professional” has the same meaning as the term “health professional” in the Access to Health Records and Reports Act 1993;

(9) For regulation 18(3) substitute —

(3) In this regulation “clinical trial” and “medicinal test on animals” have the same meanings as in the Medicines Act 1968 (An Act of Parliament).

(9A) In regulation 19(3)(b), after “regulation 5” insert “or regulation 4 of the Misuse of Drugs (Cannabis) Regulations 2020¹²”.

(10) In regulation 20 —

- (a) in paragraph (d), for “under section 2 of the National Health Service 1977.” substitute “or the Commission”;
- (b) in paragraph (f), after “Department” insert “or the Commission”.

(11) In regulation 21(1) for “at a Marine Office established and maintained under the Merchant Shipping Act 1995.” substitute “appointed under the Merchant Shipping (Masters and Seamen) Act 1979.”

(12) In regulation 23(4) for the words “the relevant NHS agency in accordance with arrangements specified by that agency.” substitute “the Department in accordance with arrangements specified by it.”

(13) In regulation 24A, for “under section 2 of the National Health Service 1977.” substitute “or the Commission.”

(13A) In regulation 26(1) and (1A), after “Department” in each place where it appears insert “or the Commission”.

(14) In regulation 27 —

- (a) in paragraph (1) —
 - (i) after “these Regulations” insert “or the Misuse of Drugs (Cannabis) Regulations 2020”;
 - (ii) after “Department” insert “or the Commission”; and
 - (iii) omit “or, subject to paragraph (1A), an accountable officer”;

¹² SD 2020/0581.

- (b) omit paragraph (1A); and
 - (c) in paragraph (2) after “these Regulations” insert **“or the Misuse of Drugs (Cannabis) Regulations 2020”**.²⁷
- (15) Omit regulation 28.
- (16) Omit Schedule 7.

9 [Revoked]²⁸

10 Revocations

The following are revoked —

- (a) the Misuse of Drugs (Subsidiary Legislation) (Application) Order 1986¹³;
- (b) the Misuse of Drugs (Subsidiary Legislation) (Application) Order 1987¹⁴;
- (c) the Misuse of Drugs (Subsidiary Legislation) (Application) Order 1991¹⁵;
- (d) the Misuse of Drugs (Safe Custody) Regulations (Application) (No.3) Order 1998¹⁶;
- (e) the Misuse of Drugs Regulations (Application) Order 2007¹⁷; and
- (f) the Misuse of Drugs (Supply to Addicts) Regulations (Application) Order 2007¹⁸.

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¹³ GC 224/86

¹⁴ GC 130/87

¹⁵ SD GC 25/91

¹⁶ SD 238/98

¹⁷ SD 281/07

¹⁸ SD 282/07

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “the 2001 Order” revoked by SD2016/0254.

³ Definition of “the Department” inserted by SD2016/0254.

⁴ Art 4 heading amended by SD2016/0254.

⁵ Art 4 amended by SD2016/0254

⁶ Art 5 heading amended by SD2016/0254.

⁷ Subpara (a) amended by SD2016/0254.

⁸ Art 5 amended by SD2016/0254

⁹ Para (2) amended by SD2016/0254.

¹⁰ Subpara (a) amended by SD2016/0254.

¹¹ Subpara (ba) inserted by SD2020/0547.

¹² Subpara (da) inserted by SD2020/0547.

¹³ Subpara (ga) inserted by SD2016/0254.

¹⁴ Inserted para (1) amended by SD2020/0547.

¹⁵ Para (4A) inserted by SD2016/0254 and substituted by SD2020/0581.

¹⁶ Para (5A) inserted by SD2020/0547 and revoked by SD2020/0581.

¹⁷ Para (5B) inserted by SD2020/0547.

¹⁸ Para (5C) inserted by SD2020/0547.

¹⁹ Para (5D) inserted by SD2020/0547.

²⁰ Para (6A) inserted by SD2020/0547.

²¹ Para (6B) inserted by SD2020/0547.

²² Para (7A) inserted by SD2016/0254.

²³ Para (9A) inserted by SD2020/0581.

²⁴ Para (10) substituted by SD2020/0547.

²⁵ Para (13) substituted by SD2020/0547.

²⁶ Para (13A) inserted by SD2020/0547.

²⁷ Para (14) substituted by SD2020/0581.

²⁸ Art 9 revoked by SD2016/0254.