STATUTORY INSTRUMENTS

1973 No. 799

DANGEROUS DRUGS

The Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973

Made - - -	19*th April* 1973
Laid before Parliament	7*th May* 1973
Coming into Operation	1*st July* 1973

In pursuance of sections 10(2)(*h*) and (*i*), 22(*c*) and 31 of the Misuse of Drugs Act 1971(**a**), after consultation with the Advisory Council on the Misuse of Drugs, I hereby make the following Regulations:—

1. These Regulations may be cited as the Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973 and shall come into operation on 1st July 1973.

2.—(1) In these Regulations, the expression—

"drug" means a controlled drug specified in the Schedule to these Regulations;

"hospital"—

(*a*) as respects England and Wales, has the same meaning as in the National Health Service Act 1946(**b**) and includes a nursing home within the meaning of Part VI of the Public Health Act 1936(**c**), a mental nursing home within the meaning of Part III of the Mental Health Act 1959(**d**) and a special hospital within the meaning of that Act;

(*b*) as respects Scotland, has the same meaning as in the National Health Service (Scotland) Act 1947(**e**) and includes a nursing home within the meaning of the Nursing Homes Registration (Scotland) Act 1938(**f**), a private hospital within the meaning of the Mental Health (Scotland) Act 1960(**g**) and a state hospital within the meaning of that Act.

(2) For the purposes of these Regulations, 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.

(**a**) 1971 c. 38.
(**b**) 1946 c. 81.
(**c**) 1936 c. 49.
(**d**) 1959 c. 72.
(**e**) 1947 c. 27.
(**f**) 1938 c. 73.
(**g**) 1960 c. 61.

(3) In these Regulations any reference to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any other enactment.

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) Subject to paragraph (2) of this Regulation, any doctor who attends a person who he considers, or has reasonable grounds to suspect, is addicted to any drug shall, within seven days of the attendance, furnish in writing to the Chief Medical Officer at the Home Office such of the following particulars with respect to that person as are known to the doctor, that is to say, the name, address, sex, date of birth and national health service number of that person, the date of the attendance and the name of the drug or drugs concerned.

(2) It shall not be necessary for a doctor who attends a person to comply with the provisions of paragraph (1) of this Regulation in respect of that person if—

(*a*) the doctor is of the opinion, formed in good faith, that the continued administration of the drug or drugs concerned is required for the purpose of treating organic disease or injury; or

(*b*) the particulars which, apart from this paragraph, would have been required under those provisions to be furnished have, during the period of twelve months ending with the date of the attendance, been furnished in compliance with those provisions—

(i) by the doctor; or

(ii) if the doctor is a partner in or employed by a firm of general practitioners, by a doctor who is a partner in or employed by that firm; or

(iii) if the attendance is on behalf of another doctor, whether for payment or otherwise, by that doctor; or

(iv) if the attendance is at a hospital, by a doctor on the staff of that hospital.

4.—(1) Subject to paragraph (2) of this Regulation, a doctor shall not administer or supply to a person who he considers, or has reasonable grounds to suspect, is addicted to any drug, or authorise the administration or supply to such a person of, any substance specified in paragraph (3) below, or prescribe for such a person any such substance, except—

(*a*) for the purpose of treating organic disease or injury; or

(*b*) under and in accordance with the terms of a licence issued by the Secretary of State in pursuance of these Regulations.

(2) Paragraph (1) of this Regulation shall not apply to the administration or supply by a doctor of a substance specified in paragraph (3) below if the administration or supply is authorised by another doctor under and in accordance with the terms of a licence issued to him in pursuance of these Regulations.

(a) 1889 c. 63.

(3) The substances referred to in paragraphs (1) and (2) above are—

(*a*) cocaine, its salts and any preparation or other product containing cocaine or its salts other than a preparation falling within paragraph 2 of Schedule 1 to the Misuse of Drugs Regulations 1973(a);

(*b*) diamorphine, its salts and any preparation or other product containing diamorphine or its salts.

5. These Regulations and, in relation only to the requirements of these Regulations, sections 13(1) and (3), 14, 16, 19 and 25 of and Schedule 4 to the Misuse of Drugs Act 1971 (which relate to their enforcement) shall apply to servants and agents of the Crown.

6.—(1) The Dangerous Drugs (Notification of Addicts) Regulations 1968(b) and the Dangerous Drugs (Supply to Addicts) Regulations 1968(c) are hereby revoked.

(2) For the purposes of paragraph 2(*b*) of Regulation 3 of these Regulations, any particulars furnished, before the coming into operation of these Regulations, in compliance with the provisions of paragraph (1) of Regulation 1 of the Dangerous Drugs (Notification of Addicts) Regulations 1968 shall be deemed to have been furnished in compliance with paragraph (1) of Regulation 3 of these Regulations.

(3) Notwithstanding anything in paragraph (1) of this Regulation, any licence issued by the Secretary of State in pursuance of the Dangerous Drugs (Supply to Addicts) Regulations 1968 before the coming into operation of these Regulations shall continue in force for the same time as if these Regulations had not been made and shall be deemed to have been issued in pursuance of these Regulations.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
19th April 1973.

Regulation 2(1).

SCHEDULE

Controlled Drugs to which These Regulations apply

1. The following substances and products, namely:—

Cocaine	Hydromorphone	Oxycodone
Dextromoramide	Levorphanol	Pethidine
Diamorphine	Methadone	Phenazocine
Dipipanone	Morphine	Piritramide
Hydrocodone	Opium	

2. Any stereoisomeric form of a substance specified in paragraph 1 above, not being dextrorphan.

(a) S.I. 1973/797. (b) S.I. 1968/136 (1968 I, p. 375).
(c) S.I. 1968/416 (1968 I, p. 1093).

3. Any ester or ether of a substance specified in paragraph 1 or 2 above not being a substance for the time being specified in Part II of Schedule 2 to the Misuse of Drugs Act 1971.

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

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4 above.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, made under the Misuse of Drugs Act 1971, consolidate with amendments the provisions of the Dangerous Drugs (Notification of Addicts) Regulations 1968 and the Dangerous Drugs (Supply to Addicts) Regulations 1968, made under earlier enactments.

The Regulations require doctors to send to the Chief Medical Officer at the Home Office particulars of persons whom they consider or suspect to be addicted to certain controlled drugs, which are specified in the Schedule to the Regulations. The Regulations also prohibit doctors from supplying or prescribing cocaine or diamorphine (commonly known as heroin) for such persons except under licence of the Secretary of State or in certain cases for medical treatment.

Regulation 5 extends the provisions of the Regulations, together with the provisions of the Act necessary for their enforcement, to servants and agents of the Crown.

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