

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5064 GIBRALTAR Thursday 29th June 2023

LEGAL NOTICE NO. 170 OF 2023

CRIMES ACT 2011

DRUGS (MISUSE) (AMENDMENT) REGULATIONS 2023

In exercise of the powers conferred upon it by sections 509, 510 and 529 of the Crimes Act 2011, and all other enabling powers, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the Drugs (Misuse) (Amendment) Regulations 2023.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment of the Drugs (Misuse) Regulations 2005.

- 3.(1) The Drugs (Misuse) Regulations 2005 are amended in accordance with this regulation.

(2) In regulation 2(1)-

- (a) in the definition of “health prescription” after “doctor” insert “, nurse practitioner or nurse prescriber”;
- (b) after the definition of “medicinal product” insert-

““nurse practitioner” has the meaning given in regulation 2 of the Medicines (Prescription Only) Regulations, 1987;

“nurse prescriber” has the meaning given in regulation 2 of the Medicines (Prescription Only) Regulations, 1987;”;

- (c) in the definition of “prescription”-
 - (i) delete the “or” at the end of paragraph (b);
 - (ii) insert “or” at the end of paragraph (c);
 - (iii) after paragraph (c) insert-

“(d) by a nurse practitioner or nurse prescriber for the medical treatment of a single individual;”.

(3) In regulation 6(2) after “practitioner” insert “, a nurse practitioner or nurse prescriber”.

(4) After regulation 6 insert-

“Authority for nurse practitioner and nurse prescriber.

6A.(1) Subject to subregulation (3), a nurse practitioner may prescribe any controlled drug specified in Schedule 2, 3, 4 or 5 provided it is a medicinal product that the nurse practitioner may prescribe in accordance with regulation 3(5) of the Medicines (Prescription Only) Regulations, 1987.

(2) Subject to subregulation (3), a nurse prescriber may prescribe any controlled drug specified in Schedule 2, 3, 4 or 5 provided it is a medicinal product that the nurse prescriber may prescribe in accordance with regulation 3(5A) of the Medicines (Prescription Only) Regulations, 1987.

(3) Neither a nurse practitioner nor a nurse prescriber may prescribe any of the following substances to a person that the nurse practitioner or nurse prescriber considers, or has reasonable grounds to suspect, is addicted to any controlled drug listed in Schedule 5A save for the purpose of treating organic disease or injury-

(a) diamorphine, any salt of diamorphine, and any preparation or other product containing diamorphine or any salt of diamorphine;

(b) dipipanone, any salt of dipipanone, and any preparation or other product containing dipipanone or any salt of dipipanone.

(4) For the purposes of subregulation (3), a person is addicted to a controlled drug if, and only if, he has as a result of repeated administration become so dependent upon that controlled drug that he has an overpowering desire for the administration of it to be continued.”.

(5) In regulation 7 after subregulation (3) insert-

“(3A) Notwithstanding the provisions of subregulation (3), a nurse practitioner or nurse prescriber may administer to a patient without the directions of a doctor or dentist, any controlled drug which such nurse practitioner or nurse prescriber may prescribe under regulation 6A provided it is administered for a purpose for which it may be prescribed under that regulation.

(3B) Notwithstanding the provisions of subregulation (3), any person may administer to a patient in accordance with the specific directions of a nurse practitioner or nurse prescriber, any controlled drug which such nurse practitioner or

nurse prescriber may prescribe under regulation 6A provided it is administered for a purpose for which it may be prescribed under that regulation.”.

(6) In regulation 8-

(a) in subregulation (3) for “3, 4 or 5” substitute “2, 3, 4 or 5”;

(b) after subregulation (3) insert-

“(4) A nurse practitioner or nurse prescriber acting in her capacity as such, may compound any drug specified in Schedule 2, 3, 4 or 5 for the purposes of administration in accordance with regulation 7.

(5) Any person acting in accordance with the written directions of a practitioner, nurse practitioner or nurse prescriber may compound any drug specified in Schedule 2, 3, 4 or 5 for the purposes of administration in accordance with regulation 7.”.

(7) In regulation 9-

(a) in subregulation 2(b) after “doctor or dentist” insert “or, subject to subregulation (2A), a nurse practitioner or nurse prescriber”;

(b) after subregulation (2) insert-

“(2A) The directions given by a nurse practitioner or nurse prescriber referred to in subregulation (2)(b) shall relate only to a controlled drug which such nurse practitioner or nurse prescriber may prescribe under regulation 6A and a purpose for which it may be prescribed under that regulation.”.

(c) after subregulation (4) insert-

“(5) Notwithstanding the provisions of section 504(1)(b) of the Act, a nurse practitioner or nurse prescriber may when acting in her capacity as such, supply or offer to supply any controlled drug specified in Schedule 2 or 5 to any person who may lawfully have any of those drugs in his possession provided it is supplied or offered in circumstances where she may prescribe it under regulation 6A.”.

(8) In regulation 10-

(a) in subregulation (2)(c) for “doctor or dentist” substitute “doctor, dentist or, subject to subregulation (2A), a nurse practitioner or nurse prescriber,”;

(b) after subregulation (2) insert-

“(2A) The directions given by a nurse practitioner or nurse prescriber referred to in subregulation (2)(c) shall relate only to a controlled drug which such

nurse practitioner or nurse prescriber may prescribe under regulation 6A and a purpose for which it may be prescribed under that regulation.”;

(c) after subregulation (4) insert-

“(5) Notwithstanding the provisions of section 504(1)(b) of the Act, a nurse practitioner or nurse prescriber may when acting in her 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 his possession provided it is supplied or offered in circumstances where she may prescribe it under regulation 6A.”.

(9) In regulation 12-

(a) in subregulation (1)-

(i) for the full stop after paragraph (c) substitute a semi-colon;

(ii) after paragraph (c) insert-

“(d) a person specified in regulation 9(5) or 10(5) may have in her possession any drug specified in those regulations in accordance with the conditions specified in those regulations.”;

(b) in subregulation (3) after “practitioner” insert “, a nurse practitioner or nurse prescriber”;

(c) in subregulation (4)-

(i) after “doctor”, the first time it appears, insert “, nurse practitioner or nurse prescriber”;

(ii) in paragraph (a) after “another doctor” insert “, another nurse practitioner or nurse prescriber”;

(iii) in paragraph (a) after “first mentioned doctor” insert “, nurse practitioner or nurse prescriber”.

(10) In regulation 18(2)(d) after “practitioner” insert “, nurse practitioner or nurse prescriber”.

(11) In regulation 25(2) after paragraph (e) insert-

“(ea) a nurse practitioner;

(eb) a nurse prescriber;”.

(12) After Schedule 5 insert-

“Schedule 5A

Regulation 6A

1. The following substances and products, namely-

Cocaine

Dextromoramide

Diamorphine

Dipipanone

Hydrocodone

Hydromorphone

Levorphanol

Methadone

Morphine

Opium

Oxycodone

Pethidine

Phenazocine

Piritramide

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

3. Any ester or ether of a substance specified in paragraph 1 or 2 above not being a substance for the time being in Part II of Schedule 5 to the Crimes Act 2011.

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.”.

Dated: 29th June 2023.

A J ISOLA,
Minister with responsibility for Health,
For the Government.

EXPLANATORY MEMORANDUM

These regulations amend the Drugs (Misuse) Regulations 2005 in order to make certain changes to prescribing rights.