

Sporting Bodies, Venues and Teams- Controlled Drugs Communication

Scope

This communication has been prepared for all sporting bodies, venues and teams that hold 'stocks' of Controlled Drugs.

Legislation

Certain drugs are 'controlled' under UK law on account of the potential harm they pose to people consuming them. These 'Controlled Drugs' are listed in the Misuse of Drugs Act 1971 (MDA 1971) and its associated Misuse of Drugs Regulations 2001 and Misuse of Drugs Regulations (Northern Ireland) 2002 (The MDRs)

Many of these drugs have recognised therapeutic benefits and are available to the public in the form of a 'medicinal product' and, generally speaking, on prescription only. Controlled Drugs are sub-divided into 'Schedules', on account of the 'type' of drug and potential for misuse/ harm.

Some sporting teams may wish to possess controlled drugs which may be administered in certain circumstances to sick or injured sports men and women. Drugs which may be used in these situations include:

- Tramadol, Midazolam, Temazepam - **Schedule 3**
- Diazepam, Lorazepam, Zolpidem, Zopiclone - **Schedule 4 (Part I)**

The MDA 1971 sets out a number of 'restrictions' in respect of Controlled Drug use, and it provides for the operation of a Licensing regime to enable the lawful use of drugs in certain limited circumstances where authority is not already granted under regulations. This Licensing regime operates under the MDRs. The Drugs & Firearms Licensing Unit (DFLU) is the Competent Authority for the purposes of Controlled Drug (premises) Licensing in Great Britain. The Department of Health performs this function for premises located in Northern Ireland through its Medicines Regulatory Group (MRG).

Where possession or use of a drug is prohibited by the MDA 1971, it can only be lawfully handled- by an individual or an organisation- when specifically authorised under the MDRs or in possession of a valid Home Office or MRG licence for that purpose (Schedule and activity specific- e.g. Schedule 2 possess and supply). To be unlawfully in possession of a controlled drug places the person at risk of prosecution, with the possibility of a custodial sentence.

A handful of situations exist where certain drugs may be possessed in limited circumstances without a licence. One such example would be a medical practitioner who can lawfully possess (without a HO or MRG licence) any drug in Schedules 2-4 of the MDR 2001 by virtue of their professional competence, for the purposes of administering to a patient. This 'authority' does not simply extend to any organisation for whom the Doctor works, whether that work is remunerated or voluntary, and as such if the organisation possessed and supplied controlled drugs to a 'contracted' or employed medical professional, they would be doing so unlawfully, unless a licence was held.

The fact a medicine containing a controlled drug may be administered to a sports person by a team doctor, does not negate those possessing (storing), assembling, replenishing and/ or supplying those controlled drugs (for the purposes of administration) from needing a Home Office or MRG licence.

GB

Jill Frankham, Senior Compliance Officer Jill.Frankham@homeoffice.gsi.gov.uk

Further information on the licensing regime and fees associated with licences are available on our website at: <https://www.gov.uk/controlled-drugs-licences-fees-and-returns>

NI

Dr Mark Timoney, Chief Pharmaceutical Officer- Department of Health- NI mark.timoney@health-ni.gov.uk

Further information on the licensing regime is available on our website at: <https://www.health-ni.gov.uk/>

Should a sporting body, venue or team find that they are holding 'stocks' of controlled drugs, we would ask that they contact us immediately to discuss their licensing options, should they wish to continue to hold these drugs. **We are concerned, having initially issued this communication in November 2015, that there are still a number of organisations who have not sought to regularise their position. We strongly encourage those organisations to do so now.**

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