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Dear Lewis

Supply and Demand for Medicines in Scotland: Licensing of Medicines in Care Homes

Thank you for your email of 6 February on behalf of the Scottish Parliament's Health and Sport Committee regarding the use of controlled drugs in care homes.

The Misuse of Drugs Regulations 2001 ('the 2001 Regulations') sets out requirements to control drugs that are likely to be misused or which are capable of having harmful effects. Under the 2001 Regulations, those possessing stocks of controlled drugs require written authority from the Secretary of State, by way of a Home Office licence.

There are exemptions to licensing for the possession and or supply of stocks of medicines containing controlled drugs (Schedules 2 to 5 inclusive) and these include the exemptions in Regulations 8, 9 and 10 to the 2001 Regulations. Care homes which are wholly or mainly maintained either by a public authority out of public funds or by a charity or by voluntary subscriptions may benefit from a licensing exemption under the 2001 Regulations, and not require a Home Office licence for controlled drugs in Schedules 2 to 5 (inclusive). Care homes not satisfying these requirements are also able to hold controlled drugs in Schedule 3 to 5 (inclusive) without a Home Office licence, but they will need a controlled drugs licence for drugs in Schedule 2.

The Government has no plans to review the current policy or legislation. Please note that this letter does not constitute legal advice. Further information on the possession of controlled drugs can be found under the 2001 Regulations, or under our Controlled Drug Licensing page on the gov.uk website: <https://www.gov.uk/government/collections/drugs-licensing>.

KIT MALTHOUSE MP
Minister of State for Crime and Policing