

1979 No. 57

**DANGEROUS DRUGS****Misuse of Drugs (Licence Fees) Regulations (Northern Ireland) 1979***Made* . . . . . 2nd March 1979*Coming into operation* . . . . . 1st April 1979

The Department of Health and Social Services in exercise of the powers conferred by sections 30 and 31 of the Misuse of Drugs Act 1971(a) as adapted by section 38 of the Act and now vested in it(b) and of every other power enabling it in that behalf and after consultation with the Advisory Council on the Misuse of Drugs, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Misuse of Drugs (Licence Fees) Regulations (Northern Ireland) 1979 and shall come into operation on 1st April 1979.

*Interpretation*

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

“licence” means a licence issued by the Department of Health and Social Services for the purposes of the Misuse of Drugs Act 1971 or of regulations made under that Act; and

“the Regulations of 1974” means the Misuse of Drugs (Northern Ireland) Regulations 1974(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

3.—(1) Where a licence is, under section 30 of the Misuse of Drugs Act 1971, issued subject to the payment of a fee, the fee payable shall, where the licence is to continue in force (unless sooner revoked) for a period of twelve months, be—

(a) in the case of a licence authorising any person to produce, to supply, to offer to supply and to have in his possession any drug specified in any of paragraphs 1 to 4 and 6 to 8 of Schedule 2 or any of paragraphs 1 to 4 of Schedule 4 to the Regulations of 1974 or any preparation or other product containing such a drug, £150 in respect of each class of controlled drugs to which the licence applies;

(b) in the case of a licence, not being a licence specified in sub-paragraph (a), authorising any person to produce any preparation or other product containing a drug specified in any of paragraphs 1 to 4 and 6

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(a) 1971 c. 38

(b) By S.R. & O. (N.I.) 1973 No. 504 art. 5(a) (II, p. 2992)

(c) S.R. 1974 No. 272 (II, p. 1287)

(d) 1954 c. 33 (N.I.)

to 8 of Schedule 2 or any of paragraphs 1 to 4 of Schedule 4 to the Regulations of 1974 and to supply, to offer to supply and to have in his possession any drug specified in either of those Schedules, £100 in respect of each class of controlled drugs to which the licence applies;

- (c) in the case of a licence, not being a licence specified in sub-paragraph (a) or (b), authorising any person, for the purposes of research only, to produce and to have in his possession any drug specified in any of paragraphs 1 to 4 and 6 to 8 of Schedule 2 or any of paragraphs 1 to 4 of Schedule 4 to the Regulations of 1974 or any preparation or other product containing such a drug, £50 in respect of each class of controlled drugs to which the licence applies;
- (d) in the case of a licence, not being a licence specified in sub-paragraph (a) or (b), authorising any person to supply, to offer to supply and to have in his possession any drug specified in Schedule 2 or 4 to the Regulations of 1974, £50 in respect of each class of controlled drugs to which the licence applies;
- (e) in the case of a licence, not being a licence specified in any of sub-paragraphs (a) to (d), authorising any person to have in his possession any drug specified in Schedule 2 or 4 to the Regulations of 1974, £25 in respect of each class of controlled drugs to which the licence applies.

(2) Where a licence is to continue in force (unless sooner revoked) for any period other than a period of twelve months, the fee payable shall in the case of a licence specified in any of sub-paragraphs (a) to (e) be such a sum as bears the same proportion to the sum specified in that sub-paragraph as the number of months for which the licence is to continue in force bears to twelve, and for this purpose any part of a month shall be treated as a whole month.

(3) For the purposes of this regulation each of the drugs specified in paragraphs 1, 3 and 6 of Schedule 2 and paragraphs 1 and 3 of Schedule 4 to the Regulations of 1974 together with its salts and any preparation or other product containing it or its salts shall be treated as a separate class, so however that any stereoisomeric form of a controlled drug or its salts shall be classed with that drug.

#### *Revocation*

4. The Misuse of Drugs (Licence Fees) (Northern Ireland) Regulations 1975(e) and the Misuse of Drugs (Licence Fees) (Amendment) Regulations (Northern Ireland) 1978(f) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 2nd March 1979.

(L.S.)

*S. W. McDowell*

Assistant Secretary

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(e) S.R. 1975 No. 10 (I, p. 36)

(f) S.R. 1978 No. 6

## EXPLANATORY NOTE

*(This note is not part of the regulations but is intended to indicate their general purport.)*

Section 30 of the Misuse of Drugs Act 1971 provides that a licence issued by the Department of Health and Social Services for the purposes of that Act or of regulations made under it may be issued subject to the condition of payment of a fee. These regulations prescribe the fee payable in relation to a licence to produce, supply, offer to supply or possess controlled drugs. They replace the existing regulations in that behalf, and increase the fees there prescribed.