1984 No. 365

DANGEROUS DRUGS

Misuse of Drugs (Amendment) Regulations (Northern Ireland) 1984

Made	*22nd October 1984*
Coming into operation . . .	*1st January 1985*

The Department of Health and Social Services in exercise of the powers conferred by sections 7, 10 and 31 of the Misuse of Drugs Act 1971(**a**) as adapted by section 38 of that Act and now vested in it(**b**) and of every other power enabling it in that behalf and after consultation in accordance with section 31(3) of that Act 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 (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 1st January 1985.

Interpretation

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

Amendment of the Misuse of Drugs (Northern Ireland) Regulations 1974

3.—(1) The Misuse of Drugs (Northern Ireland) Regulations 1974(**d**) shall be amended in accordance with the following provisions.

(2) For regulation 8(4) there shall be substituted the following provision —

"(4) Notwithstanding the provisions of section 4(1)(*b*) of the Act, a person who is authorised by a written authority issued by the Department of Health and Social Services under and for the purposes of this paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 1 to any person who may lawfully have that drug in his possession.".

(3) For regulation 9(1)(*c*) there shall be substituted the following provision—

"(*c*) a person who is authorised by a written authority issued by the Department of Health and Social Services under and for the purposes of this sub-paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, produce any drug specified in Schedule 3.".

(4) In regulation 9(2) there shall be inserted, after sub-paragraph (*f*), the following sub-paragraph—

"(*ff*) in the case of such a drug required for use as a buffering agent in chemical analysis, a person in charge of a laboratory;".

(5) For regulation 9(4) there shall be substituted the following provision—

(**a**) 1971 c. 38
(**b**) By S.R. & O. (N.I.) 1973 No. 504 art. 5(*a*)
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1974 No. 272 as amended by S.R. 1975 Nos. 140 and 326; S.R. 1977 No. 290; S.R. 1979 No. 258; S.R. 1983 No. 151

"(4) Notwithstanding the provisions of section 4(1)(*b*) of the Act—

(*a*) a person who is authorised by a written authority issued by the Department of Health and Social Services under and for the purposes of this sub-paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, supply or offer to supply any drug specified in Schedule 3 to any person who may lawfully have that drug in his possession;

(*b*) a person who is authorised under paragraph (1)(*c*) may supply or offer to supply any drug which he may, by virtue of being so authorised, lawfully produce to any person who may lawfully have that drug in his possession.".

(6) For regulation 10(1) there shall be substituted the following provision—

"(1) Notwithstanding the provisions of section 5(1) of the Act—

(*a*) a person specified in one of sub-paragraphs (*a*) to (*k*) of regulation 8(2) may have in his possession any drug specified in Schedule 2;

(*b*) a person specified in one of sub-paragraphs (*a*) to (*k*) (including sub-paragraph (*ff*)) of regulation 9(2) may have in his possession any drug specified in Schedule 3,

for the purpose of acting in his capacity as such a person:

Provided that nothing in this paragraph authorises—

(i) a person specified in sub-paragraph (*e*) of regulation 8(2); or

(ii) a person specified in sub-paragraph (*e*) or (*ff*) of regulation 9(2), to have in his possession any drug other than such a drug as is mentioned in the sub-paragraph in question specifying him.".

(7) For regulation 10(4) there shall be substituted the following provision—

"(4) Notwithstanding the provisions of section 5(1) of the Act—

(*a*) a person who is authorised by a written authority issued by the Department of Health and Social Services under and for the purposes of this sub-paragraph and for the time being in force may, at the premises specified in that authority and in compliance with any conditions so specified, have in his possession any drug specified in Schedule 3;

(*b*) a person who is authorised under regulation 9(1)(*c*) may have in his possession any drug which he may, by virtue of being so authorised, lawfully produce;

(*c*) a person who is authorised under regulation 9(4)(*a*) may have in his possession any drug which he may, by virtue of being so authorised, lawfully supply or offer to supply.".

(8) In regulation 14(4)(*c*), all the words after "laboratory" shall be omitted.

(9) In regulation 15 there shall be inserted, after paragraph (2), the following paragraph—

"(2A) Paragraph 1(*b*) shall not have effect in relation to a prescription containing no controlled drug other than—

(*a*) phenobarbitone;

(*b*) phenobarbitone sodium;

(*c*) a preparation containing a drug specified in sub-paragraph (*a*) or (*b*); or

(*d*) a drug specified in Schedule 1.".

(10) In Schedule 2—

(*a*) in paragraph 1, after "Acetorphine" there shall be inserted "Alfentanil"; and

(*b*) in paragraph 6, after "Ethylmorphine (3-ethylmorphine)" there shall be inserted "Mecloqualone".

(11) In Schedule 3—

(*a*) in paragraph 1, the list of substances beginning with "Benzphetamine" and ending with "Pipradol" shall be designated sub-paragraph (*a*) and accordingly "(*a*)" shall be inserted before "Benzphetamine";

(*b*) in paragraph 1, after "Chlorphentermine" there shall be inserted "Diethylpropion";

(*c*) in paragraph 1, after "Mephentermine" there shall be inserted "Methylphenobarbitone"; and

(*d*) at the end of paragraph 1 there shall be added the following sub-paragraph "(*b*) any 5,5 disubstituted barbituric acid".

(12) In paragraph 1(*a*) of Schedule 4—

(*a*) after "Concentrate of poppy-straw" there shall be inserted "Eticyclidine"; and

(*b*) after "Raw opium" there shall be inserted "Rolicyclidine" and "Tenocyclidine".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 22nd October 1984.

(L.S.) *R. W. McQuiston*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Misuse of Drugs (Northern Ireland) Regulations 1974 (''the 1974 regulations'').

The principal amendments are contained in regulation 3(10), (11) and (12). Those paragraphs add certain drugs which are made subject to control under the Misuse of Drugs Act 1971 by virtue of the Misuse of Drugs Act 1971 (Modification) Order 1984 (S.I. 1984/859) to the Schedules to the 1974 regulations, as follows:—Alfentanil and Mecloqualone are added to Schedule 2; certain barbiturates (that is to say, 5,5 disubstituted barbituric acids and Methylphenobarbitone), and also Diethylpropion, are added to Schedule 3; and Eticyclidine, Rolicyclidine and Tenocyclidine are added to Schedule 4.

The other amendments are as follows:—

Regulation 3(2), (3), (5) and (7) amends regulations 8(4), 9(1)(*c*), 9(4) and 10(4) of the 1974 regulations so that registers kept by the Department of Health and Social Services, entry in which has the effect of rendering lawful certain cases of production, supply or possession of controlled drugs, are replaced by written authorities issued by that Department.

Regulation 3(4) amends regulation 9(2) of the 1974 regulations so as to make it lawful for a person in charge of a laboratory and acting in his capacity as such to supply, to someone who may lawfully possess it, any drug specified in Schedule 3 to the 1974 regulations where that drug is required for use as a buffering agent in chemical analysis.

Regulation 10(1) of the 1974 regulations makes it lawful for a person specified in regulation 8(2)(*a*) to (*k*) or regulation 9(2)(*a*) to (*k*) thereof to possess a drug specified in, respectively, Schedule 2 or 3 to those regulations.

Regulation 3(6) amends regulation 10(1) of the 1974 regulations so as to make it clear that where a person is specified in regulation 8(2)(*a*) to (*k*) or 9(2)(*a*) to (*k*) as regards certain circumstances only, it is only as regards those circumstances that he is authorised to possess drugs.

Regulation 3(8) amends regulation 14(4) of the 1974 regulations so as to include a person in charge of any laboratory among the persons from whom the supplier of a controlled drug must obtain in certain cases a written requisition satisfying certain conditions.

Regulation 3(9) amends regulation 15 of the 1974 regulations so that a requirement that a prescription contain certain of the particulars stated in it in the handwriting of the person issuing it does not apply to prescriptions for phenobarbitone.