
EXPLANATORY NOTE

(This note is not part of the Regulations)

The principal purpose of these Regulations is to implement the amendments made to Council Regulation (EEC)3677/90 (“the Community Regulation”) by Council Regulation (EEC) 900/92.

The Community Regulation, as amended, includes provision requiring operators concerned in the export of scheduled substances (substances useful for the manufacture of controlled drugs) to obtain export authorisations in respect of such exports. The Community Regulation, by Article 6, requires Member States to adopt within the framework of their domestic law the measures necessary to enable the competent authorities (in the United Kingdom, this phrase refers to the Secretary of State) to obtain information on any orders for or orders involving scheduled substances and to enter operators' business premises in order to obtain evidence of irregularities. It also requires Member States to determine the penalties to be applied for infringement of the provisions of the Community Regulation.

These Regulations amend the Controlled Drugs (Substances Useful for Manufacture) Regulations 1991 (S.I.1991/1285). They provide that failure to obtain the requisite export authorisation (under Articles 4, 5 and 5a of the Community Regulation) constitutes an offence and set out the penalties applicable to such an offence. They also provide that the power conferred under section 23 of the Misuse of Drugs Act 1971 to enter and search premises in order to investigate suspected offences under that Act shall also be exercisable for the purposes of the execution of Articles 4, 5 and 5a of the Community Regulation.