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STATUTORY INSTRUMENTS

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**2019 No. 742**

**The Law Enforcement and Security  
(Amendment) (EU Exit) Regulations 2019**

**PART 5**

**Drug Precursors and Psychoactive Substances**

**CHAPTER 1**

**Drug precursors**

**Amendment of the Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008**

**11.**—(1) The Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008(1) are amended as follows.

(2) In regulation 3 (competent authorities)—

- (a) in paragraph (2) for “, 9(3) and 13” substitute “and 9(3)”;
- (b) in paragraph (4) for “, 9(1) and 10” substitute “and 9(1)”.

**Amendment of the Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008**

**12.**—(1) The Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008(2) are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of “customs territory of the Community” and the word “and” immediately before it.

(3) In regulation 3(2) (competent authorities)—

- (a) after “17” omit “(except references to competent authorities of a third country)”;
- (b) for “26(5) and 32” substitute “and 26(5)”;
- (c) omit paragraph (6).

(4) In regulation 6(2)(3) (requirements, offences and penalties: exports), omit “either” and “or other competent authorities at the point of exit from the customs territory of the European Union”.

(5) In paragraph (1) and paragraph (2) of regulation 7 (requirements, offences and penalties: imports)(4), for “customs territory of the European Union” substitute “United Kingdom”.

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(1) [S.I. 2008/295](#). Regulation 3(3) and (4) was amended by paragraph 190 of Part 4 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(2) [S.I. 2008/296](#).

(3) “European Union” substituted by [S.I. 2011/1043](#).

(4) “European Union” substituted by [S.I. 2011/1043](#).

**Amendment of Regulation (EC) 273/2004 of the European Parliament and Council**

- 13.—(1) Council Regulation (EC) 273/2004 on drug precursors is amended as follows.
- (2) In Article 1 (scope and objectives) for “for the intra-Union” substitute “in the United Kingdom for the”.
- (3) In Article 2 (definitions)—
- (a) in point (a), in the definition of “scheduled substance”, for all the words after “economically viable means” to the end of the definition substitute “medicinal products as defined in regulation 2 (medicinal products) of the Human Medicines Regulations 2012<sup>(5)</sup> and veterinary medicinal products as defined in regulation 2 of the Veterinary Medicines Regulations 2013<sup>(6)</sup>.”;
- (b) in point (c), for “Union” in both places substitute “United Kingdom”.
- (4) In Article 3 (requirements for the placing on the market of scheduled substances)—
- (a) in paragraph 2, omit “of the Member State in which they are established”;
- (b) in paragraph 6, omit “of the Member State in which they are established” in both places;
- (c) omit paragraph 7;
- (d) in paragraph 8—
- (i) for “The Commission shall be empowered to adopt delegated acts in accordance with Article 15a concerning” substitute “The Secretary of State may prescribe by regulations”;
- (ii) omit sub-paragraph (c).
- (5) In Article 4 (customer declaration)—
- (a) in paragraph 1, for “Union” substitute “United Kingdom”;
- (b) in paragraph 3, for “Union” substitute “United Kingdom”;
- (c) for paragraph 4, substitute—
- “4. The Secretary of State may prescribe by regulations requirements and conditions for obtaining and using customer declarations.”.
- (6) In Article 5 (documentation), for paragraph 7 substitute—
- “7. The Secretary of State may prescribe by regulations requirements and conditions for the documentation of mixtures containing scheduled substances.”.
- (7) For the second unnumbered paragraph of Article 7 (labelling), substitute—
- “The Secretary of State may prescribe by regulations requirements and conditions for the labelling of mixtures containing scheduled substances.”.
- (8) In Article 8 (notification of the competent authorities), for paragraph 3 substitute—
- “3. The Secretary of State may prescribe by regulations the requirements and conditions for operators to provide information as referred to in paragraph 2 of this Article including, where relevant, the categories of personal data to be processed for that purpose and the safeguards for processing such personal data.”.
- (9) In Article 9 (guidelines), in paragraph 1 for “The Commission shall” substitute “The Secretary of State must”.
- (10) Omit Articles 10 (powers and obligations of competent authorities), 11 (cooperation between the Member States and the Commission) and 12 (penalties).

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(5) S.I. 2012/1916.

(6) S.I. 2013/2033.

(11) For Article 13 (communications from Member States) substitute—

*“Article 13*

*Report to International Narcotics Control Board*

1. To permit the necessary adjustments to the arrangements for monitoring trade in scheduled substances and non-scheduled substances, the Secretary of State must draw up a report annually summarising all relevant information on the implementation of the monitoring measures laid down in this Regulation, in particular as regards the substances used for the illicit manufacture of narcotic drugs or psychotropic substances and methods of diversion and illicit manufacture, and their licit trade.

2. The report mentioned in paragraph 1 must be submitted by the Secretary of State to the International Narcotics Control Board in accordance with article 12(12) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988.”

(12) Omit Article 13a (European database on drug precursors).

(13) In Article 13b (data protection)—

(a) omit paragraph 1;

(b) in paragraph 2, for “Without prejudice to Article 13 of [Directive 95/46/EC](#)” substitute “Without prejudice to the Data Protection Act 2018(7)”;

(c) omit paragraphs 3 and 4.

(14) Omit Articles 14 (implementing acts) and 14a (committee procedure).

(15) In Article 15 (adaptation of annexes), for “The Commission shall be empowered to adopt delegated acts in accordance with Article 15a in order to adapt” substitute “The Secretary of State may make regulations to amend”.

(16) For Article 15a (exercise of the delegation) substitute—

*“Article 15a*

*Regulations*

1. A power of the Secretary of State to make regulations under this Regulation is to be exercised by statutory instrument which may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

2. Regulations may make different provision for different purposes and may include such incidental, supplemental, consequential, transitional, transitory or saving provision as the Secretary of State considers appropriate.”

(17) Omit Article 16 (information about measures adopted by Member States).

(18) In Article 18 (entry into force), omit the second unnumbered paragraph.

**Amendment of Council Regulation (EC) 111/2005**

14.—(1) Council Regulation (EC) 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors is amended as follows.

(2) In Article 1 for “Union” in both places substitute “United Kingdom”.

(3) In Article 2—

- (a) in point (a) in the definition of “scheduled substance”, for all the words after “economically viable means,” substitute “medicinal products as defined in regulation 2 (medicinal products) of the Human Medicines Regulations(8) and veterinary medicinal products as defined in regulation 2 of the Veterinary Medicines Regulations 2013(9);”;
- (b) for point (c) substitute—
  - “(c) ‘import’ means any entry of scheduled substances having the status of non-domestic goods into the United Kingdom;”;
- (c) for point (d) substitute—
  - “(d) ‘export’ means any departure of scheduled substances from the United Kingdom;”;
- (d) in point (e)—
  - (i) for “Union” substitute “United Kingdom”;
  - (ii) for “customs territory of the Union” substitute “United Kingdom”;
- (e) after point (k) insert—
  - “(l) “special Customs procedures” means special Customs procedures within the meaning of section 3 of, and Schedule 2 to, the Taxation (Cross-border Trade) Act 2018(10) and “a special Customs procedure” is to be construed accordingly.”.
- (4) In Article 6—
  - (a) in paragraph 1—
    - (i) for “Union” substitute “United Kingdom”;
    - (ii) omit “of the Member State in which the operator is established”;
    - (iii) in the second unnumbered sub-paragraph for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”;
  - (b) for paragraph 3 substitute—
    - “3. The Secretary of State must prescribe by regulations a model for licences.”.
- (5) In Article 7—
  - (a) in paragraph 1—
    - (i) for “Union” substitute “United Kingdom”;
    - (ii) omit “in the Member State in which the operator is established”;
  - (b) in the second unnumbered paragraph, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”.
- (6) In Article 8—
  - (a) in paragraph 1—
    - (i) for “customs territory of the Union” substitute “United Kingdom”;
    - (ii) omit “of control type I or a free warehouse”;
  - (b) in paragraph 2—
    - (i) for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”;

(8) S.I.2012/1916.

(9) S.I.2013/2033.

(10) 2018 c. 22.

- (ii) for “customs territory of the Union” substitute “United Kingdom”.
- (7) In Article 9—
  - (a) in paragraph 1, for “Union” substitute “United Kingdom”;
  - (b) in paragraph 2—
    - (i) in the first unnumbered sub-paragraph for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b to determine” substitute “The Secretary of State may set out”;
    - (ii) omit the second unnumbered paragraph.
- (8) In Article 10—
  - (a) for paragraph 1 substitute—

“1. In order to facilitate cooperation between the competent authorities, operators established in the United Kingdom and the chemical industry, in particular as regards non-scheduled substances, the Secretary of State must draw up and update guidelines.”;
  - (b) in paragraph 4 for “the competent authorities of the Member State and the Commission may propose to” substitute “the Secretary of State may”;
  - (c) in paragraph 5—
    - (i) for “Commission may” substitute “Secretary of State may by regulations”;
    - (ii) omit “by means of delegated acts in accordance with Article 30b”.
- (9) In Article 11—
  - (a) in paragraph 1—
    - (i) omit “in the Union”;
    - (ii) for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b of this Regulation to” substitute “The Secretary of State may make regulations”;
  - (b) in the unnumbered sub-paragraph below omit “of the Member State of export”;
  - (c) in paragraph 2—
    - (i) omit “of the Member State concerned”;
    - (ii) for “authority” in the first place where it occurs in the unnumbered sub-paragraph substitute “Secretary of State”;
  - (d) in paragraph 3, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b” substitute “The Secretary of State may make regulations”.
- (10) In Article 12—
  - (a) in paragraph 1—
    - (i) for “customs territory of the Union” substitute “United Kingdom”;
    - (ii) for “in a free zone of control type I or free warehouse” substitute “under a special customs procedure”;
  - (b) in the unnumbered sub-paragraph below, for “suspensive procedure or under a free zone of control type II,” substitute “special customs procedure”;
  - (c) in paragraph 2, omit “of the Member State where the exporter is established”.
- (11) In Article 13, in paragraph 1(d) for “customs territory of the Union” substitute “United Kingdom”.
- (12) In Article 14, in paragraph 1—

- (a) for “customs territory of the Union” substitute “United Kingdom”;
  - (b) after that paragraph omit the unnumbered paragraph;
  - (c) in paragraph 2 and in the unnumbered paragraph after it, for “customs territory of the Union” substitute “United Kingdom”.
- (13) For Article 17 substitute—

*“Article 17*

Whenever, under an agreement between the United Kingdom and a third country, exports are not to be authorised unless an import authorisation has been issued by the competent authorities of that third country for the substances in question, the competent authorities in the United Kingdom shall satisfy themselves as to the authenticity of such import authorisation, if necessary by requesting confirmation from the competent authority of the third country.”.

- (14) In Article 18, for “customs territory of the Union” substitute “United Kingdom”.
- (15) In Article 19, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b to” substitute “The Secretary of State may”.
- (16) In Article 20—
- (a) in the first unnumbered paragraph—
    - (i) for “Union” substitute “United Kingdom”;
    - (ii) omit “of the Member State where the importer is established”;
  - (b) in the second unnumbered paragraph—
    - (i) before “stored in a free zone” insert “or”;
    - (ii) omit “of control type I or a free warehouse, or placed under the external Union transit procedure”.
- (17) In Article 22—
- (a) in the first unnumbered paragraph for “customs territory of the Union” substitute “United Kingdom”;
  - (b) omit the last paragraph.
- (18) In Article 25, for “customs territory of the Union” substitute “United Kingdom”.
- (19) In Article 26—
- (a) in paragraph 1—
    - (i) omit “of each Member State”;
    - (ii) for “customs territory of the Union” substitute “United Kingdom”;
  - (b) omit paragraph 3;
  - (c) in paragraph 3a—
    - (i) omit “of each Member State”;
    - (ii) for “customs territory of the Union” substitute “United Kingdom”;
    - (iii) omit the first unnumbered sub-paragraph;
  - (d) omit paragraph 3b;
  - (e) omit paragraph 4.
- (20) Omit Chapter IV.
- (21) In Article 28—

- (a) for “Commission shall be empowered to lay down, where necessary, by means of implementing acts, measures” substitute “Secretary of State may by regulations make provision”;
- (b) for “Union” substitute “United Kingdom”;
- (c) omit the last sentence.

(22) Omit Article 30.

(23) In Article 30a, for “The Commission shall be empowered to adopt delegated acts in accordance with Article 30b of this Regulation in order to adapt” substitute “The Secretary of State may by regulations make provision to amend”.

(24) For Article 30b substitute—

*“Article 30b*

A power of the Secretary of State to make regulations under this Regulation is to be exercisable by statutory instrument which may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. Regulations may make different provision for different purposes and may include such incidental, supplemental, consequential, transitional, transitory or saving provision as the Secretary of State considers appropriate.”.

(25) Omit Article 31.

(26) For Article 32 substitute—

*“Article 32*

The Secretary of State must draw up a report annually summarising all relevant information on the implementation of the monitoring measures laid down in this Regulation, in particular as regards the substances used for the illicit manufacture of narcotic drugs or psychotropic substances and methods of diversion and illicit manufacture, and their licit trade. The report must be submitted by the Secretary of State to the International Narcotics Control Board in accordance with Article 12(12) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 19 December 1988.”.

(27) Omit Article 32a.

(28) In Article 33—

- (a) in paragraph 1, omit “in the Member States”;
- (b) omit paragraph 2;
- (c) omit paragraph 5.

(29) In Article 35, omit the third unnumbered paragraph.

**Amendment of Commission Delegated Regulation (EU) 2015/1011**

**15.**—(1) Commission Delegated Regulation (EU) 2015/1011 of 24 April 2015 supplementing Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and Council Regulation (EC) 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors, and repealing Commission Regulation (EC) 1277/2005 is amended as follows.

(2) In Article 2 (definitions), after the definition of “business premises”, add as an unnumbered paragraph—

““Special Customs procedures” means special Customs procedures within the meaning of section 3 of, and Schedule 2 to, the Taxation (Cross-border Trade) Act 2018 and “a special Customs procedure” is to be construed accordingly.”.

(3) In Article 3 (conditions for granting licences), in paragraph 7 for “Union” substitute “United Kingdom”.

(4) In Article 9 (information required to monitor trade), in paragraph 2, in sub-paragraph (b), for “a free zone of control type II, placed into a suspensive procedure,” substitute “a special customs procedure”.

(5) In Article 10 (conditions for determining the lists of the countries of destination for exports of scheduled substances of Categories 2 and 3)—

- (a) in paragraph (a) for “Union” substitute “United Kingdom”;
- (b) in the last sentence for “Commission” substitute “Home Office”.

(6) In Article 12 (criteria for determining simplified procedures for export authorisations), in paragraph 1, for “Union” substitute “United Kingdom”.

(7) Omit Article 13 (conditions and requirements concerning the information to be provided on the implementation of the monitoring measures).

(8) After Article 15 (entry into force and application) omit the unnumbered paragraph.

(9) In Annex II (form for declaration on the entry of scheduled substances)—

- (a) in the form—
  - (i) omit the European Union flag;
  - (ii) in the heading, for “European Union” substitute “United Kingdom”;
  - (iii) in the text below the heading, for “customs territory of the Union” substitute “United Kingdom”;
- (b) in the notes to the form, in the paragraphs under the heading “Personal data protection”—
  - (i) omit the first unnumbered paragraph;
  - (ii) omit the second unnumbered paragraph;
  - (iii) in the third unnumbered paragraph, for “Union” in both places substitute “United Kingdom”;
  - (iv) in the fourth unnumbered paragraph omit “national” and the second sentence and the hyperlink immediately after it;
  - (v) in the fifth unnumbered paragraph for “Union” in both places substitute “United Kingdom” and for “the Commission and the competent authorities of the Member States” substitute “competent authorities”;
  - (vi) in the sixth unnumbered paragraph for “or the national laws implementing Directive 95/46/E” substitute “or the Data Protection Act 2018”;
  - (vii) omit from the tenth unnumbered paragraph to the end of the notes.

(10) In Annex III (form for multilateral chemical reporting notification)—

- (a) in the form, omit the flag of the European Union;
- (b) in the notes to the form, in the paragraphs under the heading “Personal data protection”—
  - (i) omit the first unnumbered paragraph;
  - (ii) omit the second unnumbered paragraph;
  - (iii) in the third unnumbered paragraph for “Union” in both places substitute “United Kingdom”;



- (iv) in the fourth unnumbered paragraph omit “authority” and the second sentence and hyperlink immediately after it;
- (v) in the fifth unnumbered paragraph for “Union” in both places substitute “United Kingdom” and for “the Commission and the competent authorities of the Member States” substitute “competent authorities”;
- (vi) in the sixth unnumbered paragraph for “or the national laws implementing Directive 95/46/E” substitute “or the Data Protection Act 2018”;
- (vii) omit from the tenth unnumbered paragraph to the end of the notes.

### **Amendment of Commission Implementing Regulation (EU) 2015/1013**

**16.**—(1) Commission Implementing Regulation (EU) 2015/1013 of 25 June 2015 laying down rules in respect of Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and of Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors is amended as follows.

(2) In Article 3 (licence granting procedure), in paragraph 2, for “Authorised Economic Operator” to the end of that paragraph substitute “Authorised Economic Operator for customs simplification (AEOC), to the extent they are relevant for the examination of the conditions for granting a licence.”.

(3) In the unnumbered paragraph after paragraph 2, for “AEO” substitute “AEOC”.

(4) In Article 10 (information required to monitor trade), in paragraph 1 and 2 for “as prescribed by the Member State concerned” substitute “as specified by the Secretary of State”.

(5) In Article 11 (export and import authorisations)—

(a) in paragraph 2, for “customs territory of the Union” substitute “United Kingdom”;

(b) in paragraph 3, for “customs territory of the Union” substitute “United Kingdom”;

(c) in paragraph 5—

(i) omit the first sentence;

(ii) in the next sentence, for “it” in the first place where it occurs substitute “an authorisation”;

(d) in paragraph 6—

(i) for “A Member State” substitute “The Secretary of State”;

(ii) omit “itself”;

(iii) for “it” substitute “the Secretary of State”;

(e) omit paragraph 7;

(f) in paragraph 9, omit the second sentence.

(6) Omit Article 12 (listing of operators and users in the European database on drug precursors).

(7) In the text following Article 13 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(8) In Annex I (form for licence)—

(a) in the form—

(i) omit the European Union flag;

(ii) in the heading to the form, for “European Union” substitute “United Kingdom”;

(b) in the notes to the form—

(i) omit paragraph 4;

(ii) in the paragraphs under the heading “Personal data protection”—

- (aa) omit the first unnumbered paragraph;
  - (bb) omit the second unnumbered paragraph;
  - (cc) in the third unnumbered paragraph for “Union” in both places substitute “United Kingdom”;
  - (dd) in the fourth unnumbered paragraph omit “national” and the second sentence and the hyperlink immediately after it;
  - (ee) in the fifth unnumbered paragraph for “Union” in both places substitute “United Kingdom” and for “the Commission and the competent authorities of the Member States” substitute “competent authorities”;
  - (ff) in the sixth unnumbered paragraph for “or the national laws implementing Directive 95/46/E” substitute “or the Data Protection Act 2018”;
  - (gg) in the tenth unnumbered paragraph omit the second sentence and the hyperlink immediately after it;
  - (hh) omit the eleventh unnumbered paragraph.
- (9) In Annex II (registration form)—
- (a) in the form—
    - (i) omit the European Union flag;
    - (ii) omit the heading “European Union”;
  - (b) in the notes to the form—
    - (i) omit paragraph 4;
    - (ii) in the paragraphs under the heading “Persona data protection”—
      - (aa) omit the first unnumbered paragraph;
      - (bb) omit the second unnumbered paragraph;
      - (cc) in the third unnumbered paragraph, for “Union” in both places substitute “United Kingdom”;
      - (dd) in the fourth unnumbered paragraph, omit “national” and the second sentence and the hyperlink immediately after it;
      - (ee) in the fifth unnumbered paragraph, for “Union” in both places substitute “United Kingdom” and for “the Commission and the competent authorities of the Member States” substitute “competent authorities”;
      - (ff) in the sixth unnumbered paragraph, for “or the national laws implementing Directive 95/46/E” substitute “or the Data Protection Act 2018”;
      - (gg) in the tenth unnumbered paragraph, omit the second sentence;
      - (hh) omit the eleventh unnumbered paragraph.
- (10) In Annex III (forms for grant of export authorisation)—
- (a) in each of the forms—
    - (i) in the heading, for “EUROPEAN UNION” substitute “UNITED KINGDOM”;
    - (ii) in box 22—
      - (aa) for “EU” substitute “UK”;
      - (bb) for “customs territory of the Union” substitute “United Kingdom”;
  - (b) in the notes to the forms—
    - (i) omit paragraph 1;

- (ii) in paragraph 2, for “customs territory of the Union” substitute “United Kingdom”;
  - (iii) in paragraph 7, omit “Member State.”;
  - (iv) in paragraph 14, in the second sub-paragraph, omit “, according to the modalities provided for by the Member State concerned,” and “in the Member States”;
  - (v) in the paragraphs under the heading “Personal data protection”—
    - (aa) omit the first unnumbered paragraph;
    - (bb) omit the second unnumbered paragraph;
    - (cc) in the third unnumbered paragraph, for “Union” in both places substitute “United Kingdom”;
    - (dd) in the fourth unnumbered paragraph, omit “national” and the second sentence and the hyperlink immediately after it;
    - (ee) in the fifth unnumbered paragraph, for “Union” in both places substitute “United Kingdom” and for “the Commission and the competent authorities of the Member States” substitute “competent authorities”;
    - (ff) in the sixth unnumbered paragraph, for “or the national laws implementing Directive 95/46/E” substitute “or the Data Protection Act 2018”;
    - (gg) in the tenth unnumbered paragraph, omit the second sentence;
    - (hh) omit the eleventh unnumbered paragraph.
- (11) In Annex IV (forms for grant of import authorisation)—
- (a) in each of the forms—
    - (i) for the heading “EUROPEAN UNION” substitute “UNITED KINGDOM”;
    - (ii) in box 9, for “customs territory of the Union” substitute “United Kingdom”;
  - (b) in the notes to the forms—
    - (i) omit paragraph 1;
    - (ii) in paragraph 2, for “customs territory of the Union” substitute “United Kingdom”;
    - (iii) in paragraph 7, omit “the Member State and”;
    - (iv) in the second subparagraph under paragraph 12, omit “, according to the modalities provided for by the Member State concerned,” and “in the Member States”;
    - (v) in the paragraphs under the heading “Personal data protection”—
      - (aa) omit the first unnumbered paragraph;
      - (bb) omit the second unnumbered paragraph;
      - (cc) in the third unnumbered paragraph, for “Union” in both places substitute “United Kingdom”;
      - (dd) in the fourth unnumbered paragraph, omit “national” and the second sentence and the hyperlink immediately after it;
      - (ee) in the fifth unnumbered paragraph, for “Union” in both places substitute “United Kingdom” and for “the Commission and the competent authorities of the Member States” substitute “competent authorities”;
      - (ff) in the sixth unnumbered paragraph, for “or the national laws implementing Directive 95/46/E” substitute “or the Data Protection Act 2018”;
      - (gg) in the tenth unnumbered paragraph, omit the second sentence;
      - (hh) omit the eleventh unnumbered paragraph.

## CHAPTER 2

## Psychoactive substances

**Amendment of the Psychoactive Substances Act 2016**

17.—(1) The Psychoactive Substances Act 2016<sup>(11)</sup> is amended as follows.

(2) In Schedule 1 (exempted substances), in paragraph 7 (food)—

(a) before the definition of “food” insert—

““enactment” includes—

- (a) an enactment contained in subordinate legislation;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;”;

(b) in paragraph (b) of the definition of “prohibited ingredient”, for “by an EU instrument” substitute “by an enactment”.

(3) In Schedule 4 (providers of information society services)—

- (a) omit paragraph 1 (domestic service providers: extension of liability);
- (b) in paragraph 2(3) (non-UK service providers: restriction on institution of proceedings), in the definition of “non-UK service provider” omit “other than the United Kingdom”;
- (c) omit paragraph 6 (domestic service providers: extension of liability);
- (d) in paragraph 7 (non-UK service providers: restriction on including terms in prohibition notice or order)—
  - (i) in sub-paragraph (5), omit paragraph (b) and the “and” immediately preceding that paragraph;
  - (ii) omit sub-paragraph (6);
  - (iii) in sub-paragraph (7)—
    - (aa) omit “or notification”;
    - (bb) for “referred to in sub-paragraph (6)(b)” substitute “for the order or variation”;
  - (iv) in sub-paragraph (8), in the definition of “non-UK service provider” omit “other than the United Kingdom”;
- (e) in paragraph 8(1) (protections for service providers of intermediary services), at the end insert “, reading those Articles as if the requirements imposed on a Member State were imposed on the person giving the notice or the court making the order.”;
- (f) in paragraph 8(2), for “covered by” substitute “falling within the descriptions contained in”;
- (g) in paragraph 11(1) (establishment of a service provider)—
  - (i) in the words before paragraph (a), for “in a particular part of the United Kingdom, or in a particular EEA state,” substitute “in a particular EEA state”;

<sup>(11)</sup> 2016 c.2.

- (ii) in paragraph (a), for “that part of the United Kingdom, or that EEA state,” substitute “that EEA state”.

**Revocation of Regulation (EC) No 1920/2006**

**18.** Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast) is revoked.

**Revocation of Regulation (EU) 2017/2101**

**19.** Regulation (EU) 2017/2101 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances is revoked.