

# S.I. No. 338/1993 - Misuse of Drugs (Scheduled Substances) Regulations, 1993.

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S.I. No. 338 of 1993.

MISUSE OF DRUGS (SCHEDULED SUBSTANCES) REGULATIONS, 1993.

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FIRST SCHEDULE

*Category 1*

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*Category 2*

Scheduled Substances subject to the requirements of Articles 4, 6 (2), 6 (3), 6 (4), 7, 8, 9, 10 and 11.

*Category 3*

Scheduled Substances subject to the requirements of Article 11.

SECOND SCHEDULE

Scheduled Substances to which Article 10 (4) applies.

MISUSE OF DRUGS (SCHEDULED SUBSTANCES) REGULATIONS, 1993.

The Minister for Health, in exercise of the powers conferred on him by sections 4 , 5 and 38 of the Misuse of Drugs Act, 1977 (No. 12 of 1977), hereby makes the following Regulations.

PART I

1 Citation. **1.** These Regulations may be cited as the Misuse of Drugs (Scheduled substances) Regulations, 1993.

2 **2.** (1) In these Regulations:—

Interpretation.

"the Act" means the Misuse of Drugs Act, 1977 ;

"animal remedy" has the same meaning as in the Animal Remedies Act, 1993 (No. 23 of 1993);

"the EC Council Regulation" means Council Regulation (EEC) No 3677/90<sup>(1)</sup>, as amended by Council Regulation (EEC) No 900/92<sup>(2)</sup>, laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances;

"import" means any physical introduction of a scheduled substance into the State from a territory which is not part of the customs territory of the European Community;

"export" means any physical departure of a scheduled substance from the State to a territory which is not part of the customs territory of the European Community;

"medical preparation" has the same meaning as in section 65 of the Health Act, 1947 (No. 28 of 1947) as amended by section 39 of the Health Act, 1953 (No. 26 of 1953) and by section 7 of the Health (Family Planning) Act, 1992 (No. 20 of 1992);

<sup>(1)</sup> Official Journal of the European Communities, No. L357, 20.12.1990 (pages 1-4).

<sup>(2)</sup> Official Journal of the European Communities, No. L96, 10.4.1992 (pages 1-6),

"the Minister" means the Minister for Health;

"officer of customs and excise" means an officer within the meaning of the Customs Acts;

"operator" means any person engaged in the manufacture, processing, trade or distribution of scheduled substances or involved in other related activities such as the brokering or storage of scheduled substances;

"person keeping open shop for the dispensing or compounding of medical prescriptions or for the sale of poisons" means a person lawfully keeping open shop for the dispensing or compounding of medical prescriptions or for the sale of poisons under the Pharmacy Acts 1875 to 1977;

"produce", where the reference is to producing a scheduled substance, means producing it by cultivation, manufacture, synthesis or by any other method;

"scheduled substance" means any controlled drug specified in the First Schedule;

"the State Chemist" means the head of the State Laboratory;

"supply" includes supply notwithstanding that the person supplied may be in another Member State of the European Community;

"transit" means any transport of a scheduled substance between third countries through the customs territory of the State and any trans-shipment in that territory;

"ultimate consignee" means the person, who may or may not be the end-user, to whom a scheduled substance is to be delivered in the country of destination.

(2) In these Regulations any reference to an article or Schedule shall be construed as a reference to an article contained in these Regulations or, as the case may be, to a Schedule thereto; any reference in an article to a sub-article shall be construed as a reference to a sub-article of that article; and any reference in a Schedule to a paragraph shall be construed as a reference to a paragraph of that Schedule.

3 Saver. **3.** (1) Nothing in these Regulations shall be construed as affecting any provision of the Misuse of Drugs Regulations, 1988 ( S.I. No. 328 of 1988 ).

(2) These Regulations shall not apply to animal remedies, medical preparations, or to any preparation or other product containing a scheduled substance compounded in such a way that such substance cannot be easily used or recovered by readily applicable means.

## PART II PRODUCTION, SUPPLY, IMPORTATION AND EXPORTATION OF SCHEDULED SUBSTANCES

4 General Prohibition. **4.** (1) Subject to the provisions of these Regulations a person shall not—

( a ) produce a scheduled substance;

( *b* ) supply or offer to supply a scheduled substance;

( *c* ) import a scheduled substance; or

( *d* ) export a scheduled substance.

(2) Sub-article (1) shall not apply to any scheduled substance specified in Category 3 of the First Schedule.

(3) Sub-article (1) (*d*) shall not apply to any scheduled substance in respect of which an export authorisation has been granted pursuant to the provisions of the EC Council Regulation.

5 Licences. **5.** A person so authorised by a licence granted by the Minister under Section 14 of the Act and for the time being in force may, under and in compliance with any conditions attached thereto, produce, supply, offer to supply, import, export or have in his possession any scheduled substance to which the licence relates.

6 Specific Authorities. **6.** (1) A person may supply or offer to supply any scheduled substance specified in Category 1 of the First Schedule to any person who may lawfully supply or have that substance in his possession where the person so supplying or offering to supply the scheduled substance is a person acting in his capacity as—

( *a* ) a pharmacist;

( *b* ) a person keeping open shop for the dispensing or compounding of medical prescriptions or for the sale of poisons;

( *c* ) a person in charge of a laboratory the recognised activities of which consist of, or include, the conduct of scientific education or research and which is attached to a university or a hospital, or a person in charge of any other laboratory engaged in the conduct of scientific education or research and which is attached to any other institution approved for the purpose by the Minister;

( *d* ) the State Chemist;

( *e* ) the Director of the Forensic Science Laboratory in the Department of Justice;