STATUTORY RULES OF NORTHERN IRELAND

2013 No. 78

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*21st March 2013*
Coming into operation	*10th April 2013*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(**1**) as adapted by section 38 of that Act and now vested in it(**2**) and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 10th April 2013.

(2) In these Regulations the "2002 Regulations" means the Misuse of Drugs Regulations (Northern Ireland) 2002(**3**)

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Misuse of Drugs Regulations (Northern Ireland) 2002

2. The 2002 Regulations are amended as provided by regulations 3 to 6.

Amendment of regulation 22

3. After regulation 22(4) insert—

> "(5) Every person who is authorised by or under any provision of the Act to have in his possession or to destroy, or cause to be destroyed, the substance specified in paragraph 5 of Part I of Schedule 4 shall make a record of each quantity of such drug possessed or destroyed.

(**1**) 1971 c.38 Section 22 of that Act was amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979(c.2)
(**2**) S.R. & O.(N.I) 1973 No. 504; Article 5(a) and S.I.1999/283(N.I.1), Article 3(6)
(**3**) S.R 2002 No. 1
(**4**) 1954 c.33 (N.I)

(6) Paragraph (5) shall not have effect in relation to—

(a) a patient to whom the substance specified in paragraph 5 of Part I of Schedule 4 has been prescribed;

(b) a constable when acting in the course of his duty as such;

(c) a person engaged in the business of a carrier when acting in the course of that business;

(d) a person engaged in the business of a postal operator (within the meaning of Part 3 of the Postal Services Act 2011)(**5**)when acting in the course of that business;

(e) an officer of customs and excise when acting in the course of his duty as such;

(f) a person engaged in the work of any laboratory to which the substance specified in paragraph 5 of Part I of Schedule 4 has been sent for forensic examination when acting in the course of his duty as a person so engaged; and

(g) a person engaged in conveying the substance specified in paragraph 5 of Part I of Schedule 4 to a person who may lawfully have that substance in his possession.".

Amendment of regulation 27

4. In regulation 27(5) (destruction of controlled drugs) for "regulation 22(2) or (3) or 24(3)" substitute "regulation 22(2), (3) or (5) or 24(3)".

Amendment of Schedule 1

5. In paragraph 1(a) of Schedule 1 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27) after "Cannabis" insert "(not being the substance specified in paragraph 5 of Part I of Schedule 4)".

Amendment of Schedule 4

6. After paragraph 4 of Part I of Schedule 4 (controlled drugs subject to the requirements of regulations 22, 23, 26 and 27) insert—

"**5.** A liquid formulation—

(a) containing a botanical extract of cannabis—

(i) with a concentration of not more than 30 milligrams of cannabidiol per millilitre, and not more than 30 milligrams of delta-9-tetrahydrocannabinol per millilitre, and

(ii) where the ratio of cannabidiol to delta-9-tetrahydrocannabinol is between 0.7 and 1.3,

(b) which is dispensed through a metered dose pump as a mucosal mouth spray, and

(c) which was approved for marketing by the Medicines and Healthcare products Regulatory Agency on 16th June 2010(**6**)

(**5**) 2011 c. 5.
(**6**) The approval may be accessed at http://www.mhra.gov.uk/home/groups/par/documents/websiteresources/con084961.pdf.