STATUTORY RULES OF NORTHERN IRELAND

2009 No. 390

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*25th November 2009*
Coming into operation	*23rd December 2009*

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**).

In accordance with section 31(3) of that Act, it has consulted with the Advisory Council on the Misuse of Drugs.

Citation and Commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 23rd December 2009.

Interpretation

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

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

Amendments to the 2002 Regulations

3. The 2002 Regulations shall be amended as follows.

4. After Regulation 4A(**5**)(exceptions for drugs in Schedule 1) insert—

(**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 No 283(N.I.1), Article 3(6)
(**3**) S.R.2002 No 1; the relevant amending Regulations are S.R.2003 No. 314,324 and 420, S.R.2005 No. 119,360 and 564, S.R.2006 No. 44, 214, 264 and 334, and S.R.2007 No 348.
(**4**) 1954 c.33 (N.I)
(**5**) Regulation 4A was inserted into S.R.2002 No 1 by S.R.2005 No 360

"**Exceptions for gamma–butyrolactone and 1,4–butanediol**

4B.—(1) Gamma–butyrolactone and 1,4–butanediol are excepted from sections 3(1) (import and export), 4(1) (production and supply) and 5(1) (possession) of the Act save where a person imports, exports, produces, supplies or offers to supply either substance, or has either substance in his possession, knowing or believing that it will be used for the purpose of human ingestion whether by himself or another person.

(2) In this regulation references to gamma–butyrolactone and 1, 4–butanediol include—

(a) any stereoisomeric form of gamma–butyrolactone or 1,4–butanediol;

(b) any salt of gamma–butyrolactone, 1,4–butanediol or of a substance specified in sub–paragraph (a) of this paragraph; and

(c) any preparation or other product containing gamma–butyrolactone, 1,4–butanediol or a substance specified in sub–paragraph (a) or (b) of this paragraph."

5.—(1) In Schedule 1 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27)—

(a) in paragraph 1(a)—

(i) after "Concentrate of poppy-straw", insert—

"[2,3–Dihydro–5–methyl–3–(4–morpholinylmethyl)pyrrolo[1,2,3–*de*]–1,4–benzoxazin–6–yl]–1–naphthalenylmethanone

3–Dimethylheptyl–11–hydroxyhexahydrocannabinol";

(ii) after "Fungus (of any kind) which contains psilocin or an ester of psilocin"(**6**), insert—

"[9–Hydroxy–6–methyl–3–[5–phenylpentan–2–yl] oxy–5, 6, 6a, 7, 8, 9, 10, 10a–octahydrophenanthridin–1–yl] acetate

9-(Hydroxymethyl)–6, 6–dimethyl–3–(2–methyloctan–2–yl)–6a, 7, 10, 10a–tetrahydrobenzo[*c*]chromen–1–ol";

(b) after paragraph 1(f), insert—

"(g) 1–benzylpiperazine or any compound (not being a compound for the time being specified in Schedule 4) structurally derived from 1–benzylpiperazine or 1–phenylpiperazine by modification in any of the following ways—

(i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;

(ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylenedioxy, halide or haloalkyl groups;

(h) any compound structurally derived from 3–(1–naphthoyl)indole or 1*H*–indol–3–yl–(1–naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(i) any compound structurally derived from 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(**6**) "Fungus (of any kind) which contains psilocin or an ester of psilocin" was inserted into S.R.2002 No 1 by S.R.2005 No 360