

1995 No. 480

DANGEROUS DRUGS**Misuse of Drugs (Amendment) (No. 2) Regulations
(Northern Ireland) 1995**

Made 19th December 1995

Coming into operation 15th January 1996

The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred by sections 7, 10 and 31 of the Misuse of Drugs Act 1971(a) as adapted by section 38 of that Act and now vested in it(b) and of every other power enabling it in that behalf and after consultation in accordance with section 31(3) of that Act with the Advisory Council on the Misuse of Drugs, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 2) Regulations (Northern Ireland) 1995 and shall come into operation on 15th January 1996.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Misuse of Drugs (Northern Ireland) Regulations 1986

3.—(1) The Misuse of Drugs (Northern Ireland) Regulations 1986(d) shall be amended as follows:—

(2) In regulation 15(1), after the words “Schedule 4 or 5”, there shall be inserted the words “or temazepam.

(3) In Schedule 3—

(a) in the heading, after the number “15”, there shall be inserted “(EXCEPT TEMAZEPAM)”, and

(b) in paragraph 1(a), after “Pipradrol”, there shall be inserted “Temazepam”.

(c) In paragraph 1 of Schedule 4, “Temazepam” shall be omitted.

(a) 1971 c. 38

(b) By S.R. & O. (N.I.) 1973 No. 504 art. 5(a)

(c) 1954 c. 33 (N.I.)

(d) S.R. 1986 No. 52: the relevant amendment regulations are S.R. 1987 No. 68, S.R. 1989 No. 346, S.R. 1991 no. 1 and S.R. 1995 No. 305

Transitional provision

4. For the purposes of paragraph 1 of Schedule 1 to the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973(a) temazepam shall continue to be regarded as a drug specified in Schedule 4 to the Misuse of Drugs (Northern Ireland) Regulations 1986 until 18th April 1996.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 19th December 1995.

(L.S.)

D. A. Baker

Assistant Secretary

(a) S.R. 1973 No. 179: the relevant amendment regulations are S.R. 1986 No. 53, 1987 No. 67

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which amend the Misuse of Drugs Regulations (Northern Ireland) 1986 ("the principal Regulations") by transferring temazepam from Schedule 4 to Schedule 3, have the effect of making temazepam subject to the restrictions on import and export of controlled drugs in the Misuse of Drugs Act 1971 ("the 1971 Act") and of removing the exception, from the restrictions on possession of controlled drugs in the 1971 Act, for possession of temazepam when in the form of a medicinal product. These Regulations also have the effect of applying to temazepam certain provisions of the principal Regulations (other than the provisions relating to the form of prescriptions) governing the supply of controlled drugs and requiring the preservation of records relating to such drugs. An additional effect of these Regulations is to apply to temazepam the requirements of the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973 ("the 1973 Regulations"). The Regulations come into force on 15th January 1996 but transitional provision is made so that the requirements of the 1973 Regulations do not apply to temazepam until 18th April 1996.