
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 324

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) (No. 2) Regulations (Northern Ireland) 2003

Made - - - - *7th July 2003*

Coming into operation *1st August 2003*

The Department of Health, Social Services and Public Safety⁽¹⁾ in exercise of the powers conferred by sections 7, 10, 22 and 31(1) of the Misuse of Drugs Act 1971⁽²⁾ as adapted by section 38 of that Act and now vested in it⁽³⁾ and of every other power enabling it in that behalf and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act, 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) 2003 and shall come into operation on 1st August 2003.

Interpretation

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

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

3.—(1) The Misuse of Drugs Regulations (Northern Ireland) 2002⁽⁵⁾ shall be amended in accordance with paragraphs (2) to (4).

(2) After regulation 6 there shall be inserted –

“Supply of articles for administering or preparing controlled drugs

6A.—(1) Notwithstanding the provisions of section 9A(1) and (3)⁽⁶⁾ of the Act, any of the persons specified in paragraph (2) may, when acting in their capacity as such, supply or offer to supply the following articles –

(1) See S.I. 1999/283 (N.I. 1) – Article 3(6)
(2) 1971 c. 38
(3) S.R.O. (N.I.) 1973 No. 504; Article 5(a)
(4) 1954 c. 33 (N.I.)
(5) S.R. 2002 No. 1
(6) Section 9A was inserted in the Misuse of Drugs Act 1971 by section 34(1) of the Drug Trafficking Offences Act 1986 (c. 32)

- (a) a swab;
 - (b) utensils for the preparation of a controlled drug;
 - (c) citric acid;
 - (d) a filter;
 - (e) ampoules of water for injection, only when supplied or offered for supply in accordance with the Medicines Act 1968(7).
- (2) The persons referred to in paragraph (1) are:
- (a) a practitioner;
 - (b) a pharmacist;
 - (c) a person employed or engaged in the lawful provision of drug treatment services.
- (3) In regulation 2(2) for “has the same meaning as in Part I of the Civil Evidence Act (Northern Ireland) Order 1971(8)” there shall be substituted “means anything in which information of any description is recorded (within the meaning of the Civil Evidence (Northern Ireland) Order 1997(9))”.
- (4) In regulation 6(7)(c) for “the Post Office” there shall be substituted “a postal operator (within the meaning of the Postal Services Act 2000(10))”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 7th July 2003.

D. C. Gowdy
Permanent Secretary,
Department of Health, Social Services and
Public Safety

(7) 1968 c. 67
(8) 1971 c. 36 (N.I.)
(9) S.I. 1997/2983 (N.I. 21)
(10) 2000 c. 26

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Misuse of Drugs Regulations (Northern Ireland) 2002 (“the principal regulations”). Regulation 3(2) inserts 6A which provides that practitioners, pharmacists and persons employed or engaged in the lawful provision of drug treatment services may, where the articles detailed in regulation 6A(1)(a)-(e) are believed to be used for the purposes of administering or preparing controlled drugs, lawfully supply or offer to supply these articles. Ampoules of water for injection, are a prescription only medicine and may only be supplied in accordance with the Medicines Act 1968.

The supply or offer of supply of any of the articles detailed in this regulation by persons other than practitioners, pharmacists and persons employed or engaged in the lawful provision of drug treatment services, remains an offence under sections 9A(1) and (3) of the Misuse of Drugs Act 1971.

Paragraphs (3) and (4) of regulation 3 correct errors in the principal regulations.