

## **Explanatory Memorandum**

### **S.R.2011 No 55**

#### **The Misuse of Drugs (Licence Fees) Regulations (Northern Ireland) 2011**

##### **Purpose of Statutory Rule**

- 1). The purpose of this Statutory Rule is to introduce fees legislation within Northern Ireland for import and export licences. Regulation 3(1) prescribes the fee where a licence is issued in connection with the importation or exportation of controlled drugs and regulation 3(2) prescribes the fee where a licence has been lost, or where the licence has been defaced or damaged and is reissued to the owner. The Regulations also revoke the Misuse of Drugs (Licence Fees) Regulations (Northern Ireland) 1979.

##### **Background**

- 2) The Home Office's Drug Licensing and Compliance Unit (DCLU) in conjunction with the Department's Medicines Regulatory Group (MRG)/Health Protection Branch (HPB) regulates drugs controlled under the Misuse of Drugs Act 1971. Those who wish to possess, supply, produce, manufacture, import or export such preparations must be licensed. The licensing system ensures compliance with international obligations and aims to prevent the misuse of controlled substances.
- 3) Prior to 2007, there were charges for many controlled drug licences in Northern Ireland. Fees for these licences were discontinued UK wide in 2007 as part of a move towards greater self regulation by licencees.

##### **Position in Great Britain**

- 4). Following an assessment on the impact of the 2007 change, the DCLU concluded that the system of self regulation was not sufficiently robust. The Home Office decided to re-introduce charges for all licences and Northern Ireland import/export licensing and charging was included in the Home Office legislation which came into force on 15 November 2010.
- 5) However, the Joint Committee on Statutory Instruments queried the decision to include Northern Ireland in its legislation and decided that the DHSSPS was the appropriate department to introduce charges legislation for Northern Ireland import and export licences.

##### **Position in Northern Ireland**

- 6) In Northern Ireland, the DHSSPS has a statutory obligation to ensure compliance with legislative requirements in all areas of medicines control as applies within and outwith Health and Social Care (HSC)

- 7) The issue of domestic controlled licences is undertaken by this Department's MRG/HPB under authority conferred by the Misuse of Drugs (Northern Ireland) Regulations 2002. The decision not to re-introduce fees for the domestic licences issued was based on the fact that the amount of income recouped would be outweighed by the administrative burden of collecting it.
- 8) There will be no change in administration of the licences as a result of the DHSSPS making these Regulations. DCLU will continue to issue the import/export licences (approximately 60 per year) on behalf of the DHSSPS and will also collect the fee for each licence (£24.00) to cover its costs.

### **Policy Background**

- 9). This Statutory Rule is made in exercise of powers conferred by sections 30 and 31 of the Misuse of Drugs Act 1971, as adapted by sections 31(4) and 38(1) of that Act and now vested in it.

### **Extent**

- 10) This Statutory Rule will apply only to Northern Ireland.

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