

## **Explanatory Memorandum**

### **The Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2012**

#### **S.R.2012 No 213**

#### **Background and Purpose of this Statutory Rule**

1. In conjunction with amendments to the Misuse of Drugs Act 1971, this Statutory Rule (SR) 2012 No 213 makes amendments to the Misuse of Drugs Regulations (Northern Ireland) 2002 to control substances considered harmful drugs within the terms of the 1971 Act
2. When a drug is added to the Misuse of Drugs Act 1971, it is also placed in one of the 5 Schedules to the Misuse of Drugs Regulations (Northern Ireland) 2002. The Schedule into which a controlled drug is placed, primarily dictates the extent to which it is lawful to import, export, produce, supply, administer and possess that drug and also imposes requirements around prescription writing, record keeping, labelling, destruction and safe custody.

#### **Legislative Context**

3. This statutory rule makes amendments to the Misuse of Drugs Regulations (Northern Ireland) 2002 and has been made in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971 as adapted by section 38 of that Act and now vested in it.

#### **Coming Into Operation Date**

4. The date for the SR to come into operation is 13 June 2012. A similar change is being made in GB such that there will be harmonisation of the legislative controls applying across the UK

#### **Consultation**

5. The Home Office consulted with the Medicines and Healthcare Products Regulatory Agency (MHRA) and the Department for Business, Innovation and Skills (BIS) who have liaised with chemical industry partners. It has been identified that Phenazepam is not licensed by the MHRA, nor is it prescribed by the National Health Service or the private sector for treatment in the UK. Desoxypipradrol (2-DPMP) and its related compounds have been advertised and sold as a “legal high” under the brand name “Ivory Wave”. The MHRA and BIS have commented on the appropriate classification of 2-DPMP, its related compounds, and phenazepam.

#### **Equality Impact**

- 6 This Statutory Rule has been considered under Section 75 of the Northern Ireland Act 1998 and complies with this legislation with no adverse impact on any of the Section 75 groups.

**Financial Impact**

- 6 These regulations will not have any financial impact for Northern Ireland and funding is not required.

**Territorial Extent and Application**

- 7 This Statutory Rule applies only to Northern Ireland.
- 8 This Statutory Rule has been laid in transcript and I will forward printed copies as soon as I they are received.

Karen Savage  
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