

EXPLANATORY MEMORANDUM TO

The Misuse of Drugs (Amendment No.4) Regulations (Northern Ireland) 2014

2014 No. 288

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety for Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971. It will amend the Misuse of Drugs Regulations (Northern Ireland) 2002 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will bring forward regulations to allow for the lawful provision of foil by drug treatment providers subject to the strict condition that it is part of structured efforts to get people into treatment and off drugs.

3. Background

- 3.1. The Advisory Council on the Misuse of Drugs (ACMD) advises that the provision of foil reduces the health harms of injecting drugs as the physical harms of inhaling drugs are significantly less than injecting and has recommended that the provision of aluminium foil to drug users could be an effective way to move heroin users from injecting to smoking the drug. They have also advised that given the potential opportunities foil had in engaging people in services and reducing risk-taking behaviours that consideration should be given to providing foil in the structured and formal context of an individual's treatment and recovery plan. The government has accepted the advice of the ACMD to allow for the lawful provision of foil by drug treatment providers subject to the strict condition that it is part of structured efforts to get people into treatment and off drugs.

4. Consultation

- 4.1. The Advisory Council on the Misuse of Drugs (ACMD) has been consulted as statutorily required. The Needle Exchange Advisory Group, the Regional Service Users Group, and the Bamford Group (all operated by the Public Health Agency) are supportive of making foil available in Northern Ireland.

5. Equality Impact

- 5.1. The outcome of the Home Office's equality impact assessment of the policy proposals is that no human rights engagements are anticipated as a result of the policy. In Northern Ireland the Department has screened the policy for the purposes of section 75 of the Northern Ireland Act 1998, and has concluded that an EQIA is not necessary.

6. Regulatory Impact

- 6.1. This legislation does not apply to small business. In addition, as drug treatment services programmes will be commissioned by the public sector, no impact on business or civil society organisations is identified.

7. Financial Implications

- 7.1. Costs to the public sector associated with the proposals arise from staff costs and training costs. Staff costs are ongoing costs. However, with the exception of the initial training cost, these costs will replace the staffing costs relating to needle provision (and other exempt injecting paraphernalia). Staffing costs for foil provision are therefore transferred costs.
- 7.2. There are no additional costs imposed from providing foil. The cost of providing foil is £72 per individual per year. This is less than the cost of providing needles and syringes (at £84 per individual per year), so there is a net reduction in costs (if all those who take up foil provision were previously using free needle and syringe provision).

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Consideration has been given to the human rights implications of these regulations. They are considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. There are no EU implications.

10. Parity or Replicatory Measure

- 10.1. The provisions included in the regulations will bring Northern Ireland into line with measures introduced for England, Scotland and Wales from 5th September 2014.

11. Additional Information

- 11.1. Not applicable