EXPLANATORY MEMORANDUM TO

The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2015

2015 No. 53

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 synthetic opioid AH-7921, various tryptamines and a range of LSD related compounds (AL-LAD, ETH-LAD, PRO-LAD, ALD-52 and LSZ) became controlled Class A drugs across the UK from 7 January 2015. Amendments to the Misuse of Drugs Regulations (Northern Ireland) 2002 are necessary to complement the Misuse of Drugs Act 1971 (Amendment) (No 2) Order 2014. It is also necessary to reschedules 4-Hydroxy-n-butyric acid (GHB) from Schedule 4 to Schedule 2 to the 2002 Regulations.

3. Background

3.1. The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2015 insert AH-7921, the LSD-related compounds and the compounds captured by the new tryptamine generic definition into Schedule 1 to the 2002 Regulations.

3.2. The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2015 also reschedule 4-hydroxy-n-butyric acid (GHB) from Schedule 4 to Schedule 2 to the 2002 Regulations.

3.3. The effect of rescheduling GHB to Schedule 2 to the 2002 Regulations is that it is now subject to the prescription writing, requisition, destruction and safe custody requirements when used in healthcare.

4. Consultation

4.1. The Advisory Council on the Misuse of Drugs (ACMD) and the Medicines and Healthcare products Regulatory Agency (MHRA) have been consulted and have advised there is no known medicinal use of these compounds in the UK.

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. The regulation applies to businesses selling substances in the 'legal highs' market, the potential harm is such that those trading in this market are expected to comply with the new legislative requirements or face prosecution.

7. Financial Implications

7.1. The potential impact on businesses and organisations including charities relates to the administrative costs of undertaking activities involving Class A drugs under licence for the purpose of research. These costs are likely to be minimal for organisations already licensed for similar activities involving other controlled drugs.

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. Not applicable.

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 7th January 2015.

11. Additional Information

11.1. Not applicable