

## **EXPLANATORY MEMORANDUM TO**

### **The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2016**

**2016 No. 29**

#### **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 Section 7(3) 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 (i) amend the definition of “Health prescription” to include the prescribing activity of other non-medical independent and supplementary prescribers who are currently able to prescribe controlled drugs (ii) move ketamine from Part 1 of Schedule 4 to Schedule 2 to the 2002 Regulations and provide exemptions for continued use by specified healthcare professionals under Patient Group Directions (PGDs) and (iii) remove the exemptions applicable to prescriptions for temazepam.

#### **3. Background**

- 3.1. GB has already amended legislation which came into operation in GB on 1 June and 30 November 2015. The GB Misuse of Drugs Regulations 2001 do not extend to Northern Ireland as this is a transferred matter and hence it is necessary to amend The Misuse of Drugs Regulations (Northern Ireland) 2002.

#### **4. Consultation**

- 4.1. The Advisory Council on the Misuse of Drugs (ACMD) consulted a range of experts before providing advice. In addition the Home Office conducted a UK-wide twelve-week public consultation on the scheduling proposals in line with ACMD advice.

#### **5. Equality Impact**

- 5.1. The Department of Health, Social Services and Public Safety has also screened this SR for the purposes of s75 of the Northern Ireland Act 1998 and has concluded that an Equality Impact Assessment is not necessary.

#### **6. Regulatory Impact**

- 6.1. The Regulation does not require a Regulatory Impact Assessment as only negligible impact on small business is identified.

## **7. Financial Implications**

7.1. Negligible. The impact is on regulatory arrangements for controlled drugs and these will be managed within existing resources.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. The proposed SR is compatible with s24 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 which are already in place in the rest of the UK.

## **11. Additional Information**

11.1. Not applicable