
STATUTORY INSTRUMENTS

2010 No. 2497

DANGEROUS DRUGS

The Misuse of Drugs (Licence Fees) Regulations 2010

Made - - - - *12th October 2010*
Laid before Parliament *25th October 2010*
Coming into force - - *15th November 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred upon her by sections 30, 31 and 37(1)(1) of the Misuse of Drugs Act 1971(2).

In accordance with section 31(3) of that Act the Secretary of State has consulted with the Advisory Council on the Misuse of Drugs.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs (Licence Fees) Regulations 2010 and shall come into force on 15th November 2010.

(2) In these Regulations “the 2001 Regulations” means the Misuse of Drugs Regulations 2001(3).

(3) Other than regulation 2(4), and regulation 2(5) to the extent that it relates to regulation 2(4), which extend to the United Kingdom, these Regulations extend to England, Wales and Scotland.

Prescribed fee

2.—(1) Where a licence is, under regulation 5 of the 2001 Regulations (licence to produce etc. controlled drugs), issued to a person for the first time, the fee payable shall be—

- (a) in the case of a licence to produce, to supply, to offer to supply and to have in his possession any controlled drug, or any preparation or other product containing a controlled drug, £4,700;
- (b) in the case of a licence, not being a licence specified in sub-paragraph (a), to produce any preparation or other product containing a controlled drug, and to supply, to offer to supply and to have in his possession any controlled drug or such preparation or other product, £4,178;

(1) See the definition of “prescribed”.

(2) 1971 c. 38; there are amendments to sections 31 and 37 not relevant to these Regulations.

(3) S.I. 2001/3998.

- (c) in the case of a licence, not being a licence specified in sub-paragraphs (a) or (b), to supply, to offer to supply and to have in his possession any controlled drug, £3,655; and
- (d) in the case of a licence, not being a licence specified in sub-paragraphs (a), (b) or (c), to have in his possession any controlled drug, £3,133.

(2) Where a licence to cultivate plants of the genus *Cannabis* is, under regulation 12 of the 2001 Regulations (cultivation under licence of cannabis plant), issued to a person for the first time, the fee payable shall be—

- (a) in the case of any such plant with a tetrahydrocannabinol content not exceeding 0.2%, £580; and
- (b) in the case of any such plant with a tetrahydrocannabinol content exceeding 0.2%, £4,700.

(3) Where a licence is, under regulation 5 or 12 of the 2001 Regulations, issued to a person either who held such a licence issued under that same regulation on the date on which these Regulations come into force or who has on or since that date already been issued with such a licence, the fee payable shall be—

- (a) in the case of a licence issued to a person in relation to whom the Secretary of State determines that an inspection is necessary in connection with securing compliance with any conditions attached to such licence before issuing such licence, £1,371; and
- (b) in the case of a licence issued to a person in relation to whom the Secretary of State determines that no such inspection is necessary before issuing such licence, £326.

(4) Where a licence is issued under section 3(2)(b) of the Misuse of Drugs Act 1971 (restriction of importation and exportation of controlled drugs), the fee payable shall be £24.

(5) Where a person has lost a licence issued under any of the provisions in paragraphs (1), (2), (3) and (4) or where such licence has been defaced or damaged, and that licence is re-issued to him, the fee payable shall be £45.

Revocation

3. The Misuse of Drugs (Licence Fees) Regulations 1986⁽⁴⁾ and the Misuse of Drugs (Licence Fees) (Amendment) Regulations 2003⁽⁵⁾ are revoked.

Home Office
12th October 2010

James Brokenshire
Parliamentary Under-Secretary of State

⁽⁴⁾ S.I. 1986/416.
⁽⁵⁾ S.I. 2003/611.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Misuse of Drugs (Licence Fees) Regulations 1986 and the Misuse of Drugs (Licence Fees) (Amendment) Regulations 2003, and prescribe the fee payable where a licence is issued to engage in various activities in relation to controlled drugs (within the meaning of the Misuse of Drugs Act 1971).

Regulation 2(1) and (2) prescribes the fee where such a licence is issued for the first time. Regulation 2(3) prescribes the fee where a licence is issued to a person either who held such a licence on the date on which these Regulations come into force or who has on or since that date already been issued with such a licence, and introduces two levels of fee: paragraph (a) relates to a licence where the Secretary of State determines that a compliance inspection is required before issuing such a licence, and paragraph (b) relates to a licence where no such compliance inspection is required. Regulation 2(4) prescribes the fee where a licence is issued in connection with the importation or exportation of controlled drugs, and regulation 2(5) prescribes the fee where a licence has been lost by a person, or where that licence has been defaced or damaged, and it is re-issued to him.