STATUTORY RULES OF NORTHERN IRELAND

2019 No. 21

DANGEROUS DRUGS

The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*21st February 2019*
Coming into operation -	*1st April 2019*

The Department of Health(**a**), makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(**b**) as adapted by sections 7(9), 31(4) and 38 of that Act and now vested in it(**c**) and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 31(3) of that Act.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2019 and shall come into operation on 1st April 2019.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) These Regulations extend to Northern Ireland.

Amendments to the Misuse of Drugs Regulations (Northern Ireland) 2002

2. —(1) The Misuse of Drugs Regulations (Northern Ireland) 2002(**e**) are amended as follows

(2) In paragraph 1(a) of Schedule 3 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 22, 23, 24, 26 and 27)—

(a) after "Flunitrazepam" insert—

"Gabapentin (1–(aminomethyl)cyclohexaneacetic acid)", and

(b) after "Pipradrol" insert—

"Pregabalin ((*S*)–3–(aminomethyl)-5-methylhexanoic acid)".

(3) In paragraph 3 of Schedule 3, for "Any ester or ether of pipradrol." substitute—

"Any—

(a) ester or ether of pipradrol; or

(**a**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1(5)
(**b**) 1971 c.38, as amended by paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c.2) and s.151 of, and Schedule 17 to, the Police Reform and Social Responsibility Act 2011 (c.13)
(**c**) S.R.&O.(N.I.) 1973 No. 504, Article 5(a) and S.I. 1999/283 (N.I.1), Article 3(6)
(**d**) 1954 c.33 (N.I.)
(**e**) S.R. 2002 No.1. Relevant amending Regulations are S.R. 2018 Nos. 173 and 4, S.R. 2016 No. 29, S.R. 2015 No. 227, S.R. 2015 No. 53, S.R. 2014 Nos. 261, 158 and 21, S.R. 2013 No. 78, S.R. 2012 No. 213, S.R. 2011 No. 153, S.R. 2010 Nos. 247 and 148, S.R. 2009 No. 390, S.R. 2007 No. 348, S.R. 2005 No. 360 and S.R. 2003 No. 314

(b) ester of gabapentin (1–(aminomethyl)cyclohexaneacetic acid) or pregabalin ((*S*)–3–(aminomethyl)-5-methylhexanoic acid)".

Amendments to the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973

3.—(1) The Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973(**a**) shall be amended as follows.

(2) In paragraph 1 of Schedule 1 (exempted drugs) for "the Misuse of Drugs (Northern Ireland) Regulations 1986." substitute "the Misuse of Drugs Regulations (Northern Ireland) 2002".

(3) In paragraph 3 of Schedule 1—

(a) after sub-paragraph (d), insert—

"(da) Gabapentin (1–(aminomethyl)cyclohexaneacetic acid)";

(b) after sub-paragraph (j), insert—

"(jaa) Pregabalin *((S)*–3–(aminomethyl)-5-methylhexanoic acid)";

(c) for sub-paragraph (k), substitute—

"(k) Any ester of gabapentin (1–(aminomethyl)cyclohexaneacetic acid) or pregabalin ((*S*)–3–(aminomethyl)-5-methylhexanoic acid).

(ka) Any stereoisomeric form of a substance specified in any of paragraphs (a) to (k) above.";

(d) in sub-paragraph (l), for "(k)" substitute "(ka)".

Sealed with the Official Seal of the Department of Health on 21st February 2019

L.S.

Cathy Harrison
A senior officer of the Department of Health

(**a**) S.R. & O. 1973 No. 179; relevant amending Regulations are S.R. 1987 No. 67, S.R. 1999 No. 252, S.R. 2007 No. 348, S.R. 2011 No. 86 and S.R. 2014 No. 158

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations (Northern Ireland) 2002 (S.R. 2002 No.2) (the "2002 Regulations") and the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973 (S.R. & O. (N.I.) 1973 No. 179) (the "1973 Regulations").

Regulation 2 adds the compounds known as pregabalin and gabapentin (and their salts and esters) to Schedule 3 to the 2002 Regulations. The Schedule to the Regulations in which a controlled drug is placed affects the extent to which the drug can be lawfully imported, exported, produced, supplied or possessed and dictates the record keeping, labelling and destruction requirements in relation to that drug.

Regulation 3 inserts pregabalin and gabapentin (and their salts and esters) into the list of exempted drugs in Schedule 1 to the 1973 Regulations. These compounds are consequently exempted from the safe custody requirements of those Regulations.

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