EXPLANATORY MEMORANDUM TO

The Misuse of Drugs (Designation) (Amendment No.3) Order (Northern Ireland) 2014

2014 No. 262

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(4) of the Misuse of Drugs Act 1971. It will amend the Misuse of Drugs (Designation) Order (Northern Ireland) 2001 and is subject to the negative resolution procedure.

2. Purpose

2.1. Khat has been designated as a drug that has no recognised medicinal or legitimate uses outside of research. The Statutory Rule will bring forward regulations to add Khat to Schedule 1 to the Misuse of Drugs (Designation) Order (Northern Ireland) 2001 where such designated drugs are listed.

3. Background

3.1. Khat has been banned under the Misuse of Drugs Act 1971 to address the community concerns on the health and social harms of Khat use in the UK and the risk of the UK becoming a single, regional Khat-smuggling hub for onward trafficking to countries where it is banned. Khat therefore became a controlled Class C drug on 24 June 2014 across the UK. Amendments to the Misuse of Drugs (Designation) Order (Northern Ireland) 2001 are necessary to complement the Misuse of Drugs Act 1971 (Amendment) Order 2014. Khat has been designated as a drug that has no recognised medicinal or legitimate uses outside of research. The Statutory Rule will bring forward regulations to add Khat to Schedule 1 to the Misuse of Drugs (Designation) Order (Northern Ireland) 2001 where such designated drugs are listed.

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 Khat 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 Order applies to small business but the impact will be minimal. The harm that can be done through misuse and diversion of Khat is such that it is anticipated all businesses will comply with the new legislative requirements.

7. Financial Implications

7.1. The potential impact on organisations including charities relates to the administrative costs of undertaking activities involving Khat 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 this Order. 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 Order will bring Northern Ireland into line with measures that were introduced for England, Scotland and Wales from 24th June 2014.

11. Additional Information

11.1. Not applicable