Explanatory Memorandum

The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2012

S.R.2012 No 212

Background and Purpose of this Statutory Rule

1. In conjunction with amendments to the Misuse of Drugs Act 1971, this Statutory Rule (SR) specifies Desoxypipradrol (2DPMP) and its related compounds as "designated" drugs under the Misuse of Drugs (Designation) Order (Northern Ireland) 2001.These substances have no recognised uses beyond research, and by designating them in this way, they are classified as drugs to which section 7(4) of the Misuse of Drugs Act 1971 applies.

2 When a drug is added to the Misuse of Drugs Act 1971, it is also placed in one of the 5 Schedules to the Misuse of Drugs Regulations (Northern Ireland) 2002. The Schedule into which a controlled drug is placed, primarily dictates the extent to which it is lawful to import, export, produce, supply, administer and possess that drug and also imposes requirements around prescription writing, record keeping, labelling, destruction and safe custody.

Legislative Context

3 The Department of Health, Social Services and Public Safety makes the Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2012 in exercise of the powers conferred by section 7(4) of the Misuse of Drugs Act 1971 as adapted by section 7(9) of that Act and now vested in it and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 7(7) of that Act. This Statutory Rule is subject to negative resolution procedure.

Coming Into Operation Date

4 The date for the SR to come into operation is 13 June 2012. A similar change is being made in GB such that there will be harmonisation of the legislative controls applying across the UK

Consultation

5 The Home Office consulted with the Medicines and Healthcare Products Regulatory Agency (MHRA) and the Department for Business, Innovation and Skills (BIS) who have liaised with chemical industry partners. 2 DPMP and its related compounds have been advertised and sold as a "legal high" under the brand name "Ivory Wave" and the MHRA and BIS also confirmed that 2-DPMP) and its related compounds have no legitimate use.

Equality Impact

6 This Statutory Rule has been considered under Section 75 of the Northern Ireland Act 1998 and complies with this legislation with no adverse impact on any of the Section 75 groups.

Financial Impact

6 These regulations will not have any financial impact for Northern Ireland and funding is not required.

Territorial Extent and Application

7 This Statutory Rule applies only to Northern Ireland.

EU implications

8 There are no EU implications.

Section 24 of the Northern Ireland Act 1998

9 The Department is satisfied that the Statutory Rule does not breach s24 of the Northern Ireland Act 1998.

Laying

10 This Statutory Rule has been laid in transcript and I will forward printed copies as soon as I they are received.

Karen Savage
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