EXPLANATORY MEMORANDUM TO

The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2019

SR 2019 No.207

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 7(4) and (5) of the Misuse of Drugs Act 1971 (the 1971 Act), 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 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of this Statutory Rule is to amend Part 1 of Schedule 1 to the Misuse of Drugs (Designation) Order (Northern Ireland) 2001 (the 2001 Order) by reducing the range of compounds captured by one of the definitions of synthetic cannabinoids in Schedule 1 to that Order (which specifies the list of controlled drugs to which section 7(4) of the 1971 Act applies).

3. Background

3.1. Section 7(3) of the 1971 Act requires regulations to be made to allow the use for certain purposes, including medical use, of the drugs which are subject to control under that Act.

3.2. Section 7(4)(b) of the 1971 Act provides, however, that designated controlled drugs will be exempt from this easement and so cannot lawfully be prescribed, administered, produced, compounded or supplied except under licence or other authority issued by the Department of Health. The designations in question are in the 2001 Order.

3.3. The Advisory Council on the Misuse of Drugs (ACMD) which is the independent advisory body set up under the 1971 Act, has recommended amendment of the generic definition for ‘third generation’ synthetic cannabinoids under the 1971 Act.

4. Consultation

4.1. The ACMD recommendation requires an amendment to the Misuse of Drugs Regulations (NI) 2002 (“the 2002 Regulations”) and the 2001 Order. The UK Government has consulted with representatives from the research community.

5. Equality Impact

5.1. The Department has concluded that the proposed amendment will not have a significant impact on equality of opportunity for any group referred to in

section 75 of the Northern Ireland Act 1998 and a full Equality Impact Assessment has not been considered necessary.

6. Regulatory Impact

6.1. It is not anticipated that there will be any adverse impact on business, charities, social economy or voluntary bodies.

7. Financial Implications

7.1. None anticipated.

8. Section 24 of the Northern Ireland Act 1998

8.1. The provisions of this Order do not breach section 24 of the Northern Ireland Act 1998, as they are not incompatible with any of the Convention rights or community law, and they do not discriminate against a person on the grounds or religious belief or political opinion.

9. EU Implications

9.1. There are no anticipated EU implications as a result of these amendments.

10. Parity or Replicatory Measure

10.1. This Order replicates amendments to the Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015 which will be made by England, Wales and Scotland.

11. Additional Information

11.1. Not applicable.