# EXPLANATORY MEMORANDUM

## THE MISUSE OF DRUGS (SAFE CUSTODY) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011

## S.R.2011 NO. 86

### Purpose of Statutory Rule

**1.** The storage of substances is controlled under the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973. The Department of Health, Social Services and Public Safety (DHSSPS) has responsibility for enforcing this legislation and consequently for the safe custody exemption certificates as specified in Regulation 4(6).

**2.** The exemption certificates renewal period is currently one year and this Statutory Rule has increased validity of the exemption certificates from one year to five years.

### Background

**3.** In order to reduce the opportunity for diversion and misuse, certain drugs controlled under the Misuse of Drugs Act 1971 are required to be stored in secure conditions articulated in the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973. This applies, inter alia, to storage in community pharmacies.

**4**. In response to a surge in the number of armed hold –ups targeting community pharmacies in Northern Ireland, an initiative (partially funded by the Department) facilitated the installation of time-delay safes in every pharmacy.

**5.** However, use of these safes requires the annual issue of an exemption certificate to ensure compliance with Regulation 4 of the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973.

As a result, approximately 530 exemption certificates are issued annually to community pharmacies by the Medicines Regulatory Group (MRG) within Pharmaceutical Advice and Services (DHSSPS) placing a significant administrative burden on DHSSPS staff, particularly at a time when there are a number of competing pressures.

### Legislatative Changes

**6**. In order to more effectively manage these pressures, the MRG considered that a revision of Regulation 4(6) of the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973 to increase the period for which a certificate remains in force from one year to five

years from the date of issue, would reduce this administrative burden and enable other demands to be met.

**7.** Such a legislative change required consultation with the Advisory Committee on the Misuse of Drugs (ACMD), which was approved. It was considered that the security of controlled drugs would not be compromised by this change and the security of controlled drugs will continue to be checked during the programme of planned compliance visits.

**Extent**

**8.** This Statutory Rule applies to Northern Ireland only and is subject to negative resolution.

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