

**2011 No. 153**

**DANGEROUS DRUGS**

**The Misuse of Drugs (Amendment) Regulations (Northern  
Ireland) 2011**

*Made* - - - - - *23rd March 2011*

*Coming into operation* - *28th March 2011*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971(a) as adapted by section 38 of that Act and now vested in it(b).

In accordance with section 31(3) of that Act, it has consulted with the Advisory Council on the Misuse of Drugs.

**Citation and commencement**

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 28th March 2011.

**Interpretation**

2.—(1) In these Regulations, “the 2002 Regulations” means the Misuse of Drugs Regulations (Northern Ireland) 2002(c).

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

**Amendment of the 2002 Regulations**

3. The 2002 Regulations shall be amended as follows.

4. For regulation 4B, substitute

**“4B Exceptions for gamma–butyrolactone and 1, 4–butanediol**

(1) Gamma–butyrolactone and 1,4–butanediol are excepted from sections 3(1) (import and export), 4(1) (production and supply) and 5(1) (possession) of the Act save where a person imports, exports, produces, supplies or offers to supply either substance, or has

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(a) 1971 c.38 Section 22 of that Act was amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979(c.2)  
(b) S.R. & O.(N.I) 1973 No. 504; Article 5(a) and S.I.1999/283(N.I.1), Article 3(6)  
(c) S.R.2002 No. 1; the relevant amending Regulations are S.R.2003 Nos. 314,324 and 420, S.R.2005 Nos. 119,360 and 564, S.R.2006 Nos. 44, 214, 264 and 334, S.R.2007 No. 348, S.R.2009 Nos. 390 and 397, S.R.2010 Nos. 148 and 247  
(d) 1954 c.33 (N.I)

either substance in his possession, knowing or believing that it will be used for the purpose of human ingestion whether by himself or another person other than as a flavouring in food.

(2) In this regulation references to gamma-butyrolactone include—

- (a) any salt of gamma-butyrolactone; and
- (b) any preparation or other product containing gamma-butyrolactone or a substance specified in sub-paragraph (a) of this paragraph.

(3) In this regulation references to 1, 4-butanediol include—

- (a) any substance which is an ester or ether or both an ester and ether of 1,4-butanediol;
- (b) any salt of 1, 4-butanediol or of a substance specified in sub-paragraph (a) of this paragraph; and
- (c) any preparation or other product containing 1, 4-butanediol or a substance specified in sub-paragraph (a) or (b) of this paragraph.”

5. In paragraph 1(a) of Schedule 1 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27) omit “4-Methylmethcathinone”.

6. In paragraph 1 of Schedule 2 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 21, 23, 26 and 27)—

- (a) after “Alphaprodine”, insert “Amineptine”; and
- (b) after “Sufentanil”, insert “Tapentadol”.

## **Revocations**

7. Regulation 3 of the Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2009(a) is revoked.

8. Paragraph (a) of regulation 4 of the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2010(b) is revoked.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 23rd March 2011

(L.S.)

*Norman Morrow*

A senior officer of the Department of Health, Social Services and Public Safety

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 4B of the Misuse of Drugs Regulations (Northern Ireland) 2002 (the “2002 Regulations”) by including within the reference to 1, 4-butanediol in regulation 4B any substance which is an ester or ether or both an ester and an ether of 1, 4-butanediol, and by removing from the references to gamma-butyrolactone and 1, 4-butanediol any stereoisomeric form of gamma-butyrolactone and 1, 4-butanediol respectively. Regulation 4B was inserted into

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(a) S.R. 2009 No. 397

(b) S.R. 2010 No. 148

the 2002 Regulations by regulation 3 of the Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2009, and makes it lawful to import, export, produce, supply, offer to supply or possess gamma-butyrolactone and 1, 4-butanediol except where a person does so, knowing or believing that it will be used for the purpose of human ingestion other than as a flavouring in food.

These Regulations remove 4-Methylmethcathinone from paragraph 1(a) of Schedule 1 to the 2002 Regulations. 4-Methylmethcathinone will though fall within paragraph 1(m) and revoke paragraph (a) of regulation 4 of the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2010. These Regulations insert Amineptine and Tapentadol in Schedule 2 to the 2002 Regulations.

The schedule in which a controlled drug is placed primarily 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.

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