

**2010 No. 2564**

**DANGEROUS DRUGS**

**The Controlled Drugs (Drug Precursors) (Intra-Community Trade and Community External Trade) Regulations 2010**

<i>Made</i>	- - - -	<i>19th October 2010</i>
<i>Laid before Parliament</i>		<i>25th October 2010</i>
<i>Coming into force</i>	- -	<i>15th November 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred upon her by section 56 of the Finance Act 1973(a).

In accordance with section 56(1) of the Finance Act 1973, the Treasury consent to the making of these Regulations.

**Citation, commencement, and interpretation**

1.—(1) These Regulations may be cited as the Controlled Drugs (Drug Precursors) (Intra-Community Trade and Community External Trade) Regulations 2010 and shall come into force on 15<sup>th</sup> November 2010.

(2) In these Regulations—

- (a) the “Intra-Community Trade Regulations” means the Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008(b);
- (b) the “Community External Trade Regulations” means the Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008(c);
- (c) the “2004 Community Regulation” means Regulation (EC) No. 273/2004(d);
- (d) the “2005 Community Regulation” means Council Regulation (EC) No. 111/2005(e); and
- (e) “scheduled substance” and “operator” have the same meaning as in the 2004 Community Regulation or the 2005 Community Regulation, as the case may be.

**Prescribed fee**

2.—(1) Where a licence is, under regulation 4 of the Intra-Community Trade Regulations or regulation 4 of the Community External Trade Regulations, issued to a person for the first time, in relation to scheduled substances listed in category 1 of Annex I of the 2004 Community Regulation

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(a) 1973 c. 51.  
(b) S.I. 2008/295.  
(c) S.I. 2008/296.  
(d) OJ No. L 47, 18.2.04, p. 1.  
(e) OJ No. L 22, 26.1.05, p. 1.

and scheduled substances listed in category 1 of the Annex of the 2005 Community Regulation respectively, the fee payable shall be £3,655.

(2) Where a registration is, under article 3(6) of the 2004 Community Regulation or article 7(1) of the 2005 Community Regulation, issued to an operator for the first time, in relation to scheduled substances listed in category 2 of Annex I of the 2004 Community Regulation or listed in category 2 of the Annex of the 2005 Community Regulation respectively, the fee payable shall be £435.

(3) Where a registration is, under article 7(1) of the 2005 Community Regulation, issued to an operator for the first time, in relation to scheduled substances listed in category 3 of the Annex of the 2005 Community Regulation, the fee payable shall be £435.

(4) Where a licence is, under regulation 4 of the Intra-Community Trade Regulations or regulation 4 of the Community External Trade Regulations, issued to a person either who held such a licence issued under that same regulation on the date on which these Regulations come into force or who has on or since that date already been issued with such a licence, in relation to scheduled substances listed in category 1 of Annex I of the 2004 Community Regulation and scheduled substances listed in category 1 of the Annex of the 2005 Community Regulation respectively, the fee payable shall be—

- (a) in the case of a licence issued to a person in relation to whom the Secretary of State determines that an inspection is necessary in connection with securing compliance with the terms of the 2004 Community Regulation or the 2005 Community Regulation respectively before issuing such licence, £1,371; and
- (b) in the case of a licence issued to a person in relation to whom the Secretary of State determines that no such inspection is necessary before issuing such licence, £326.

(5) Where a registration is, under article 3(6) of the 2004 Community Regulation or article 7(1) of the 2005 Community Regulation, issued to an operator either who held such a registration issued under that same regulation on the date on which these Regulations come into force or who has on or since that date already been issued with such a registration, in relation to scheduled substances listed in category 2 of Annex I of the 2004 Community Regulation or listed in category 2 of the Annex of the 2005 Community Regulation respectively, the fee shall be—

- (a) in the case of a registration issued to an operator in relation to whom the Secretary of State determines that an inspection is necessary in connection with securing compliance with the terms of the 2004 Community Regulation or the 2005 Community Regulation respectively, £1,153;
- (b) in the case of a registration issued to an operator in relation to whom the Secretary of State determines that no such inspection is necessary, £109.

(6) Where a registration is, under article 7(1) of the 2005 Community Regulation, issued to an operator either who held such a registration on the date on which these Regulations come into force or who has on or since that date already been issued with such a registration, in relation to scheduled substances listed in category 3 of the Annex of the 2005 Community Regulation, the fee payable shall be—

- (a) in the case of a registration issued to an operator in relation to whom the Secretary of State determines that an inspection is necessary in connection with securing compliance with the terms of the 2005 Community Regulation, £1,153; and
- (b) in the case of a registration issued to an operator in relation to whom the Secretary of State determines that no such inspection is necessary, £109.

(7) Where an export authorisation required by an operator under regulation 6(1) of the Community External Trade Regulations is issued, the fee payable shall be £24.

(8) Where an import authorisation required by an operator under regulation 7(1) of the Community External Trade Regulations is issued, the fee payable shall be £24.

(9) Where a person has lost a licence issued under any of the provisions in paragraphs (1) and (4) or where such licence has been defaced or damaged, or where a person has lost a registration issued under any of the provisions in paragraphs (2), (3), (5) and (6) or where such registration has

been defaced or damaged, and that licence or registration is re-issued to him, the fee payable shall be £45.

Home Office  
12th October 2010

*James Brokenshire*  
Parliamentary Under-Secretary of State

We consent

19th October 2010

*Jeremy Wright*  
*Angela Watkinson*  
Two of the Lords Commissioners of Her Majesty's Treasury

### **EXPLANATORY NOTE**

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

These Regulations prescribe the fee payable where a licence is issued to engage in various activities in relation to scheduled substances (within the meaning of Regulation (EC) No. 273/2004 or Council Regulation (EC) No. 111/2005 as the case may be), or where a registration is issued to an operator (within the meaning of those instruments) in order to engage in various activities in relation to such scheduled substances.

Regulation 2(1), (2) and (3) prescribes the fee where such a licence or registration is issued for the first time. Regulation 2(4), (5) and (6) prescribes the fee where such a licence is issued to a person, or registration is issued to an operator, either who held such a licence or registration on the date on which these Regulations come into force or who has on or since that date already been issued with such a licence or registration, and introduces two levels of fee: sub-paragraphs (a) of each of paragraphs (4), (5) and (6) of regulation 2 relate to a licence or registration issued where the Secretary of State determines that a compliance inspection is required before issuing such a licence or registration, and sub-paragraphs (b) of each of paragraphs (4), (5) and (6) of regulation 2 relate to such a licence or registration where no such compliance inspection is required.

Regulation 2(7) and (8) prescribes the fees where an export authorisation and import authorisation are issued. Regulation 2(9) prescribes the fee where a licence issued under regulation 2(1) or (4), or registration issued under regulation 2(2), (3), (5) or (6), has been lost by a person, or where that licence or registration has been defaced or damaged, and such licence or registration is re-issued to him.

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STATUTORY INSTRUMENTS

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£4.00