

This Statutory Rule has been made in consequence of a defect in S.R. 2009 No. 390 and is being issued free of charge to all known recipients of that Statutory Rule.

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 397

DANGEROUS DRUGS

**The Misuse of Drugs (Amendment) (No.2) Regulations
(Northern Ireland) 2009**

Made - - - - *30th November 2009*

Coming into operation - *23rd December 2009*

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) (No.2) Regulations (Northern Ireland) 2009 and shall come into operation on 23rd December 2009.

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.

Amendments to the 2002 Regulations

3. After Regulation 4A(e)(exceptions for drugs in Schedule 1) insert—

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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, and S.R.2009 No.390.
- (d) 1954 c.33 (N.I)
- (e) Regulation 4A was inserted into S.R.2002 No 1 by S.R.2005 No 360

“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 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 and 1, 4–butanediol include—

- (a) any stereoisomeric form of gamma–butyrolactone or 1,4–butanediol;
- (b) any salt of gamma–butyrolactone, 1,4–butanediol or of a substance specified in sub–paragraph (a) of this paragraph; and
- (c) any preparation or other product containing gamma–butyrolactone, 1,4–butanediol or a substance specified in sub–paragraph (a) or (b) of this paragraph.”.

Revocation

4. Regulation 4 of the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2009(a) is hereby revoked.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on
30th November 2009

(L.S.)

Christine Jendoubi

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 insert regulation 4B into the Misuse of Drugs Regulations (Northern Ireland) 2002 (“the 2002 Regulations”). They also revoke regulation 4 of the Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2009, which was intended to insert regulation 4B, but which erroneously omitted wording from the text.

Regulation 3 inserts into the 2002 Regulations, regulation 4B. The regulation makes it lawful to import, export, produce, supply, offer to supply or possess Gamma- butyrolactone (GBL) and 1,4 - butanediol (1,4-BD) 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.

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