



THE MISUSE OF DRUGS ACT 1976

THE MISUSE OF DRUGS REGULATIONS
(APPLICATION) ORDER 2002

Approved by Tynwald

16th April 2002

Coming into operation

1st May 2002

In exercise of the powers conferred on the Department of Health and Social Security by section 33(1), (1A) and (2) of the Misuse of Drugs Act 1976¹, and of all other enabling powers, the following Order is hereby made:-

Citation, commencement and interpretation

1. (1) This Order may be cited as the Misuse of Drugs Regulations (Application) Order 2001, and, subject to section 34 of the Act, shall come into operation on 1st May 2002.

(2) In this Order “the Act” means the Misuse of Drugs Act 1976.

Application of UK Subsidiary Legislation

2. The following regulations -

(a) the Misuse of Drugs Regulations 2001² (“the principal Regulations”);

(b) any regulations made after the making of this Order and amending Schedule 1,2,3 or 4 to the principal Regulations,

being regulations made under the Misuse of Drugs Act 1971 (an Act of Parliament)³, which is the like enactment to the Act in force in the United Kingdom, shall have effect in the Island subject to the modifications specified in the Schedule.

Revocation

3. The Misuse of Drugs Regulations (Application) Order 1996⁴ is revoked.

¹1976 c. 21 ²SI 2001/3998 ³1971 c.38 ⁴SD 439/95

SCHEDULE

MODIFICATIONS SUBJECT TO WHICH THE PRINCIPAL REGULATIONS APPLY TO THE ISLAND

PART 1 GENERAL MODIFICATIONS

1. For any reference to a matter specified in column 1 of the following table substitute a reference to the corresponding matter specified in column 2 of the table:

the Misuse of Drugs Act 1971 (an Act of Parliament)	the Act
any provision of the said Act of 1971	the corresponding provision of the Act
any order or regulations made under the said Act of 1971 (including the regulations applied by this Order).	the corresponding order or regulations made under the Act or, as the case may be, the said order or regulations as they have effect in the Island.
the Secretary of State	the Department of Health and Social Security.
the Medicines Act 1968 (an Act of Parliament) ⁵ or any provision of that Act.	the Medicines Act 1976 ⁶ or the corresponding provision of that Act.

2. Until the coming into operation of Part 2 of the National Health Services Act 2001⁷ (otherwise than for the purpose of making regulations under that Part), for any reference to that Act (as substituted by Part 2 below) substitute a reference to the National Health Service (Isle of Man) Acts 1948 to 1979.

PART 2 SPECIFIC MODIFICATIONS

1. In regulation 1, omit the words from "and shall come" onwards.
2. In regulation 2(1) -
 - (a) in the definition of "document", for "Part I of the Civil Evidence Act 1968" substitute "the Interpretation Act 1976 (an Act of Tynwald)⁸";
 - (b) in the definition of "health prescription", for "Isle of Man) Acts 1948 to 1979 (Acts of Tynwald)" substitute "Act 2001 (an Act of Tynwald)";
 - (c) in the definition of "installation manager" and "offshore installation", for "Act 1971" substitute "(Isle of Man) Act 1974 (an Act of Tynwald)";
 - (d) in the definition of "officer of customs and excise", for "1979" substitute "1986 (an Act of Tynwald)".

⁵1968 c.67 ⁶1976 c.22 ⁷2001 c.14 ⁸1976 c.20

3. In regulation 4(2) -

- (a) for "50(1) to (4), 68(2) and (3) or 170" substitute "47(1) to (4), 69(2) and (3) or 178";
- (b) for "1979" substitute, "1986 (an Act of Tynwald)".

4. After regulation 4 insert -

"Removal of drugs to or from United Kingdom

4A. (1) Subject to paragraph (2), it shall not by virtue of section 4(1) of the Act be unlawful for a person to produce a controlled drug where he is authorised by a licence issued by the Department of Health and Social Security under section 3(2)(a) of the Act to remove that drug -

- (a) to the Isle of Man from the United Kingdom, or
- (b) from the Isle of Man to the United Kingdom,

(2) Paragraph (1) applies only to such production of a controlled drug as is deemed by section 3(4) of the Act to take place by virtue of the removal of the drug as mentioned in paragraph (1)(a) or (b)."

5. (1) In regulation 6(4), for "Wildlife and Countryside Act 1981" substitute, "Wildlife Act 1990 (an Act of Tynwald)".

(2) In regulation 6(7)(c), for "Post Office" substitute, "Isle of Man Post Office".

6. (1) In regulation 8(2) -

(a) for sub-paragraph (g) substitute -

"(g) a public analyst as defined by the Interpretation Act 1976 (an Act of Tynwald)";

(b) omit sub-paragraph (h);

(c) in sub-paragraph (i), for the words from "Act 1977" to "1978" substitute, "Act 2001 (an Act of Tynwald)".

(2) In regulation 8(6) -

(a) in sub-paragraph (a), for "Act 1971" substitute, "(Isle of Man) Act 1974 (an Act of Tynwald)";

(b) in sub-paragraph (b), after "1974" insert, "as it has effect in the Isle of Man".

(c) for sub-paragraph (c) substitute -

"(c) any statutory provision relating to merchant shipping:"

7. (1) In regulation 9(2) -
 - (a) for sub-paragraph (e) substitute -

“(e) a public analyst as defined by the Interpretation Act 1976 (an Act of Tynwald)”;
 - (b) in sub-paragraph (g), for the words from “Act 1977 to 1978” substitute, “Act 2001 (an Act of Tynwald)”.
8. In regulation 10(5)(b), for “Great Britain” substitute, “the Isle of Man”.
9. (1) In regulation 11(1) -
 - (a) omit the words “who has” to “practise”, and
 - (b) for “appropriate medical officer” substitute “director of public health”.(2) Omit regulation 11(2) and (3).
10. (1) In regulation 14(4)(e), for “Great Britain” substitute, “the Isle of Man”.
 - (2) In regulation 14(5)(b), for the words from “proper officer” to “ship is” substitute, “director of public health”.
11. In regulation 16(1)(b), after “United Kingdom” insert “or the Isle of Man”.
12. In regulation 17, for the words from “Act 1977” to “1978” substitute, “Act 2001 (an Act of Tynwald)”.
13. (1) In regulation 19(1)(a) -
 - (a) for “Part I or Part II of Schedule 6, as the case may require,” substitute, “Schedule 6”;
 - (b) for “Great Britain” substitute, “Isle of Man”.(2) In regulation 19(1)(b), for the words from “each class” onwards substitute, “each drug, and for this purpose -
 - (i) different formulations and different strengths of any drug shall be treated for this purpose as different drugs, but
 - (ii) any stereoisomeric form of a drug or its salts shall be treated as that drug.”
14. In regulation 20, in paragraph (a) and (f), for “the class of drugs” substitute, “the drug”.
15. In regulation 21(1), for “Merchant Shipping Acts” substitute, “statutory provision relating to merchant shipping”.
16. Omit regulation 28.

17. For Schedule 6 substitute -

SCHEDULE 6
FORM OF REGISTER

Record of _____ obtained and issued

Date	Obtained from or issued to		Authority of person Supplied to possess	Quantity		
	Name	Address		Obtained	Issued	Remaining

18. Omit Schedule 7.

Made 8th March 2002



Minister for Health and Social Security

EXPLANATORY NOTE
(This note is not part of the Order)

This Order applies the Misuse of Drugs Regulations 2001 (SI 2001/3998) to the Island so as to bring the subordinate legislation under the Misuse of Drugs Act 1976 into line with its UK equivalent. The new UK regulations revoke and re-enact, with amendments the existing subordinate legislation.

The Regulations provide certain exemptions from the provisions of the Misuse of Drugs Act 1976 which, subject to such regulations prohibits the production, importation, exportation, possession and supply of controlled drugs specified in Schedule 2 to that Act. The Regulations make provision in relation to prescriptions, records and furnishing of information concerning controlled drugs and for the supervision of the destruction of such drugs.

Two changes of substance are made by the Regulations. One is the addition of 35 phenethylamine derivatives which are made subject to control under the Act. The other change is that the 33 benzodiazepines and 8 other substances formally in Part II of Schedule 4 are now in Part I of that Schedule. They are no longer exempt for the prohibition on importation and exportation or from the prohibition on possession when in the form of a medicinal product.

The 54 anabolic substances formerly in Part 1 of Schedule 4 are now in Part II of that Schedule. There are no changes to the controls which currently apply to these substances.