



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,
the Secretary-General has the honour to communicate the following legislative texts.*

UNITED KINGDOM AND NORTHERN IRELAND

Communicated by the Government of the United Kingdom and Northern Ireland

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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*Note by the Secretariat: This document is a direct reproduction of the text communicated to the Secretariat by the Government of the United Kingdom and Northern Ireland.

1997 No. 1001

DANGEROUS DRUGS

The Misuse of Drugs (Supply to Addicts) Regulations 1997

| | |
|-------------------------------|------------------------|
| <i>Made</i> - - - - - | <i>20th March 1997</i> |
| <i>Laid before Parliament</i> | <i>21st March 1997</i> |
| <i>Coming into force</i> - - | <i>1st May 1997</i> |

The Secretary of State, in pursuance of sections 10(2)(h) and (i), 22(c) and 31 of the Misuse of Drugs Act 1971(a),¹ after consultation with the Advisory Council on the Misuse of Drugs hereby makes the following Regulations:

1. These Regulations may be cited as the Misuse of Drugs (Supply to Addicts) Regulations 1997 and shall come into force on 1st May 1997.

2.—(1) In these Regulations, the expression “drug” means a controlled drug specified in the Schedule to these Regulations.

(2) For the purposes of these Regulations, a person shall be regarded as being addicted to a drug if, and only if, he has as a result of repeated administration become so dependent upon the drug that he has an overpowering desire for the administration of it to be continued.

3.—(1) Subject to paragraph (2) of this regulation, a doctor shall not administer or supply to a person who he considers, or has reasonable grounds to suspect, is addicted to any drug, or authorise the administration or supply to such a person of, any substance specified in paragraph (3) below, or prescribe for such a person any such substance, except—

- (a) for the purpose of treating organic disease or injury; or
- (b) under and in accordance with the terms of a licence issued by the Secretary of State in pursuance of these Regulations.

(2) Paragraph (1) of this regulation shall not apply to the administration or supply by a doctor of a substance specified in paragraph (3) below if the administration or supply is authorised by another doctor under and in accordance with the terms of a licence issued to him in pursuance of these Regulations.

(3) The substances referred to in paragraphs (1) and (2) above are—

- (a) cocaine, its salts and any preparation or other product containing cocaine or its salts other than a preparation falling within paragraph 2 of Schedule 5 to the Misuse of Drugs Regulations 1985(b);^{2/}
- (b) diamorphine, its salts and any preparation or other product containing diamorphine or its salts;
- (c) dipipanone, its salts and any preparation or other product containing dipipanone or its salts.

4. These Regulations and, in relation only to the requirements of these Regulations, section 13(1) and (3), 14, 16, 19 and 25 of and Schedule 4 to the Misuse of Drugs Act 1971 (which relate to their enforcement) shall apply to servants and agents of the Crown.

(a) 1971 c.38.

(b) S.I. 1985/2066.

5.—(1) The Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973(a) 3/ and the Misuse of Drugs (Notification of and Supply to Addicts) (Amendment) Regulations 1983(b) 4/ are hereby revoked.

(2) Notwithstanding anything in paragraph (1) of this Regulation, any licence issued by the Secretary of State in pursuance of the Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973 before the coming into force of these Regulations shall continue in force for the same time as if these Regulations had not been made and shall be deemed to have been issued in pursuance of these Regulations.

Home Office
20th March 1997

Tom Sackville
Parliamentary Under-Secretary of State

SCHEDULE

Regulation 2(1)

CONTROLLED DRUGS TO WHICH THESE REGULATIONS APPLY

1. The following substances and products, namely:—

| | | |
|----------------|---------------|-------------|
| Cocaine | Hydromorphone | Oxycodone |
| Dextromoramide | Levorphanol | Pethidine |
| Diamorphine | Methadone | Phenazocine |
| Dipipanone | Morphine | Piritramide |
| Hydrocodone | Opium | |

2. Any stereoisomeric form of a substance specified in paragraph 1 above, not being dextrorphan.
3. Any ester or ether of a substance specified in paragraph 1 or 2 above not being a substance for the time being specified in Part II of Schedule 2 to the Misuse of Drugs Act 1971.
4. Any salt of a substance specified in any of paragraphs 1 to 3 above.
5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4 above.

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- (a) S.I. 1973/799.
(b) S.I. 1983/1909.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under the Misuse of Drugs Act 1971 revoke that part of the Misuse of Drugs (Notification of and Supply to Addicts) Regulations 1973 (S.I. 1973/799; "the 1973 Regulations") dealing with notification of addicts and re-enact that part of those regulations dealing with supply to addicts with drafting amendments only. Doctors will no longer be required to send to the Home Office particulars of persons whom they consider to be addicted to the controlled drugs specified in the Schedule. The prohibition on doctors supplying or prescribing cocaine, diamorphine (commonly known as heroin) and dipipanone for such persons except under licence of the Secretary of State or in certain cases for medical treatment is re-enacted.

Regulation 4 re-enacts the application of the provisions of the Regulations, together with the provisions of the Act necessary for their enforcement, to servants and agents of the Crown.

Regulation 5 makes transitional provision for licences granted under the 1973 Regulations to continue in force as if issued in pursuance of these Regulations.

3/ Note by the Secretariat: E/NL.1973/43

4/ Note by the Secretariat: E/NL.1984/8

1997 No. 1762

EXTRADITION

The Extradition (Drug Trafficking) Order 1997

Made - - - - - 22nd July 1997
Laid before Parliament 1st August 1997
Coming into force - - - 1st September 1997

At the Court at Buckingham Palace, the 22nd day of July 1997

Present.

The Queen's Most Excellent Majesty in Council

Whereas the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (referred to in this Order as "the Convention" and set out in Schedule 1 to this Order) opened for signature at Vienna from 20th December 1988 until 28th February 1989 and subsequently at the United Nations Headquarters, New York until 20th December 1989(a) entered into force for the United Kingdom on 26th September 1991:

And whereas the States mentioned in Schedule 2 to this Order are foreign States in respect of which the Convention is for the time being in force and in relation to which Orders in Council under section 2 of the Extradition Act 1870(b) are in force:

And whereas the States mentioned in Part 1 of Schedule 3 to this Order are foreign States in respect of which the Convention is for the time being in force but with which no general extradition arrangements have been made:

And whereas section 22(3) of the Extradition Act 1989(c) provides that where general extradition arrangements have not been made with a State which is a Party to the Convention, and no Order in Council under section 2 of the Extradition Act 1870 is in force in relation to that State, an Order in Council applying the 1989 Act may be made under section 4 of that Act in respect of the offences set out in Article 3, paragraph 1 of the Convention, as if the Convention constituted general extradition arrangements between the United Kingdom and the foreign State, or any foreign State, party to the Convention:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 4 (1), 22(3) and 37(3) of the Extradition Act 1989 or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Extradition (Drug Trafficking) Order 1997, and shall come into force on 1st September 1997.

(a) Cmd. 804.

(b) 1870 c. 52. The Act was repealed by the Extradition Act 1989 with the savings set out in section 37 of that Act. For the purpose of those savings the Act has to be read with section 22(1) of the Criminal Justice (International Co-operation) Act 1990 (c. 5).

(c) 1989 c. 33: section 22 was amended by section 22 of the Criminal Justice (International Co-operation) Act 1990, by paragraphs 23 and 24 of Schedule 1 to the Drug Trafficking Act 1994, and by section 1 of the Criminal Justice (Scotland) Act 1987. The latter provision has been repealed and re-enacted in the Proceeds of Crime (Scotland) Act 1995 (c. 43).

2.—(1) Schedule 2 to this Order specifies in the first column foreign States which are Parties to the Convention and with which extradition treaties (and Orders in Council under section 2 of the Extradition Act 1870) are for the time being in force, in the second column the dates of those treaties, and in the third column those Orders in Council; and

(2) Schedule 1 to the Extradition Act 1989(a) shall apply in the case of a State specified in the first column in accordance with the extradition treaty whose date is specified in the corresponding entry in the second column, as supplemented by paragraph 2 of Article 6 of the Convention; and the Order in Council which gives effect to that extradition treaty shall be construed accordingly.

3. The Extradition Act 1989, so far as it relates to extradition procedures under Part III of that Act, shall apply in the case of a State specified in Part I of Schedule 3 to this Order (being States in respect of which the Convention is in force) subject to the limitations, restrictions, exceptions and qualifications contained in Part II of that Schedule.

4. The Extradition (Drug Trafficking) Order 1991(b) is hereby revoked.

5. This Order extends only to the United Kingdom, the Channel Islands and the Isle of Man, and to those territories specified in Schedule 4 to this Order.

N. H. Nicholls
Clerk of the Privy Council

(a) Paragraph 15 of Schedule 1 was amended by section 22 of the Criminal Justice (International Co-operation) Act 1990.
(b) S.I. 1991/1701.

SCHEDULE 2

Article 2

STATES WHICH ARE PARTIES TO THE CONVENTION AND IN RELATION TO WHICH ORDERS IN COUNCIL UNDER SECTION 2 OF THE EXTRADITION ACT 1870 ARE IN FORCE

| <i>State</i> | <i>Date of Extradition Treaty</i> | <i>Order in Council</i> |
|--------------------------|-----------------------------------|-------------------------|
| Argentina | 22 May 1889 | 1894/76 |
| Belgium | 29 October 1901 | 1902/208 |
| Bolivia | 22 February 1892 | 1898/1065 |
| Chile | 26 January 1887 | 1898/597 |
| Colombia | 27 October 1888 | 28 November 1889 |
| Cuba | 3 October 1904 | 1905/558 |
| Ecuador | 20 September 1880 | 26 June 1886 |
| El Salvador | 23 June 1881 | 16 December 1882 |
| Guatemala | 4 July 1885 | 26 November 1886 |
| Haiti | 7 December 1874 | 5 February 1876 |
| Mexico | 7 September 1886 | 6 April 1889 |
| Monaco | 17 December 1891 | 9 May 1892 |
| Nicaragua | 19 April 1905 | 1906/382 |
| Panama | 25 August 1906 | 1907/648 |
| Paraguay | 12 September 1908 | 1911/662 |
| Peru | 26 January 1904 | 1907/383 |
| Romania | 21 March 1893 | 1894/119 |
| Russian Federation | 24 November 1886 | 7 March 1887 |
| United States of America | 8 June 1972 | 1976/2144 |
| Uruguay | 26 March 1884 | 5 March 1885 |
| Yugoslavia | 6 December 1900 | 1901/586 |

SCHEDULE 3

Article 3

PART I

STATES WHICH ARE PARTIES TO THE CONVENTION AND WITH WHICH
NO EXTRADITION TREATIES ARE IN FORCE

State

Afghanistan
Algeria
Armenia
Azerbaijan
Bahrain
Belarus
Bhutan
Bosnia and Herzegovina
Burkina Faso
Burundi
Cape Verde
Chad
China, People's Republic of
Congo (Democratic Republic)
Costa Rica
Côte d'Ivoire
Dominican Republic
Egypt
Ethiopia
Guinea
Guinea Bissau
Honduras
Iran
Japan
Jordan
Kyrgyzstan
Latvia
Lebanon
Libya
Macedonia, The Former Yugoslav Republic of
Madagascar
Mali
Mauritania
Moldova
Myanmar
Nepal
Niger
Oman
Philippines
Qatar
Sao Tome and Principe
Saudi Arabia
Senegal
Sudan
Surinam
Syria
Tajikistan
Togo
Tunisia
Turkmenistan
Ukraine
United Arab Emirates
Uzbekistan
Venezuela
Yemen

PART II**APPLICATION OF THE 1989 ACT IN THE CASE OF A STATE MENTIONED IN PART I**

1. The 1989 Act shall hereby have effect only in respect of—
 - (a) an offence mentioned in section 22(4)(h) of that Act;
 - (b) an attempt to commit such an offence;
 - (c) counselling, procuring, commanding, aiding or abetting such an offence; and
 - (d) being an accessory before or after the fact to such an offence.
2. No proceeding shall be taken on an application for a provisional warrant issued under section 8(1)(b) of the 1989 Act, and no such warrant shall be issued, unless the application is made with the consent of the Secretary of State signified by an Order in the form set out in Part III of this Schedule or in a form to the like effect; but subject as aforesaid the signification of consent shall not affect the provisions of the said section 8.

PART III**FORM OF CONSENT OF SECRETARY OF STATE TO APPLICATION FOR A PROVISIONAL WARRANT**

Whereas AB, a person recognised by the Secretary of State as a diplomatic or consular representative of _____, has requested consent to application being made for the issue of a provisional warrant for the arrest of CD, late of _____, who [is accused] [has been convicted] of the commission of an offence or attempt to commit an offence or counselling, procuring, commanding, aiding or abetting an offence or of being accessory before or after the fact to an offence, within the jurisdiction of the said State, being an offence which if committed in the United Kingdom would be [a drug trafficking offence within the meaning of the Drug Trafficking Act 1994] [an offence to which the Proceeds of Crime (Scotland) Act 1995 relates]; 6/

By this Order the Secretary of State signifies to you his consent to the said application being made.

Given under the hand of the undersigned, [one of Her Majesty's Principal Secretaries of State] [Minister of State at _____] [Under-Secretary of State at _____] this _____ day of _____

SCHEDULE 4**TERRITORIES TO WHICH THIS ORDER EXTENDS**

Anguilla
 Bermuda
 British Antarctic Territory
 British Indian Ocean Territory
 British Virgin Islands
 Cayman Islands
 Falkland Islands and Dependencies
 Gibraltar
 Montserrat
 Pitcairn, Henderson, Ducie and Oeno Islands
 St. Helena and Dependencies
 Sovereign Base Areas of Akrotiri and Dhekelia
 Turks and Caicos Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies the Extradition Act 1989 so as to make extraditable offences within the meaning of the Drug Trafficking Offences Act 1994 (c. 37) and the Proceeds of Crime (Scotland) Act 1995 (c. 43), attempts to commit such offences and participation in the commission of such offences. It applies to certain States, Parties to the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, signed at Vienna on 20th December 1988.