Background to and purpose of the Bill

The Bill provides for an amendment to the Misuse of Drugs Act 1977. This amendment is consequent on a Court of Appeal judgment of 10th March 2015 finding section 2(2) of the Act, under which the Government is empowered to declare substances to be controlled for the purposes of the Act, to be unconstitutional.

As a result of the judgment, all substances controlled by means of Government Orders made under section 2(2) cease to be controlled with immediate effect, and their possession ceases to be an offence. These include ecstasy, benzodiazepines and new psychoactive substances, so-called “headshop drugs”. The judgment has no implications for the approximately 125 substances, including cannabis, heroin and cocaine, listed in the Schedule to the Act.

The purpose of this Bill is to add the substances previously controlled under Government Order to the Schedule to the Act, thereby providing that they will once more be controlled.

Provisions of the Bill

Section 1: Amendment of the Schedule to the Misuse of Drugs Act 1977

This provision inserts into the Schedule to the Misuse of Drugs Act 1977 the substances listed in the Schedule to this Bill. These substances are those listed in Government Orders made under Section 2(2) of the Misuse of Drugs Act 1977.

Section 2: Confirmation of certain statutory instruments

This section allows the Oireachtas to reconfirm certain statutory instruments specified under the Misuse of Drugs Act 1977 as valid and enforceable as if they were an Act of the Oireachtas.

Section 3: Short title, collective citation, construction and commencement

This is a standard citation provision. It is intended the legislation will commence on the date immediately following the date of its passing.
Financial Implications

There are no financial implications for the State.

*Department of Health,*
*March, 2015.*