



STATUTORY INSTRUMENTS.

**S.I. No. 156 of 2023**



MISUSE OF DRUGS (AMENDMENT) (NO. 2) REGULATIONS 2023

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 4 and 38 of the Misuse of Drugs Act 1977 (No. 12 of 1977), and for the purpose of giving further effect to Council Decision 2002/192/EC of 28 February 2002<sup>1</sup>, hereby make the following regulations:

1. (1) These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 2) Regulations 2023.

(2) The collective citation “the Misuse of Drugs Regulations 2017 to 2023” includes these Regulations.

2. These Regulations come into operation on 1 April 2023.

3. In these Regulations, “Principal Regulations” means the Misuse of Drugs Regulations 2017 (S.I. No. 173 of 2017).

4. Regulation 10 of the Principal Regulations is amended by inserting after paragraph (5) the following paragraph:

“(6) A person who is resident in a state which is a contracting party to the Convention Implementing the Schengen Agreement of 14 June 1985<sup>2</sup> may have in his or her possession any drug specified in Schedule 2 or 3 that is necessary for his or her medical treatment, provided that he or she produces, on request, a certificate issued or authenticated by the competent authority of his or her state of residence in relation to such drug in accordance with Article 75 of that Convention.”.



GIVEN under my Official Seal,  
30 March, 2023.

STEPHEN DONNELLY,  
Minister for Health.

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<sup>1</sup> OJ No. L 64, 7.3.2002, p. 20

<sup>2</sup> OJ No. L 22.9.2000, p. 19.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The purpose of these Regulations is to amend the Misuse of Drugs Regulations 2017 to allow persons travelling to the State from a Schengen area state to carry with them certain controlled drugs pursuant to their right under Article 75 of the Convention Implementing the Schengen Agreement of 14 June 1985, as applied to the State by Article 1 of Council Decision 2002/192/EC of 28 February 2002.

These Regulations may be cited as the Misuse of Drugs (Amendment) (No. 2) Regulations 2023.

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