

Summary of Relevant Legislation Applicable to Northern Ireland (PSNI, PHA)

1 Misuse of Drugs Act (1971)

It is an offence under the Misuse of Drugs Act (1971):

- to supply or offer to supply a controlled drug to another in contravention of the Act;
- to be in possession of, or to possess with intent to supply to another, a controlled drug in contravention of the Act;
- it is a defence to the offence of possession that, knowing or suspecting it to be a controlled drug, the accused took possession of it for the purpose of preventing another from committing or continuing to commit an offence and that as soon as possible after taking possession of it he/she took all such steps as were reasonably open to him/her to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it;
- for the occupier or someone concerned in the management of any premises knowingly to permit or suffer on those premises the smoking of cannabis; or the production, attempted production, supply, attempted supply, or offering to supply of any controlled drug.

The offences listed above are arrestable offences.

Section 8: A person commits an offence if, being the occupier or concerned in the management of any premises, he/she knowingly permits or suffers any of the following activities to take place on those premises, that is to say:

- producing or attempting to produce a controlled drug in contravention of section 4 (1) of this Act;
- supplying or attempting to supply a controlled drug to another in contravention of section 4 (1) of this Act, or offering to supply a controlled drug to another in contravention of section 4 (1) of this Act;
- preparing opium for smoking;
- smoking cannabis resin or prepared opium.

2 Criminal Law Act (Northern Ireland) 1967

Section 5: Failing to give information. Where a person has committed an arrestable offence, it shall be the duty of every other person who knows or believes:

- that the offence or some other arrestable offence has been committed;
- that he/she has information, which is likely to secure, or to be of material assistance in securing the apprehension, prosecution or conviction of any person for that offence;
- to give that information, within a reasonable time, to a constable and if, without reasonable excuse, he/she fails to do so then that person is committing an offence;
- this places an onus on individuals to inform a constable.

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3 Police and Criminal Evidence (PACE) (Northern Ireland) Order 1989

Article 26 (4)

- Any person may arrest without a warrant:
 - (a) anyone who is in the act of committing an arrestable offence; or
 - (b) anyone whom he/she has reasonable grounds for suspecting to be committing such an offence.

Article 26 (5)

- Where an arrestable offence has been committed, any person may arrest without a warrant:
 - (a) anyone who is guilty of the offence; or
 - (b) anyone whom he/she has reasonable grounds for suspecting to be guilty of the offence.

These powers of arrest are available to non-police and, as the following drug offences fall within the definition of Arrestable Offence, are available for use in such circumstances.

- (a) Possession of Controlled Drugs;
- (b) Possession of Controlled Drugs with Intent to Supply; or
- (c) Supply of Controlled Drugs.

NB: The above information is advisory only and does not represent legal opinion.

The Medicines Act (1968)

This Act divides medicines into three distinct categories:

- restricted medicines or prescription-only medicines, which can only be supplied by a pharmacist on receipt of a doctor's prescription;
- pharmacy (or over-the-counter) medicines, which can be sold without a prescription but only by a pharmacist in a pharmacy;
- general sales medicines, which can be sold without a prescription by any shop; and
- pharmacists and other retailers can be prosecuted and fined for offences under this Act. Possession of some prescription-only medicines, such as Temazepam, is illegal under the Misuse of Drugs Act (1971) if no prescription is held.

Tobacco Laws

It is an offence under section 7 of the Children and Young Persons Act 1933 (as amended by the Children and Young Persons (Protection from Tobacco Act 1991) for a vendor to sell tobacco products to anyone under the age of 16. Children under the age of 16 who purchase tobacco products are not themselves committing an offence. Police have the power to confiscate tobacco products from under 16s who are found smoking in a public place.

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Alcohol Laws

It is an offence under the Children and Young Persons Act (Northern Ireland) 1968 to give alcohol to any child or young person under the age of 14. A person under the age of 14 is only allowed to consume alcohol in a private residence for medical purposes only. It is illegal for vendors to knowingly sell alcohol to anyone under the age of 18. Police have the power to confiscate alcohol from under 18s who are found drinking in a public place.

Intoxicating Substances (Supply) Act (1985)

Solvents (e.g. aerosols, gases, glues) are not illegal to possess, use or buy but this Act makes it an offence for a shopkeeper to sell them to anyone under the age of 18 in the United Kingdom (excluding Scotland), knowing they are to be used for intoxicating purposes.

Cigarette Lighter Refill (Safety) Regulations 1999

In recognition of the high number of butane-related deaths, butane product sales, such as lighter refills, are further restricted under the Cigarette Lighter Refill (Safety) Regulations 1999. These regulations make it an offence for retailers to sell butane products to anyone under the age of 18, in any circumstances.