

*Draft Order in Council laid before Parliament under section 2(5) of the Misuse of Drugs Act 1971, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**DANGEROUS DRUGS**

**The Misuse of Drugs Act 1971 (Amendment) Order 2023**

*Made* - - - - **\*\*\***  
*Coming into force* - - **\*\*\***

At the Court at Buckingham Palace, the **\*\*\*** day of **\*\*\***  
Present,  
The King’s Most Excellent Majesty in Council

In accordance with section 2(5) of the Misuse of Drugs Act 1971(1), a draft of this Order has been laid before Parliament after consultation with the Advisory Council on the Misuse of Drugs and approved by a resolution of each House of Parliament.

Accordingly, His Majesty, in the exercise of the powers conferred on Him by section 2(2) of that Act, is pleased, by and with the advice of His Privy Council, to order as follows:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Misuse of Drugs Act 1971 (Amendment) Order 2023 and comes into force on the twenty-eighth day after the day on which it is made.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

**Amendment to the Misuse of Drugs Act 1971**

2. In Part 3 of Schedule 2 to the Misuse of Drugs Act 1971 (which specifies the drugs which are subject to control under that Act as Class C drugs), in paragraph 1(a)(2) after “Nitrazolam (1-Methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine).” insert—

“Nitrous oxide.”

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(1) 1971 c. 38.

(2) Subparagraph (a) of paragraph 1 was designated as such by [S.I. 1996/1300](#); there are other amendments to Schedule 2 which are not relevant to this Order.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a  
UK Statutory Instrument: The Misuse of Drugs Act 1971 (Amendment) Order 2023 No. 1091

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*Name*  
Clerk of the Privy Council

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings nitrous oxide under the control of the Misuse of Drugs Act 1971 (c. 38). Paragraph 1(a) of Part 3 of Schedule 2 to that Act controls a range of drugs as Class C drugs. Article 2 of this Order adds nitrous oxide to that paragraph.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and community bodies is available from and is published with an Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies may be obtained from the Drug Misuse Unit of the Home Office at 2 Marsham Street, London, SW1P 4DF.