
STATUTORY INSTRUMENTS

2013 No. 176

**DANGEROUS DRUGS, ENGLAND AND WALES
DANGEROUS DRUGS, SCOTLAND**

**The Misuse of Drugs (Amendment) (England,
Wales and Scotland) Regulations 2013**

Made - - - - *31st January 2013*
Laid before Parliament *4th February 2013*
Coming into force - - *26th February 2013*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 7, 10, 22 and 31 of the Misuse of Drugs Act 1971⁽¹⁾.

In accordance with section 31(3) of that Act the Secretary of State has consulted with the Advisory Council on the Misuse of Drugs.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2013 and shall come into force on 26th February 2013.

(2) These Regulations extend to England and Wales and Scotland.

Amendments to the Misuse of Drugs Regulations 2001

2. Schedule 1 to the Misuse of Drugs Regulations 2001⁽²⁾ (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27) shall be amended as follows.

3. In paragraph 1(a), after “*N,N*-Diethyltryptamine”, insert—
“2-((Dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol”.

4. For paragraph 1(h), (i), (j) and (k)⁽³⁾, substitute—

(1) 1971 c. 38. Section 22 has been amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2).

(2) S.I. 2001/3998. Relevant amending instruments are S.I. 2003/1432, S.I. 2003/1653, S.I. 2003/2429, S.I. 2004/1771, S.I. 2005/271, S.I. 2005/1653, S.I. 2005/2864, S.I. 2005/3372, S.I. 2006/986, S.I. 2006/1450, S.I. 2006/2178, S.I. 2007/2154, S.I. 2009/3136, S.I. 2010/1144, S.I. 2010/1799, S.I. 2011/448, S.I. 2012/277 which was not published and was revoked by S.I. 2012/385, S.I. 2012/973, and S.I. 2012/1311.

(3) Paragraph 1(h), (i), (j) and (k) was inserted by regulations 2 and 4(1)(b) of S.I. 2009/3136.

- “(h) Any compound structurally derived from 3-(1-naphthoyl)indole, 3-(2-naphthoyl)indole, 1H-indol-3-yl-(1-naphthyl)methane or 1H-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
- (i) Any compound structurally derived from 3-(1-naphthoyl)pyrrole or 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
- (j) Any compound structurally derived from 1-(1-naphthylmethylene)indene or 1-(2-naphthylmethylene)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.
- (k) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.”

5. After paragraph 1(l) insert—

- “(la) Any compound structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.
- (lb) Any compound structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent.
- (lc) Any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent.”

6. After paragraph 1(o)(4), insert—

- “(p) 1-Phenylcyclohexylamine or any compound (not being eticyclidine, ketamine, phenicyclidine, rolicyclidine, tenocyclidine or tiletamine) structurally derived from 1-phenylcyclohexylamine or 2-amino-2-phenylcyclohexanone by modification in any of the following ways, that is to say,

(4) Paragraph 1(o) was inserted by regulations 2 and 3 of S.I. 2012/1311.

- (i) by substitution at the nitrogen atom to any extent by alkyl, alkenyl or hydroxyalkyl groups, or replacement of the amino group with a 1-piperidyl, 1-pyrrolidyl or 1-azepyl group, whether or not the nitrogen containing ring is further substituted by one or more alkyl groups;
- (ii) by substitution in the phenyl ring to any extent by amino, alkyl, hydroxy, alkoxy or halide substituents, whether or not further substituted in the phenyl ring to any extent;
- (iii) by substitution in the cyclohexyl or cyclohexanone ring by one or more alkyl substituents;
- (iv) by replacement of the phenyl ring with a thienyl ring.”.

7. For paragraph 3, substitute—

“3. Any ester or ether of a substance specified in paragraph 1 (not being 2-((dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol) or paragraph 2.”.

Home Office
31st January 2013

Jeremy Browne
Minister of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations add, in regulation 3, 2-((dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol, commonly known as *O*-desmethyltramadol, to paragraph 1(a) of Schedule 1 to the Misuse of Drugs Regulations 2001. Regulations 4 and 5 add new categories of synthetic cannabinoids in substituted sub-paragraphs (h), (i), (j) and (k), and new sub-paragraphs (la), (lb) and (lc), of paragraph 1 respectively. Regulation 6 adds 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone, commonly known as methoxetamine, and other compounds related to ketamine and phencyclidine, in new paragraph 1(p). Regulation 7 substitutes a new paragraph 3 with the effect that an ester or ether of *O*-desmethyltramadol is not specified in Schedule 1 to the Misuse of Drugs Regulations 2001.