

2013 No. 624

DANGEROUS DRUGS, ENGLAND AND WALES

DANGEROUS DRUGS, SCOTLAND

**The Misuse of Drugs (Designation) (Amendment No. 2)
(England, Wales and Scotland) Order 2013**

<i>Made</i> - - - -	<i>13th March 2013</i>
<i>Laid before Parliament</i>	<i>18th March 2013</i>
<i>Coming into force</i> - -	<i>10th April 2013</i>

The Secretary of State, in exercise of the powers conferred by section 7(4) of the Misuse of Drugs Act 1971(a) and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 7(7) of that Act, makes the following Order:

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Misuse of Drugs (Designation) (Amendment No. 2) (England, Wales and Scotland) Order 2013 and shall come into force on 10th April 2013.
- (2) This Order extends to England and Wales and Scotland.

Amendments to the Misuse of Drugs (Designation) Order 2001

2. In paragraph 1(a) of Part 1 of the Schedule to the Misuse of Drugs (Designation) Order 2001(b) (which specifies controlled drugs to which section 7(4) of the Misuse of Drugs Act 1971 applies) after “Cannabis” insert “(not being the substance specified in paragraph 4 of Part 2 of this Schedule)”.

3. After paragraph 3 of Part 2 of the Schedule to the Misuse of Drugs (Designation) Order 2001 (which specifies controlled drugs excepted from Part 1)(c) insert—

“4. A liquid formulation—

- (a) containing a botanical extract of cannabis—
- (i) with a concentration of not more than 30 milligrams of cannabidiol per millilitre, and not more than 30 milligrams of delta-9-tetrahydrocannabinol per millilitre, and
- (ii) where the ratio of cannabidiol to delta-9-tetrahydrocannabinol is between 0.7 and 1.3,

(a) 1971 c. 38. Section 7(4) is extended by section 7(5) of the Misuse of Drugs Act 1971.

(b) S.I. 2001/3997 as amended by S.I. 2005/1652, S.I. 2009/3135, S.I. 2010/1143, S.I. 2010/1800, S.I. 2011/447, S.I. 2012/276 which was not published and was revoked by S.I. 2012/384, S.I. 2012/1310, and S.I. 2013/177.

(c) Paragraph 3 was inserted by article 3 of S.I. 2009/3135.

- (b) which is dispensed through a metered dose pump as a mucosal mouth spray, and
- (c) which was approved for marketing by the Medicines and Healthcare Products Regulatory Agency on 16th June 2010(a)".

Home Office
13th March 2013

Jeremy Browne
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 7(3) of the Misuse of Drugs Act 1971 requires regulations to be made to allow the use for medical purposes of the drugs which are subject to control under that Act. Section 7(3) does not apply to any drug designated by order under section 7(4) as a drug to which section 7(4) is to apply. Cannabis is designated in paragraph 1(a) of Part 1 of the Schedule to the Misuse of Drugs (Designation) Order 2001 as a drug to which section 7(4) applies, and this Order specifically excludes the cannabis-based medicine "Sativex" from such designation.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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(a) The approval may be accessed at <http://www.mhra.gov.uk/home/groups/par/documents/websiteresources/con084961.pdf>.

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