

2016 No. 1125

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2016

<i>Made</i>	- - - -	<i>21st November 2016</i>
<i>Laid before Parliament</i>		<i>23rd November 2016</i>
<i>Coming into force</i>	- -	<i>14th December 2016</i>

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(a).

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 2016 and come into force on 14th December 2016.

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

Amendments to the Misuse of Drugs Regulations 2001

2.—(1) The Misuse of Drugs Regulations 2001(b) are amended as follows.

(2) After paragraph 1(lc) of Schedule 1 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27) insert—

“(1d) any compound (not being clonitazene, etonitazene, acemetacin, atorvastatin, bazedoxifene, indometacin, losartan, olmesartan, proglumetacin, telmisartan, viminol, zafirlukast or a compound for the time being specified in sub-paragraphs (h) to (lc) above) structurally related to 1-pentyl-3-(1-naphthoyl)indole (JWH-018), in that the four sub-structures, that is to say the indole ring, the pentyl substituent, the methanone linking group and the naphthyl ring, are linked together in a similar manner, whether or not any of the sub-structures have been modified, and whether or not substituted in any of the linked sub-structures with one or more univalent substituents and, where any of the sub-structures have been modified, the modifications of the sub-structures are limited to any of the following, that is to say—

(a) 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). Other amendments have been made to sections 7, 10, 22 and 31 that are not relevant to these Regulations.

(b) S.I. 2001/3998. Relevant amending instruments are S.I. 2003/1432, S.I. 2005/1653, S.I. 2005/3372, S.I. 2006/986, S.I. 2007/2154, S.I. 2009/3136, S.I. 2010/1144, S.I. 2011/448, S.I. 2012/385, S.I. 2012/1311, S.I. 2013/176, S.I. 2013/625, S.I. 2014/1275, S.I. 2014/1377, S.I. 2014/3277 and S.I. 2015/891.

- (i) replacement of the indole ring with indane, indene, indazole, pyrrole, pyrazole, imidazole, benzimidazole, pyrrolo[2,3-b]pyridine, pyrrolo[3,2-c]pyridine or pyrazolo[3,4-b]pyridine;
- (ii) replacement of the pentyl substituent with alkyl, alkenyl, benzyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl, 2-(4-morpholinyl)ethyl or (tetrahydropyran-4-yl)methyl;
- (iii) replacement of the methanone linking group with an ethanone, carboxamide, carboxylate, methylene bridge or methine group;
- (iv) replacement of the 1-naphthyl ring with 2-naphthyl, phenyl, benzyl, adamantyl, cycloalkyl, cycloalkylmethyl, cycloalkylethyl, bicyclo[2.2.1]heptanyl, 1,2,3,4-tetrahydronaphthyl, quinolinyl, isoquinolinyl, 1-amino-1-oxopropan-2-yl, 1-hydroxy-1-oxopropan-2-yl, piperidinyl, morpholinyl, pyrrolidinyl, tetrahydropyranyl or piperazinyl;

(3) In paragraph 1 of Part 2 of Schedule 4 (which specifies controlled drugs excepted from the prohibition on possession when in the form of a medicinal product), after “Desoxymethyltestosterone” insert—

“Dienedione (estra-4, 9-diene-3,17-dione)”.

Sarah Newton
Parliamentary Under Secretary of State
Home Office

21st November 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations 2001 (S.I. 2001/3998) (“the Regulations”). The Schedule of the Regulations in which a controlled drug is placed affects the extent to which the drug can be lawfully imported, exported, produced, supplied or possessed. The controlled drugs placed in Schedule 1 to the Regulations are those subject to the tightest controls.

Regulation 3 adds a further range of synthetic cannabinoids to Schedule 1 to the Regulations, excluding those synthetic cannabinoids which are already specified at sub-paragraphs (h) to (lc), two other compounds which are already specified in Schedule 2 to the Regulations (clonitazene and etonitazene), and several other compounds that have legitimate medical uses (acemetacin, atorvastatin, bazedoxifene, indometacin, losartan, olmesartan, proglumetacin, telmisartan, viminol and zafirlukast).

Regulation 4 adds the anabolic steroid known as Dienedione (estra-4, 9-diene-3,17-dione) to Part 2 of Schedule 4 to the Regulations. Controlled drugs placed in Part 2 of Schedule 4 are exempt from the prohibition on importation, exportation and from the prohibition on possession when in the form of a medicinal product.

An Impact Assessment will be published alongside the Explanatory Memorandum on the legislation.gov.uk website.

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