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STATUTORY INSTRUMENTS

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**2013 No. 177**

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

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

<i>Made</i>	- - - -	<i>31st January 2013</i>
<i>Laid before Parliament</i>		<i>4th February 2013</i>
<i>Coming into force</i>	- -	<i>26th February 2013</i>

The Secretary of State, in exercise of the powers conferred by section 7(4) of the Misuse of Drugs Act 1971<sup>(1)</sup> 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) (England, Wales and Scotland) Order 2013 and shall come into force on 26th February 2013.

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

**Amendments to the Misuse of Drugs (Designation) Order 2001**

2. Part 1 of the Schedule to the Misuse of Drugs (Designation) Order 2001<sup>(2)</sup> (which specifies controlled drugs to which section 7(4) of the Misuse of Drugs Act 1971 applies) 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(l), (m), (n) and (o)<sup>(3)</sup>, substitute—

“(l) Any compound structurally derived from 3-(1-naphthoyl)indole, 3-(2-naphthoyl)indole, 1*H*-indol-3-yl-(1-naphthyl)methane or 1*H*-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl,

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(1) 1971 c. 38.

(2) 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2005/1652, S.I. 2009/3135, S.I. 2010/1143, S.I. 2010/1800, S.I. 2011/447, S.I. 2012/276 which was not published and was revoked by S.I. 2012/384, and S.I. 2012/1310.

(3) Paragraph 1(l), (m), (n) and (o) was inserted by article 2(c) of S.I. 2009/3135.

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.

- (m) 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.
- (n) 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.
- (o) 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(p)(4) insert—

- “(pa) 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.
- (pb) 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.
- (pc) 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(s)(5), insert—

- “(t) 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,
  - (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,

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(4) Paragraph 1(p) was inserted by article 2(c) of S.I. 2009/3135.

(5) Paragraph 1(s) was inserted by article 2 of S.I. 2012/1310.

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).*

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## **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. This Order amends the Misuse of Drugs (Designation) Order 2001 by inserting into Part 1 of the Schedule to that Order 2-((dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol, commonly known as *O*-desmethyltramadol; new categories of synthetic cannabinoids; and 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone, commonly known as methoxetamine, and other compounds related to ketamine and phencyclidine. Article 7 substitutes a new paragraph 3 to the effect that an ester or ether of *O*-desmethyltramadol is not designated as a drug to which section 7(4) of the Misuse of Drugs Act 1971 applies.