STATUTORY INSTRUMENTS

1986 No. 2330

DANGEROUS DRUGS

The Misuse of Drugs (Amendment) Regulations 1986

Made - - - -	*22nd December* 1986
Laid before Parliament	*13th January* 1987
Coming into Operation	*1st April* 1987

In pursuance of sections 7, 10 and 31 of the Misuse of Drugs Act 1971(**a**), after consultation with the Advisory Council on the Misuse of Drugs, I hereby make the following Regulations:—

1. These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations 1986 and shall come into operation on 1st April 1987.

2.—(1) The Misuse of Drugs Regulations 1985(**b**) shall be amended in accordance with the following provisions of this Regulation.

(2) For Regulation 9(3) there shall be substituted the following paragraph:—

"(3) Notwithstanding the provisions of section 4(1)*(b)* of the Act—

(a) a person who is authorised as a member of a group, under and in accordance with the terms of his group authority and in compliance with any conditions attached thereto;

(b) the person in charge or acting person in charge of a hospital or nursing home;

(c) in the case of such a drug supplied to her by a person responsible for the dispensing and supply of medicines at that hospital or nursing home, the sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or nursing home,

may, when acting in his capacity as such, supply or offer to supply any drug specified in Schedule 3, or any drug specified in Schedule 4 which is contained in a medicinal product, to any person who may lawfully have that drug in his possession:

Provided that nothing in this paragraph authorises—

(i) the person in charge or acting person in charge of a hospital or nursing home, having a pharmacist responsible for the dispensing and supply of medicines, to supply or offer to supply any drug;

(ii) a sister or acting sister for the time being in charge of a ward, theatre or other department to supply any drug otherwise than for administration to a patient in that ward, theatre or department in accordance with the directions of a doctor or dentist.".

(3) Paragraph 1 of Schedule 1 shall be amended as follows—

(**a**) 1971 c.38. (**b**) S.I. 1985/2066.

(a) in sub-paragraph *(a)*, after "Cannabis and cannabis resin" there shall be inserted "Cathinone"; and

(b) there shall be added at the end the following sub-paragraphs:—

"*(d)* any compound (not being a compound for the time being specified in Schedule 2) structurally derived from fentanyl by modification in any of the following ways, that is to say,

(i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;

(ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;

(iii) by substitution in the piperidine ring with alkyl or alkenyl groups;

(iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups;

(v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group;

(vi) by replacement of the *N*-propionyl group by another acyl group;

(e) any compound (not being a compound for the time being specified in Schedule 2) structurally derived from pethidine by modification in any of the following ways, that is to say,

(i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;

(ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;

(iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;

(iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group;

(v) by formation of an *N*-oxide or of a quaternary base.".

(4) Schedule 2 shall be amended as follows—

(a) in paragraph 1—

(i) "Glutethimide" and "Lefetamine" shall be omitted; and

(ii) there shall be inserted, after "Bezitramide", "Carfentanil" and, after "Levorphanol", "Lofentanil"; and

(b) in paragraph 6, after "Ethylmorphine (3-ethylmorphine)" there shall be inserted "Fenethylline", "Glutethimide" and "Lefetamine".

(5) Schedule 3 shall be amended as follows—

(a) in paragraph 1*(a)*, there shall be inserted, after "Benzphetamine", "Cathine"; and

(b) in paragraph 2, there shall be added at the end the words "not being phenylpropanolamine".

(6) Paragraph 1 of Schedule 4 shall be amended as follows—

(a) after "Ethyl loflazepate" there shall be inserted "Fencamfamin" and "Fenproporex";

(b) after "Medazepam" there shall be inserted "Mefenorex";

(c) after "Prazepam" there shall be inserted "Propylhexedrine" and "Pyrovalerone"; and

(d) after "Triazolam" there shall be inserted "*N*-Ethylamphetamine".

Douglas Hurd,
One of Her Majesty's Principal Secretaries of State.

Home Office.
22nd December 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Misuse of Drugs Regulations 1985.

The principal amendments are contained in Regulation 2(3), (4), (5) and (6). Those paragraphs add to the Schedules to the 1985 Regulations certain drugs which are made subject to control under the Misuse of Drugs Act 1971 by virtue of the Misuse of Drugs Act 1971 (Modification) Order 1986 (S.I. 1986/2230): to Schedule 1 are added Cathinone and two classes of compounds, namely certain fentanyl derivatives and certain pethidine derivatives (other than members of those classes which are specified in Schedule 2); to Schedule 2 are added Carfentanil, Fenethylline and Lofentanil; to Schedule 3 is added Cathine (except the phenylpropanolamine stereoisomers); and to Schedule 4 are added Fencamfamin, Fenproporex, Mefenorex, Propylhexedrine, Pyrovalerone and *N*-Ethylamphetamine.

The other amendments (namely, the substitution of a new paragraph for Regulation 9(3) of the 1985 Regulations and the removal of Glutethimide and Lefetamine from paragraph 1 to paragraph 6 of Schedule 2 to those Regulations) are made for the purpose of clarification and do not effect a change of substance.