

2018 No. 1383

DANGEROUS DRUGS

**The Misuse of Drugs and Misuse of Drugs (Safe Custody)
(Amendment) (England and Wales and Scotland) Regulations
2018**

<i>Made</i>	- - - -	<i>17th December 2018</i>
<i>Laid before Parliament</i>		<i>19th December 2018</i>
<i>Coming into force</i>	- -	<i>1st April 2019</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 and Misuse of Drugs (Safe Custody) (Amendment) (England and Wales and Scotland) Regulations 2018 and come into force on the 1st April 2019.

(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) In paragraph 1(a) of Schedule 3 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 22, 23, 24, 26 and 27)—

(a) after “Flunitrazepam” insert—

“Gabapentin (1-(aminomethyl)cyclohexanecarboxylic acid)”;

(b) after “Pipradrol” insert—

“Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid)”.

(3) In paragraph 3 of Schedule 3, for “Any ester or ether of pipradrol.” substitute—

“Any—

(a) ester or ether of pipradrol; or

(a) 1971 c. 38. Section 22 was amended by 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. 2003/2429, 2004/1031, 2004/1771, 2005/271, 2005/2864, 2006/986, 2006/1450, 2006/2178, 2007/2154, 2011/2581, 2012/973, 2012/1311, 2012/1916, 2013/235, 2014/1275, 2015/891 and 2018/682.

- (b) ester of gabapentin (1-(aminomethyl)cyclohexaneacetic acid) or pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid).”.

Amendment to the Misuse of Drugs (Safe Custody) Regulations 1973

3.—(1) The Misuse of Drugs (Safe Custody) Regulations 1973(a) are amended as follows.

(2) In paragraph 1 of Schedule 1 (exempted drugs), for “the Misuse of Drugs Regulations 1985” substitute “the Misuse of Drugs Regulations 2001”.

(3) In paragraph 3 of Schedule 1—

(a) after sub-paragraph (d), insert—

“(da) Gabapentin (1-(aminomethyl)cyclohexaneacetic acid)”;

(b) after sub-paragraph (j), insert—

“(jaa) Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid)”;

(c) for sub-paragraph (k), substitute—

“(k) Any ester of gabapentin (1-(aminomethyl)cyclohexaneacetic acid) or pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid).

(ka) Any stereoisomeric form of a substance specified in any of paragraphs (a) to (k) above.”;

(d) in sub-paragraph (l), for “(k)” substitute “(ka)”.

Victoria Atkins
Minister of State
Home Office

17th December 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations 2001 (S.I. 2001/3998) (the “2001 Regulations”) and the Misuse of Drugs (Safe Custody) Regulations 1973 (S.I. 1973/798) (the “1973 Regulations”).

Regulation 2 adds the compounds known as pregabalin and gabapentin to Schedule 3 to the 2001 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 and dictates the record keeping, labelling and destruction requirements in relation to that drug.

Regulation 3 inserts pregabalin and gabapentin into the list of exempted drugs in Schedule 1 to the 1973 Regulations. These compounds are consequently exempted from the safe custody requirements of those Regulations.

A full Impact Assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector will be published alongside the Explanatory Memorandum on the legislation.gov.uk website. Copies may be obtained from the Home Office at 2 Marsham Street, London, SW1P 4DF.

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(a) S.I. 1973/798. Relevant amending instruments are S.I. 1986/2332, 1999/1403, 2007/2154 and 2014/1275.

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