STATUTORY INSTRUMENTS

2009 No. 3136

DANGEROUS DRUGS, ENGLAND AND WALES
DANGEROUS DRUGS, SCOTLAND

The Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2009

Made - - - -	*30th November 2009*
Laid before Parliament	*2nd December 2009*
Coming into force - -	*23rd December 2009*

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(**1**).

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, interpretation and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2009 and shall come into force on 23rd December 2009.

(2) In these Regulations "the 2001 Regulations" means the Misuse of Drugs Regulations 2001(**2**).

(3) These Regulations extend to England, Wales and Scotland.

Amendment to the 2001 Regulations

2. The 2001 Regulations shall be amended as follows.

3. After regulation 4A, insert—

"**4B Exceptions for gamma–butyrolactone and 1,4–butanediol**

(1) Gamma–butyrolactone and 1,4–butanediol are excepted from sections 3(1) (import and export), 4(1) (production and supply) and 5(1) (possession) of the Act save where a person imports, exports, produces, supplies or offers to supply either substance, or has either

(**1**) 1971 c. 38 as modified by the Northern Ireland Act 1998 (c. 47).
(**2**) S.I. 2001/3998. Relevant amending instruments are S.I. 2003/1432, S.I. 2003/1653, S.I. 2003/2429, S.I. 2004/1771, S.I. 2005/271, S.I. 2005/1653, S.I. 2005/2864, S.I. 2005/3372, S.I. 2006/986, 2006/1450, S.I. 2006/2178 and S.I. 2007/2154.

substance in his possession, knowing or believing that it will be used for the purpose of human ingestion whether by himself or another person other than as a flavouring in food.

(2) In this regulation references to gamma–butyrolactone and 1,4–butanediol include—

(a) any stereoisomeric form of gamma–butyrolactone or 1,4–butanediol;

(b) any salt of gamma–butyrolactone, 1,4–butanediol or of a substance specified in sub–paragraph (a) of this paragraph; and

(c) any preparation or other product containing gamma–butyrolactone, 1,4–butanediol or a substance specified in sub–paragraph (a) or (b) of this paragraph."

4.—(1) In Schedule 1 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27)—

(a) in paragraph 1(a)—

(i) after "Concentrate of poppy-straw", insert—

"[2,3–Dihydro–5–methyl–3–(4–morpholinylmethyl)pyrrolo[1, 2, 3–*de*]–1,4–benzoxazin–6–yl]–1–naphthalenylmethanone

3–Dimethylheptyl–11–hydroxyhexahydrocannabinol";

(ii) after "Fungus (of any kind) which contains psilocin or an ester of psilocin", insert—

"[9–Hydroxy–6–methyl–3–[5–phenylpentan–2–yl] oxy–5, 6, 6a, 7, 8, 9, 10, 10a–octahydrophenanthridin–1–yl] acetate

9-(Hydroxymethyl)–6, 6–dimethyl–3–(2–methyloctan–2–yl)–6a, 7, 10, 10a–tetrahydrobenzo[*c*]chromen–1–ol";

(b) after paragraph 1(f), insert—

"(g) 1–benzylpiperazine or any compound (not being a compound for the time being specified in Schedule 4) structurally derived from 1–benzylpiperazine or 1–phenylpiperazine by modification in any of the following ways—

(i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;

(ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylenedioxy, halide or haloalkyl groups;

(h) any compound structurally derived from 3–(1–naphthoyl)indole or 1*H*–indol–3–yl–(1–naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

(i) any compound structurally derived from 3–(1–naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

(j) any compound structurally derived from 1–(1–naphthylmethyl)indene by substitution at the 3–position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl 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;

(k) any compound structurally derived from 3–phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl,

cycloalkylethyl 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;

(l) any compound structurally derived from 2–(3–hydroxycyclohexyl)phenol by substitution at the 5–position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent.”

(2) In paragraph 1 of Schedule 2 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 21, 23, 26 and 27)—

(a) after “Myrophine”, insert “Nabilone”;

(b) after “Norpipanone”, insert “Oripavine”.

(3) In paragraph 1 of Part 1 of Schedule 4 (which specifies controlled drugs subject to the requirements of regulations 22, 23, 26 and 27), after “Chlordiazepoxide”, insert—

“1–(3–chlorophenyl)piperazine

1–(3–chlorophenyl)–4–(3–chloropropyl)piperazine”.

(4) In Part 2 of Schedule 4 (controlled drugs excepted from the prohibition on possession when in the form of a medicinal product)—

(a) in paragraph 1—

(i) before “4–Androstene–3,17–dione”, insert—

“5α–Androstane–3,17–diol

Androst-4-ene-3,17-diol

1–Androstenediol

1–Androstenedione”;

(ii) after “4–Androstene–3,17–dione”, insert “5–Androstenedione”;

(iii) after “Boldenone”, insert “Boldione”;

(iv) after “Clostebol”, insert—

“Danazol

Desoxymethyltestosterone”;

(v) after “Furazabol”, insert—

“Gestrinone

3–Hydroxy–5α–androstan–17–one”;

(vi) after “Nandrolone”, insert “19–Norandrostenedione”;

(vii) after “19–Nor–5–Androstene–3,17–diol”, insert “19–Norandrosterone”;

(viii) after “Norethandrolone”, insert “19–Noretiocholanolone”;

(ix) after “Propetandrol”, insert “Prostanozol”;

(x) after “Testosterone”, insert “Tetrahydrogestrinone”;

(b) in paragraph 4, after “Somatropin”, insert—

“Zeranol

Zilpaterol”.

Home Office
30th November 2009

Alan Campbell
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert 1–benzylpiperazine (BZP), all but two of a group of substituted piperazines and the synthetic cannabinoid agonists into Schedule 1 to the Misuse of Drugs Regulations 2001 ("the 2001 Regulations"), save for nabilone which is inserted into Schedule 2 to the 2001 Regulations along with oripavine. The two other substituted piperazines are inserted into Part 1 of Schedule 4 to the 2001 Regulations and 15 anabolic steroids and 2 non-steroidal agents are inserted into Part 2 of that Schedule. The schedule in which a controlled drug is placed primarily 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 those drugs.

Gamma–butyrolactone (GBL) and 1,4–butanediol (1,4–BD) are not inserted into any schedule. However, regulation 3 makes it lawful to import, export, produce, supply, offer to supply or possess these substances except where a person does so, knowing or believing that it will be used for the purpose of human ingestion other than as a flavouring in food.