
STATUTORY INSTRUMENTS

2012 No. 980

DANGEROUS DRUGS

**The Misuse of Drugs Act 1971
(Temporary Class Drug) Order 2012**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>29th March 2012</i>
<i>Laid before Parliament</i>		<i>3rd April 2012</i>
<i>Coming into force</i>	- -	<i>5th April 2012</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 2A(1) and (5), 7A(2), (3) and (6) and 31(1) of the Misuse of Drugs Act 1971⁽¹⁾.

None of the substances specified in article 2(a) to (e) of this Order is a Class A drug, a Class B drug or a Class C drug.

It appears to the Secretary of State that those substances are drugs that are being, or are likely to be, misused, and that that misuse is having, or is capable of having, harmful effects.

The Secretary of State has consulted the Advisory Council on the Misuse of Drugs in accordance with section 2B(2)(a)(2) of the Misuse of Drugs Act 1971, and has determined that this Order should be made.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Misuse of Drugs Act 1971 (Temporary Class Drug) Order 2012 and comes into force on 5th April 2012.

(2) In this Order the “2001 Regulations” means the Misuse of Drugs Regulations 2001⁽³⁾.

Drugs subject to temporary control

2. The following substances are specified under section 2A(1) of the Misuse of Drugs Act 1971 as drugs subject to temporary control—

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- (1) [1971 c. 38](#). Sections 2A and 7A were inserted by section 151 of, and paragraphs 3 and 8 of Schedule 17 to, the Police Reform and Social Responsibility Act [2011 \(c. 13\)](#).
- (2) Section 2B was inserted by section 151 of, and paragraph 3 of Schedule 17 to, the Police Reform and Social Responsibility Act 2011.
- (3) [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](#), [S.I. 2006/1450](#), [S.I. 2006/2178](#), [S.I. 2007/2154](#), [S.I. 2009/3136](#), [S.I. 2010/1144](#), [S.I. 2010/1799](#), [S.I. 2011/448](#), [S.I. 2012/277](#) which was not published and was revoked by [S.I. 2012/385](#), and [S.I. 2012/973](#).

- (a) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone;
- (b) any stereoisomeric form of 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone;
- (c) any ester or ether of a substance specified in paragraph (a) or (b);
- (d) any salt of a substance specified in any of paragraphs (a) to (c); and
- (e) any preparation or other product containing a substance specified in any of paragraphs (a) to (d).

Application of the Misuse of Drugs (Safe Custody) Regulations 1973 and of the 2001 Regulations to 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone and related substances

3. The Misuse of Drugs (Safe Custody) Regulations 1973⁽⁴⁾ apply to the substances specified in article 2(a) to (e), and the 2001 Regulations apply to those substances as if those substances were specified as controlled drugs to which Schedule 1 to the 2001 Regulations applied.

Home Office
29th March 2012

Lord Henley
Minister of State

⁽⁴⁾ S.I. 1973/798. Relevant amending instruments are S.I. 1974/1449, S.I. 1975/294, S.I. 1986/2332, S.I. 1999/1403, S.I. 2001/1149, S.I. 2007/2154 and S.I. 2011/2085.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone and related substances specified in article 2, commonly known as methoxetamine, as drugs subject to temporary control under section 2A(1) of the Misuse of Drugs Act 1971 (inserted by section 151 of, and paragraph 3 of Schedule 17 to, the Police Reform and Social Responsibility Act 2011). Article 3 provides that the Misuse of Drugs (Safe Custody) Regulations 1973 apply to 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone and related substances, and that the provisions of the Misuse of Drugs Regulations 2001 are to apply to those substances as if they were specified as controlled drugs to which Schedule 1 to the Misuse of Drugs Regulations 2001 applied. In accordance with subsection (6) of section 2A of the Misuse of Drugs Act 1971, 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone and related substances will cease to be subject to temporary control after the expiry of one year or, if earlier, upon the coming into force of an Order in Council under section 2(2) of that Act listing 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone and related substances in Part 1, 2 or 3 of Schedule 2 to that Act.