
STATUTORY INSTRUMENTS

2021 No. 897

DANGEROUS DRUGS

**The Misuse of Drugs and Misuse of Drugs (Designation)
(Amendment) (England, Wales and Scotland) Regulations 2021**

<i>Made</i>	- - - -	<i>22nd July 2021</i>
<i>Laid before Parliament</i>		<i>28th July 2021</i>
<i>Coming into force</i>	- -	<i>18th August 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 7(4) and (5), 10(1) and 31(1)(a) of the Misuse of Drugs Act 1971⁽¹⁾. In accordance with sections 7(7) and 31(3) of that Act the Secretary of State has consulted 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 (Designation) (Amendment) (England, Wales and Scotland) Regulations 2021 and come into force on 18th August 2021.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Misuse of Drugs Regulations 2001

2.—(1) The following amendments are made to Schedule 1 to the Misuse of Drugs Regulations 2001⁽²⁾ (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27).

(2) In paragraph 1(a)—

- (a) after “Etryptamine” insert “Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)”;
- (b) after “Flubromazolam (8-Bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4] benzodiazepine)” insert “Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)”;

(1) 1971 c. 38.

(2) S.I. 2001/3998, amended by S.I. 2017/631; there are other amending instruments, but none is relevant.

- (c) after “Nitrazolam (1-Methyl-8-nitro-6-phenyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine)” insert “Norfludiazepam (7-chloro-5-(2-fluorophenyl)-1,3-dihydro-2*H*-1,4-benzodiazepin-2-one)”.

Amendment of the Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015

3.—(1) The following amendments are made to Schedule 1 to the Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015⁽³⁾ (controlled drugs to which section 7(4) of the Misuse of Drugs Act 1971 applies).

(2) In paragraph 1(a)—

- (a) after “Etryptamine” insert “Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine)”;
- (b) after “Flubromazolam (8-Bromo-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4] benzodiazepine)” insert “Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine)”;
- (c) after “Nitrazolam (1-Methyl-8-nitro-6-phenyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine)” insert “Norfludiazepam (7-chloro-5-(2-fluorophenyl)-1,3-dihydro-2*H*-1,4-benzodiazepin-2-one)”.

22nd July 2021

Kit Malthouse
Minister of State
Home Office

(3) [S.I. 2015/704](#), amended by [S.I. 2017/632](#); there are other amending instruments, but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations 2001 ([S.I. 2001/3998](#)) (“the Regulations”) and the Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015 ([S.I. 2015/704](#)) (“the Order”).

Regulation 2 adds three benzodiazepines, being the compounds known as flualprazolam, flunitrazolam and norfludiazepam, to Schedule 1 to the Regulations. The Schedule in which a controlled drug is placed affects the extent to which the drug can be lawfully imported, exported, produced, supplied or possessed. The controlled drugs placed in Schedule 1 to the Regulations are those subject to the tightest controls, requiring a Home Office licence in order to access such drugs.

Regulation 3 adds the compounds known as flualprazolam, flunitrazolam and norfludiazepam to Schedule 1 to the Order. Section 7(3) of the Misuse of Drugs Act 1971 requires the Secretary of State to make regulations to allow drugs controlled under that Act to be used for medicinal purposes. Section 7(3), however, does not apply to any drug which is designated by order under section 7(4) of that Act. Controlled drugs are designated where the Secretary of State is of the opinion that it is in the public interest for production, supply and possession of that drug to be either wholly unlawful or unlawful except for research or other special purposes, or for medicinal use of the drug to be unlawful except under licence. Schedule 1 to the Order specifies the list of controlled drugs to which section 7(4) applies.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sectors is foreseen.