STATUTORY INSTRUMENTS

2009 No. 3135

DANGEROUS DRUGS, ENGLAND AND WALES

DANGEROUS DRUGS, SCOTLAND

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

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

The Secretary of State, in exercise of the powers conferred by section 7(4) and (5) of the Misuse of Drugs Act 1971(**a**) and after consultation with the Advisory Council on the Misuse of Drugs in accordance with section 7(7) of that Act, hereby makes the following Order:

Citation, commencement, interpretation and extent

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

(2) In this Order "the 2001 Order" means the Misuse of Drugs (Designation) Order 2001(**b**).

(3) This Order extends to England, Wales and Scotland.

Amendment to the 2001 Order

2. In Part 1 of the Schedule to the 2001 Order—

(a) in paragraph 1(a), after "Bufotenine", insert "1,4–Butanediol";

(b) in paragraph 1(a), after "Fungus (of any kind) which contains psilocin or an ester of psilocin", insert "Gamma–butyrolactone";

(c) after paragraph 1(f), insert—

"(g) 1–benzylpiperazine or any compound (not being a compound for the time being specified in Part II of this Schedule) 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;

(**a**) 1971 (c. 38). Section 7 has been modified by the Northern Ireland Act 1998 (c. 47).
(**b**) S.I. 2001/3997 as amended by S.I. 2005/1652.

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

(i) 3–Dimethylheptyl–11–hydroxyhexahydrocannabinol;

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

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

(l) 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;

(m) 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;

(n) 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;

(o) 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;

(p) 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.".

3. In Part 2 of the Schedule to the 2001 Order, after paragraph 2, insert—

"**3.** The compounds referred to in paragraph 1(g) of Part I of this Schedule are—

1–(3–chlorophenyl)piperazine

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

Home Office
30th November 2009

Alan Campbell
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

Section 7(3) of the Misuse of Drugs Act 1971 ("the 1971 Act") requires regulations to be made to allow the use for medical purposes of the drugs which are subject to control under the 1971 Act. Section 7(3) does not apply to any drug designated by order under section 7(4) as a drug to which section 7(4) is to apply. This Order amends the Misuse of Drugs (Designation) Order 2001 by inserting into Part 1 of the Schedule to that Order gamma–butyrolactone (GBL), 1,4–butanediol (1,4–BD), 1–benzylpiperazine (BZP) and a group of substituted piperazines and synthetic cannabinoid receptor agonists excluding nabilone. Regulation 3 specifically excludes two substituted piperazines from the designation.

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