
STATUTORY INSTRUMENTS

2019 No. 1362

DANGEROUS DRUGS

**The Misuse of Drugs and Misuse of Drugs (Designation)
(Amendment) (England, Wales and Scotland) Regulations 2019**

<i>Made</i>	- - - -	<i>17th October 2019</i>
<i>Laid before Parliament</i>		<i>23rd October 2019</i>
<i>Coming into force</i>	- -	<i>15th November 2019</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 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 (Designation) (Amendment) (England, Wales and Scotland) Regulations 2019 and come into force on 15th November 2019.

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

Amendment of the Misuse of Drugs Regulations 2001

2. In paragraph 1(ld) of 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), for the words before paragraph (i) substitute—

“Any compound (not being a compound for the time being specified in sub-paragraphs (h) to (lc) above) structurally related to 1-pentyl-3-(1-naphthoyl)indole (JWH-018), in that the four sub-structures, that is to say the indole ring, the pentyl substituent, the methanone linking group and the naphthyl ring, are linked together in a similar manner, whether or not any of the sub-structures have been modified, and whether or not substituted in any of the linked sub-structures with a benzyl or phenyl group and whether or not such compound is further substituted to any extent with alkyl, alkenyl, alkoxy, halide, haloalkyl or cyano substituents and, where any of the sub-structures have been modified, the modifications of the sub-structures are limited to any of the following, that is to say—”.

(1) 1971 c. 38.

(2) S.I. 2001/3998; paragraph 1(ld) was inserted by S.I. 2016/1125.

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

3. In paragraph 1(sa) of 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), for the words before paragraph (i) substitute—

“Any compound (not being a compound for the time being specified in sub-paragraphs (h) to (s) above) structurally related to 1-pentyl-3-(1-naphthoyl)indole (JWH-018), in that the four sub-structures, that is to say the indole ring, the pentyl substituent, the methanone linking group and the naphthyl ring, are linked together in a similar manner, whether or not any of the sub-structures have been modified, and whether or not substituted in any of the linked sub-structures with a benzyl or phenyl group and whether or not such compound is further substituted to any extent with alkyl, alkenyl, alkoxy, halide, haloalkyl or cyano substituents and, where any of the sub-structures have been modified, the modifications of the sub-structures are limited to any of the following, that is to say—”.

17th October 2019

Kit Malthouse
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 amends Schedule 1 to the Misuse of Drugs Regulations 2001 to reduce the range of compounds captured by one category of synthetic cannabinoids to which the Schedule applies. The controlled drugs listed in Schedule 1 are subject to the tightest controls, requiring a Home Office licence in order to access such drugs.

Regulation 3 amends Schedule 1 to the Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015 to reduce the range of compounds captured by one category of synthetic cannabinoids in that Schedule. 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 Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015 specifies the list of controlled drugs to which section 7(4) applies.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk ; copies may be obtained from the Home Office at 2 Marsham Street, London SW1P 4DF.