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STATUTORY INSTRUMENTS

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**2011 No. 448**

**DANGEROUS DRUGS, ENGLAND AND WALES  
DANGEROUS DRUGS, SCOTLAND**

**The Misuse of Drugs (Amendment) (England,  
Wales and Scotland) Regulations 2011**

*Made* - - - - *18th February 2011*  
*Laid before Parliament* *22nd February 2011*  
*Coming into force* - - *28th March 2011*

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<sup>(1)</sup>.

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 and extent**

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2011 and shall come into force on 28th March 2011.

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

**Amendments to the Misuse of Drugs Regulations 2001**

2. The Misuse of Drugs Regulations 2001<sup>(2)</sup> shall be amended as follows.

3. For regulation 4B, substitute—

**“Exceptions for gamma-butyrolactone and 1,4-butanediol**

**4B.**—(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,

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(1) 1971 c. 38. Section 22 has been amended by section 177(1) of, and paragraph 12 of Schedule 4 to, the Customs and Excise Management Act 1979 (c. 2).

(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, S.I. 2006/1450, S.I. 2006/2178, S.I. 2007/2154, S.I. 2009/3136, S.I. 2010/1144 and S.I. 2010/1799.

or has either 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 include—
- (a) any salt of gamma-butyrolactone; and
  - (b) any preparation or other product containing gamma-butyrolactone or a substance specified in sub-paragraph (a) of this paragraph.
- (3) In this regulation references to 1,4-butanediol include—
- (a) any substance which is an ester or ether or both an ester and ether of 1,4-butanediol;
  - (b) any salt of 1,4-butanediol or of a substance specified in sub-paragraph (a) of this paragraph; and
  - (c) any preparation or other product containing 1,4-butanediol or a substance specified in sub-paragraph (a) or (b) of this paragraph.”

4. In paragraph 1(a) of Schedule 1 (which specifies controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 23, 26 and 27) omit “4-methylmethcathinone”.

5. 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 “Alphaprodine”, insert “Amineptine”; and
- (b) after “Sufentanil”, insert “Tapentadol”.

### **Revocations**

6. Regulation 3 of the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2009<sup>(3)</sup> is revoked.

7. Paragraph (a) of regulation 3 of the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2010<sup>(4)</sup> is revoked.

Home Office  
18th February 2011

*James Brokenshire*  
Parliamentary Under-Secretary of State

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<sup>(3)</sup> S.I. 2009/3136.  
<sup>(4)</sup> S.I. 2010/1144.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend regulation 4B of the Misuse of Drugs Regulations 2001 (the “2001 Regulations”) by including within the reference to 1,4-butanediol in regulation 4B any substance which is an ester or ether or both an ester and an ether of 1,4-butanediol, and by removing from the references to gamma-butyrolactone and 1,4-butanediol any stereoisomeric form of gamma-butyrolactone and 1,4-butanediol respectively. Regulation 4B was inserted into the 2001 Regulations by regulation 3 of the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2009, and makes it lawful to import, export, produce, supply, offer to supply or possess gamma-butyrolactone and 1,4-butanediol 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.

These Regulations remove 4-methylmethcathinone from paragraph 1(a) of Schedule 1 to the 2001 Regulations – 4-methylmethcathinone will though fall within paragraph 1(m) - and revoke paragraph (a) of regulation 3 of the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2010. These Regulations insert Amineptine and Tapentadol in Schedule 2 to the 2001 Regulations. 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 that drug.