

Order made by the Secretary of State, laid before Parliament under section 2A(10) of the Misuse of Drugs Act 1971, for approval by resolution of each House of Parliament within 40 days beginning with the day on which the Order was made, subject to extension for periods of dissolution, prorogation or adjournment of both Houses for more than four days.

STATUTORY INSTRUMENTS

2016 No. 1126

DANGEROUS DRUGS

The Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 2) Order 2016

Made - - - - *21st November 2016*
Laid before Parliament- - *23rd November 2016*
Coming into force - - *27th November 2016*

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 or products specified in article 2 of this Order is a Class A drug, a Class B drug or a Class C drug.

The Secretary of State has received a recommendation from the Advisory Council on the Misuse of Drugs under section 2B(1)(b)(2) of the Misuse of Drugs Act 1971 that this Order should be made.

Citation and commencement

1. This Order may be cited as the Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 2) Order 2016 and comes into force on 27th November 2016.

Drugs subject to temporary control

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

- (a) N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine or MPA);
- (b) any stereoisomeric form of N-methyl-1-(thiophen-2-yl)propan-2-amine;
- (c) any salt of a substance specified in paragraph (a) or (b); and

(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.

- (d) any preparation or other product containing a substance specified in any of paragraphs (a) to (c).

Application of other instruments

3.—(1) The Misuse of Drugs (Safe Custody) Regulations 1973**(3)** and the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973**(4)** apply to the substances and products listed in article 2 of this Order.

(2) The Misuse of Drugs Regulations 2001**(5)** apply to the substances and products listed in article 2 of this Order as if those substances and products were specified in Schedule 1 to those Regulations.

(3) The Misuse of Drugs Regulations (Northern Ireland) 2002**(6)** apply to the substances and products listed in article 2 of this Order as if those substances and products were specified in Schedule 1 to those Regulations.

21st November 2016

Sarah Newton
Parliamentary Under Secretary of State
Home Office

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- (3) 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, S.I. 2011/2085, S.I. 2011/2581 and S.I. 2014/1275.
- (4) S.R. 1973 No. 179. Relevant amending instruments are S.R. 1987 No. 67, S.R. 1999 No. 252, S.R. 2007 No. 348 and S.R. 2011 No. 86.
- (5) 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, S.I. 2012/973, S.I. 2013/176, S.I. 2013/625, S.I. 2014/1275, S.I. 2014/1377, S.I. 2014/3277, S.I. 2015/231 and S.I. 2015/891.
- (6) S.R. 2002 No.1. Relevant amending instruments are S.R. 2003 Nos.314, 324 and 420, S.R. 2005 Nos. 119, 360 and 564, S.R. 2006 Nos. 44, 214, 264 and 334, S.R. 2007 No. 348, S.R. 2009 Nos. 390 and 397, S.R. 2010 Nos. 148 and 247, S.R. 2011 No. 153, S.R. 2012 No. 168, S.R. 2013 No. 78, S.R. 2014 Nos. 21, 158 and 261, S.R. 2015 Nos. 53 and 227 and S.R. 2016 No.29.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order specifies substances and products as drugs subject to temporary control under section 2A(1) of the Misuse of Drugs Act 1971. The substances and products specified in article 2 are N-methyl-1-(thiophen-2-yl)propan-2-amine related materials which are being misused as new psychoactive substances.

These substances and products were made the subject of temporary control by the Misuse of Drugs Act 1971 (Temporary Class Drug) (No. 3) Order 2015 (“the 2015 Order”). The 2015 Order expires on the 26 November 2016. This Order renews the controls which the 2015 Order had put in place.

Article 3 of this Order provides that the Misuse of Drugs (Safe Custody) Regulations 1973 and the Misuse of Drugs (Safe Custody) (Northern Ireland) Regulations 1973 apply to those substances and products, and the Misuse of Drugs Regulations 2001 and the Misuse of Drugs Regulations (Northern Ireland) 2002 apply to those substances and products as if they were specified in Schedule 1 to each of the relevant Regulations.

In accordance with subsection (6) of section 2A of the Misuse of Drugs Act 1971, the specified substances and products 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 the specified substances and products in Part 1, 2 or 3 of Schedule 2 to that Act.