SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3481 of 14 July, 2005

LEGAL NOTICE NO. 105 OF 2005.

DRUGS (MISUSE) ORDINANCE

DRUGS (MISUSE) ORDINANCE (AMENDMENT OF SCHEDULES) ORDER 2005

In the exercise of the powers conferred on the Government by sections 4(2) and 14(3) of the Drugs (Misuse) Ordinance, and of all other enabling powers, and after consulting the Advisory Council on the Misuse of Drugs, the Government has made the following Order–

Title.

1. This Order may be cited as the Drugs (Misuse) Ordinance (Amendment of Schedules) Order 2005.

Replacement of Schedule 1 to the Drugs (Misuse) Ordinance.

2. For Schedule 1, substitute–

"SCHEDULE 1

sections 2(1) and 4

Part I

Class A Drugs

1. The following substances and products, namely–

(a)

Acetorphine	Lysergamide
Alfentanil	Lysergide and other *N*-alkyl derivatives of lysergamide
Allylprodine	Mescaline
Alphacetylmethadol	Metazocine
Alphameprodine	Methadone
Alphamethadol	Methadyl acetate

Alphaprodine	Methyldesorphine
Anileridine	Methyldihydromorphine (6-methyldihydromorphine)
Benzethidine	Metopon
Benzylmorphine (3-benzylmorphine)	Morpheridine
Betacetylmethadol	Morphine
Betameprodine	Morphine methobromide, morphine *N*-oxide and other pentavalent nitrogen morphine derivatives
Betamethadol	Myrophine
Betaprodine	Nicomorphine (3,6-dinicotinoyl-morphine)
Bezitramide	Noracymethadol
Bufotenine	Norlevorphanol
Cannabinol, except where contained in cannabis or cannabis resin	Normethadone
Cannabinol derivatives	Normorphine
Carfentanil	Norpipanone
Clonitazene	Opium, whether raw, prepared or medicinal
Coca leaf	Oxycodone
Cocaine	Oxymorphone
Desomorphine	Pethidine
Dextromoramide	Phenadoxone
Diamorphine	Phenampromide
Diampromide	Phenazocine
Diethylthiambutene	Phencyclidine
Difenoxin (1-(3-cyano-3,3-diphenylpropyl) -4-phenylpiperidine-4-carboxylic acid)	Phenomorphan
Dihydrocodeinone O-carboxymethyloxime	Phenoperidine
Dihydroetorphine	Piminodine
Dihydromorphine	Piritramide
Dimenoxadole	Poppy-straw and concentrate of poppy-straw
Dimepheptanol	Proheptazine
Dimethylthiambutene	Properidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester)

Dioxaphetyl butyrate	Psilocin
Diphenoxylate	Racemethorphan
Dipipanone	Racemoramide
(Drotebanol (3,4-dimethoxy-17-methylmorphinan-6 beta, 14-diol)	Racemorphan
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine	Remifentanil
Ethylmethylthiambutene	Rolicyclidine
Eticyclidine	Sufentanil
Etonitazene	Tenocylidine
Etorphine	Thebacon
Etoxeridine	Thebaine
Etryptamine	Tilidate
Fentanyl	Trimeperidine
Furethidine	4-Bromo-2,5-dimethoxy-alpha-methylphenethylamine
Hydrocodone	4-Cyano-2-dimethylamino-4, 4-diphenylbutane
Hydromorphinol	4-Cyano-1-methyl-4-phenyl-piperidine
Hydromorphone	*N,N*-Diethyltryptamine
Hydroxypethidine	*N,N*-Dimethyltryptamine
Isomethadone	2,5-Dimethoxy-alpha,4-dimethylphenethylamine
Ketobemidone	N-Hydroxy-tenamphetamine
Levomethorphan	1-Methyl-4-phenylpiperidine-4-carboxylic acid
Levomoramide	2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid
Levophenacylmorphan	4-Methyl-aminorex
Levorphanol	4-Phenylpiperidine-4-carboxylic acid ethyl ester
Lofentanil	

(b) any compound (not being a compound specified in sub-paragraph (a)) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;

(ba) the following phenethylamine derivatives, namely–

Allyl(*α*-methyl-3,4-methylenedioxyphenethyl)amine
2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol
2-Amino-1-(3,4-dimethoxyphenyl)ethanol
Benzyl(*α*-methyl-3,4-methylenedioxyphenethyl)amine
4-Bromo-*β*,2,5-trimethoxyphenethylamine
N-(4-*sec*-Butylthio-2,5-dimethoxyphenethyl)hydroxylamine
Cyclopropylmethyl(*α*-methyl-3,4-methylenedioxyphenethyl)amine
2-(4,7-Dimethoxy-2,3-dihydro-1*H*-indan-5-yl)ethylamine
2-(4,7-Dimethoxy-2,3-dihydro-1*H*-indan-5-yl)-1-methylethylamine
2-(2,5-Dimethoxy-4-methylphenyl)cyclopropylamine
2-(1,4-Dimethoxy-2-naphthyl)ethylamine
2-(1,4-Dimethoxy-2-naphthyl)-1-methylethylamine
N-(2,5-Dimethoxy-4-propylthiophenethyl)hydroxylamine
2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)ethylamine
2-(1,4-Dimethoxy-5,6,7,8-tetrahydro-2-naphthyl)-1-methylethylamine
α,,*α*-Dimethyl-3,4-methylenedioxyphenethylamine
α,,*α* -Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine
Dimethylα(*α*-methyl-3,4-methylenedioxyphenethyl)amine
N-(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine
4-Iodo-2,5-dimethoxy-*α*-methylphenethyl(dimethyl)amine
2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)ethylamine
2-(1,4-Methano-5,8-dimethoxy-1,2,3,4-tetrahydro-6-naphthyl)-1-methylethylamine
2-(5-Methoxy-2,2-dimethyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-methylethylamine
2-Methoxyethyl(*a*-methyl-3,4-methylenedioxyphenethyl)amine
2-(5-Methoxy-2-methyl-2,3-dihydrobenzo[*b*]furan-6-yl)-1-

methylethylamine
β;-Methoxy-3,4-methylenedioxyphenethylamine
1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine
1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine
2-(α-Methyl-3,4-methylenedioxyphenethylamino)ethanol
α-Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine
N-Methyl-*N*-(α-methyl-3,4-methylenedioxyphenethyl)hydroxylamine
O-Methyl-*N*-(α-methyl-3,4-methylenedioxyphenethyl)hydroxylamine
α-Methyl-4-(methylthio)phenethylamine
β,3,4,5-Tetramethoxyphenethylamine
β,2,5-Trimethoxy-4-methylphenethylamine

(c) any compound (not being methoxyphenamine or a compound specified in sub-paragraph (a)) structurally derived from phenethylamine, an *N*-alkylphenethylamine, alpha-methylphenethylamine, an *N*-alkyl-alpha-methylphenethylamine, alpha -ethylphenethylamine, or an *N*-alkyl-alpha-ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylene- dioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents;

(d) any compound (not being a compound specified in sub-paragraph (a)) structurally derived from fentanyl by modification in any of the following ways, that is to say,–

(i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;

(ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;

(iii) by substitution in the piperidine ring with alkyl or alkenyl groups;

(iv) by substitution in the aniline ring with alkyl, alkoxy, alkylenedioxy, halogeno or haloalkyl groups;

(v) by substitution at the 4-position of the piperidine ring with any alkoxycarbonyl or alkoxyalkyl or acyloxy group; or

(vi) by replacement of the *N*-propionyl group by another acyl group;

(e) any compound (not being a compound specified in sub-paragraph (a)) structurally derived from pethidine by modification in any of the following ways, that is to say,

(i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;

(ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;

(iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;

(iv) by replacement of the 4-ethoxycarbonyl by any other alkoxycarbonyl or any alkoxyalkyl or acyloxy group; or

(v) by formation of an *N*-oxide or of a quaternary base.

2. Any stereoisomeric form of a substance specified in paragraph 1 not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance specified in paragraph 1 or 2 not being a substance specified in Part II of this Schedule.

4. Any salt of a substance specified in any of paragraphs 1 to 3.

5. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 4.

6. Any preparation designed for administration by injection which includes a substance or product specified in any of paragraphs 1 to 3 of Part II of this Schedule.

Part II

Class B Drugs

1. The following substances and products, namely–

(a)

Acetyldihydrocodeine
Amphetamine
Cannabis and cannabis resin
Codeine
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Glutethimide
Lefetamine
Mecloqualone
Methaqualone
Methcathinone
Methylamphetamine
a-Methylphenethylhydroxylamine
Methylphenidate
Methylphenobarbitone
Nicodine
Nicodicodine (6-nicotinoyldihydrocodeine)
Norcodeine

	Pentazocine
	Phenmetrazine
	Pholcodine
	Propiram
	Zipeprol.

(b) any 5, 5 distributed barbituric acid.

2. Any stereoisomeric form of a substance specified in paragraph 1 of this Part of this Schedule.

3. Any salt of a substance specified in paragraph 1 or 2 of this Part of this Schedule.

4. Any preparation or other product containing a substance or product specified in any of paragraphs 1 to 3 of this Part of this Schedule, not being a preparation falling within paragraph 6 of Part 1 of this Schedule.

Part III

Class C Drugs

1. The following substances, namely–

(a)	Alprazolam	Haloxazolam
	Aminorex	4-Hydroxy-n-butyric acid
	Benzphetamine	Ketamine
	Bromazepam	Ketazolam
	Brotizolam;	Loprazolam
	Buprenophine;	Lorazepam
	Camazepam;	Lormetazepam
	Cathine;	Mazindol
	Cathinone;	Medazepam

	Chordiazepoxide;	Mefenorex
	Cholrphentermine	Mephentermine
	Clobazam	Meprobabate
	Clonazepam	Mesocarb
	Clorazepic acid	Methyprylone
	Clotiazepam	Midazolam
	Cloxazolam	Nimetazepam
	Delorazepam	Nitrazepam
	Dextropropoxyphene	Nordazepam
	Diazepam	Oxazepam
	Diethylpropion	Oxazolam
	Estazolam	Pemoline
	Ethcholorvynol	Phendimetrazine
	Ethinamate	Phentermine
	Ethyl loflazepate	Pinazepam
	Fencamfamin	Pipradol
	Fenethylline	Prazepam
	Fenproporex	Pyrovalerone
	Fludiazepam	Temazepam
	Flunitrazepam	Tetrazepam
	Flurazepam	Triazolam
	Halazepam	*N*-Ethylamphetamine
		Zolpidem
(b)	4-Androstene-3, 17 dione	Methenolone
	5-Androstene-3, 17 diol	Methyltestosterone
	Atamestane	Metribolone

	Bolandiol	Mibolerone
	Bolasterone	Nandrolone
	Bolazine	19-Nor-4-Androstene-3, 17-dione
	Boldenone	19-Nor-5-Androstene-13, 17-diol
	Bolenol	Norboletone
	Bolmantalate	Norclostebol
	Calusterone	Norethandrolone
	4-Cholormethandienone	Ovandrotone
	Clostebol	Oxabolone
	Drotanolone	Oxandrolone
	Enestebol	Oxymesterone
	Epitiostanol	Oxymetholone
	Ethyloetrenol	Prasterone
	Fluoxymesterone	Propetandrol
	Formbolone	Quinbolone
	Furazabol	Roxibolone
	Mebolazine	Silandrone
	Mepitiostane	Stanolone
	Mesabolone	Stanozolol
	Mestanolone	Stenbolone
	Mesterolone	Testosterone
	Methandienone	Thimesterone
	Methandriol	Trenbolone

(c) any compound (not being Trilostane or a compound specified in sub-paragraph (b)) structurally derived from 17-hydroxyandrostan-3-one or from 17-hydroxyestran-3-one by modification in any of the following ways, that is to say,

(i) by further substitution at position 17 by a methyl or ethyl group;

(ii) by substitution to any extent at one or more of positions 1, 2, 4, 6, 7, 9, 11 or 16, but at no other position;

(iii) by unsaturation in the carbocyclic ring system to any extent, provided that there are no more than two ethylenic bonds in any one carbocyclic ring; or

(iv) by fusion of ring A with a heterocyclic system;

(d) any substance which is an ester or ether (or, where more than one hydroxyl function is available, both an ester and an ether) of a substance specified in sub-paragraph (b) or described in sub-paragraph (c);

(e) Chorionic Gonadotrophin (HCG);
Clenbuterol;
Non-human chorionic gonadotrophin;
Somatotropin;
Somatrem;
Somatropin.

2 Any stereoisomeric form of a substance specified in paragraph 1 of this Part of this Schedule not being phenylpropanolamine.

3 Any salt of a substance specified in paragraph 1 or 2 of this Part of this Schedule.

4 Any preparation or other product containing a substance specified in any of paragraphs 1 to 3 of this Part of this Schedule.

Part IV

Meaning of Certain Expressions used in this Schedule

For the purposes of this Schedule the following expressions (which are not among those defined in section 2 (1) of this Ordinance) have the following meanings–

"cannabinol derivatives" means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

"coca leaf" means the leaf of any plant of the genus Erythroxylon from whose leaves cocaine can be extracted either directly or by chemical transformation;

"concentrate of poppy-straw" means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

"medicinal opium" means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

"opium poppy" means the plant of the species Papaver somniferum L;

"poppy straw" means all parts, except the seeds, of the opium poppy after mowing;

"raw opium" includes powdered or granulated opium but does not include medicinal opium.".

Replacement of Schedule 4.

3. For Schedule 4 substitute the following–

"SCHEDULE 4

section 2(1)

SUBSTANCES USEFUL FOR MANUFACTURING CONTROLLED DRUGS

TABLE I

N-ACETYLANTHRANILIC ACID
EPHEDRINE
ERGOMETRINE
ERGOTAMINE
ISOFROLE
LYSERGIC ACID
3,4-METHYLENEDIOXYPHENYL-2-PROPANONE
1-PHENYL-PROPANONE
PIPERONAL
PSEUDOEPHEDRINE
SAFROLE,

and the salts of the substances listed in this Table whenever the existence of such salts is possible.

TABLE II

ACETIC ANHYDRIDE
ACETONE
ANTHRANILIC ACID
ETHLY ETHER
HYDROCHLORIC ACID
METYL ETHYL KETONE
PHENYLACETIC ACID
PIPERIDINE
POTASSIUM PERMANGANATE
SULPHURIC ACID
TOLUENE,

and the salts of the substances listed in this Table whenever the existence of such salts is possible, except the salts of hydrochloric acid and sulphuric acid.".

Dated this 14th day of July, 2005.

E BRITTO,

Minister for Health,

For and on behalf of the Government.

EXPLANATORY MEMORANDUM

This Order amends Schedule 1 and 4 of the Drugs (Misuse) Ordinance. Schedule 1 sets out a list of the controlled drugs and Schedule 4 sets out a list of the scheduled substances (precursors) useful for manufacturing controlled drugs. The amendment to Schedule 4 ensures that all precursors listed in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances dated 19 December 1988 are controlled under the Drugs (Misuse) Ordinance. The amendment to Schedule 1 updates the existing Schedule 1 and brings a number of new substances such as anabolic steroids and growth hormones under control.