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9<sup>th</sup> June 2023

Dear Owen and Roger,

## **Scheduling and lawful use of nitrous oxide under the Misuse of Drugs Regulations 2001**

In my letter of 27 March, I explained the Government's decision to control nitrous oxide as a Class C drug under the Misuse of Drugs Act 1971 ('the 2001 Regulations'). On 2 May the Home Office published a consultation on GOV.UK. This consultation asks interested parties about the wider, non-medical, legitimate uses of nitrous oxide. The consultation and the ACMD's advice will be vital in shaping the approach to nitrous oxide under the 2001 Regulations.

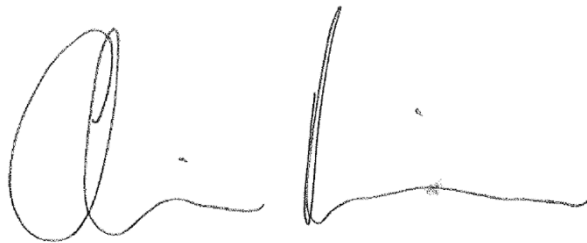
There is a statutory duty for the Government to consult the ACMD on changes to the Misuse of Drugs Regulations 2001 and I would now very much welcome the ACMD's advice on two aspects: 1) the appropriate scheduling of nitrous oxide under the 2001 Regulations; 2) and how to enable non-medical, lawful uses, including industrial uses.

In relation to 1), the scheduling of nitrous oxide under the 2001 Regulations will address use for medical, dental, veterinary, healthcare and some scientific purposes, in keeping with the current framework of the 2001 Regulations. The Home Office considers that possession for illegitimate use should be unlawful, and consequently the Home Office considers placing nitrous oxide in Part II of Schedule 4 or Schedule 5 would not be appropriate. The ACMD's views on appropriate scheduling are requested.

Following the Home Office's analysis of responses to the public consultation on non-medical, lawful uses, including industrial uses in point 2), we should be grateful for the ACMD's views on how best to enable such uses. This may be achieved by licensing requirements, or by creating new exemptions in the 2001 Regulations. The Home Office will provide the ACMD with policy proposals to achieve this aim for consideration.

I am grateful to the Council for its continued and valued help and advice and ask that you provide advice on the appropriate scheduling of nitrous oxide, and any other proposed legislative changes under the 2001 Regulations, by 11 August. My officials will provide the Technical Committee with the results of the consultation and policy proposals in sufficient time to enable the ACMD to achieve that deadline.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

**Rt Hon Chris Philp MP**  
**Minister of State for Crime, Policing and Fire**