

For further information on the GPSR, and details on their use in disrupting the supply of new psychoactive substances, please refer to the Home Office's guidance on tackling the sale of new psychoactive substances in 'headshops' at: <https://www.gov.uk/government/publications/action-against-head-shops>. The regulations themselves can be found here: http://www.legislation.gov.uk/uksi/2005/1803/pdfs/uksi_20051803_en.pdf.

If you have any questions about this document please contact the Home Office Drugs Unit at: drugsearlywarning@homeoffice.gsi.gov.uk.

(5) Human Medicines Regulations 2012

Please note: the Medicines and Healthcare products Regulatory Agency (MHRA) have advised that nitrous oxide sold from the small canisters is not subject to the Human Medicines Regulations. If nitrous oxide is being sold from these canisters in your local area, please refer to the alternative enforcement options described below.

When sold as a medicinal product (typically in the large cylinders used in hospitals), nitrous oxide is governed by the provisions of the Human Medicines Regulations 2012 which place restrictions on who can supply and administer a medicinal product. Selling nitrous oxide which is classed as a medicinal product without MHRA authorisation breaches medicines legislation and is a criminal offence. The decision on whether nitrous oxide falls within the definition of a medicinal product must be made on a case-by-case basis, depending on the particular circumstances of sale.

Decisions on how any substance of abuse is treated under medicines legislation is likely to be impacted by a July 2014 European Court of Justice judgement, which concluded that a substance being used solely for recreational purposes cannot be classified as a medicinal product. You will need to discuss with your legal team the implications of this judgement for bringing a prosecution under medicines legislation in each case.

For further details about the Human Medicines Regulations and previous advice given under the Medicines Act 1968 please contact the MHRA at casereferrals@mhra.gsi.gov.uk, or to view the regulations go to <http://www.legislation.gov.uk/uksi/2012/1916/contents/made>.

(6) Misuse of Drugs Act 1971

Nitrous oxide is not a controlled drug.

