



Home Office

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

2 Marsham Street  
London SW1P 4DF

[www.gov.uk/home-office](http://www.gov.uk/home-office)

Prof Owen Bowden-Jones  
Chair, Advisory Council on the Misuse of Drugs (ACMD)  
c/o 1st Floor  
Peel Building  
2 Marsham Street  
London  
SW1P 4DF  
[ACMD@homeoffice.gov.uk](mailto:ACMD@homeoffice.gov.uk)

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### **Nitrous oxide**

Dear Professor Owen Bowden-Jones,

I wish to thank the ACMD for its extensive, thoughtful, and helpful report. I particularly appreciate the flexibility which you have shown through the rapid work to finalise the report in light of concern about the prevalence of use of nitrous oxide. It was a pleasure to meet you and I am grateful for you taking the time to discuss your findings with me.

The Government note with interest that whilst the number of deaths and demand for treatment relating to nitrous oxide remain low, there have been anecdotal reports of an increase in neurological harms and social harms such as drug driving and littering. This is alongside widespread availability for illegitimate use, including increased availability of higher harm larger canisters and high rates of usage, including amongst children and young people; as you know, it is the third most used drug by 16-24 year-olds (2021/22 Crime Survey for England and Wales).

Your report highlights that there is a lack of substantive evidence to determine the full extent of these problems, some of which are only very recently emerging, and we agree on the importance of enhanced long-term data collection to further understand the health and social harms. The Government also agrees that given the widespread legitimate use of nitrous oxide, it is critical that we consult to understand how best to avoid over-burdening those who need it. We are grateful for the seven recommendations in the report, which include these points, to which we will respond more fully in due course. The focus of this response, however, is specific to recommendation one which addresses the point of control.

The ACMD came to the conclusion that nitrous oxide's current status under the Psychoactive Substances Act 2016 was appropriate. We note this recommendation has been made on the best available scientific evidence and are grateful for the diligence in this work, despite the challenges with evidence gaps. However, given the reported recent rise in health and social harms, and the widespread use and

availability of the drug particularly amongst children and young people, the Government has decided to bring forward legislation to control nitrous oxide under the Misuse of Drugs Act 1971 as a Class C drug.

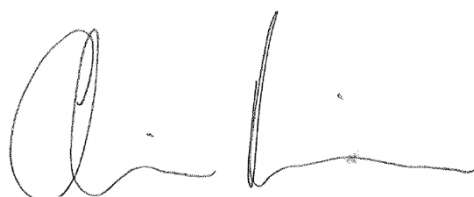
The Government have full confidence in the scientific advice the ACMD provided. ACMD advice is an essential part of our decision making, and we continue to have total faith in its quality and rigour. The Government is, of course, entitled and indeed is expected, to take a broader view, taking into account other relevant factors as well as the scientific advice. In this case, we have noted the anecdotal reports cited in your assessment of links to anti-social behaviour and increased health harms, particularly where high volumes of nitrous oxide are used, and your point regarding the absence of high-quality evidence. Furthermore, we have reflected upon the reports we have heard from some on the frontline of policing on the links between the drug and anti-social behaviour, as well as from parliamentary colleagues representing concerns in their constituencies, most recently during a Westminster Hall debate in November 2022. We also know that visible drug use is one of the biggest ASB issues people are concerned about in their local areas. Taking the health and prevalence evidence you provide and the concerns raised we are clear that there are harms being felt by communities. We have made the decision to ban nitrous oxide, a drug which is a persistent blight on our public spaces and a harmful substance to our young people. It is only right that we protect our people and our places from those who sell harmful drugs to turn a profit. As a result, we believe a strengthened enforcement regime is justified.

Despite nitrous oxide's status under the Psychoactive Substances Act 2016, it is still widely available. That is why we have taken the decision to go further, drawing on the stronger basis to take action against illegitimate supply that the Misuse of Drugs Act 1971 provides. We are aware that nitrous oxide has a large number of legitimate uses including in healthcare, catering and industry among others. It is not our desire to inhibit its use for legitimate purposes. We accept the ACMD's recommendation to consult on legitimate uses to help inform how we continue to enable legitimate use within the legislation, for example through appropriate licensing measures potentially applied to supply if appropriate.

No one measure can effectively tackle the problem of nitrous oxide misuse, which is why we are grateful to the ACMD for the series of helpful recommendations in addition to that on the legislative status of nitrous oxide. We recognise the value of these recommendations and Home Office officials will engage with other Government departments and agencies at pace to progress them. We will respond separately to recommendations two to seven within the timeframe set out in the working protocol, but would like to take this opportunity to say that our initial assessment is that we see a lot of merit in these recommendations.

Please accept once again our grateful thanks for your work, and that of the Council.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. L.', written in a cursive style.

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