

MEMBER BRIEFING

IMPORTANT CHANGES TO THE MISUSE OF DRUGS REGULATIONS

Following recommendations by the Advisory Council on the Misuse of Drugs (ACMD)¹ to which Home Office Ministers agreed², the scheduling of the following two substances under the Misuse of Drugs Regulations 2001 will change in England, Wales and Scotland so that industrial users will need a licence:

- gamma Butyrolactone (GBL)
- 1,4-Butanediol (1,4 BD / BDO)

These substances will be placed in schedule 1. The exemption that currently allows them to be imported, exported, produced, supplied or possessed without a licence in defined circumstances will be abolished. The amending legislation has been laid before Parliament on the 15 December 2015 and, subject to Parliamentary processes, will come into force on the 15 June 2022. The extended period between laying and coming into force is to enable legitimate industrial users to be apply for and, subject to an assessment of their application, be granted, a Home Office controlled drugs licence. Responsibility for controlled drugs regulations is devolved in Northern Ireland and we understand that equivalent regulations will be introduced there to come into force on the same date.

If your company or organisation imports, exports, possesses, manufactures, produces or supplies these substances (whether on their own or in mixtures/preparations in England, Wales or Scotland you will need to apply for a domestic 'Controlled Drugs' licence to continue. Holding a domestic licence is a pre-requisite for obtaining an import or export licence. Information on domestic controlled drug licensing in Northern Ireland, including application processes, can be found on the Department of Health (NI) website at <https://www.health-ni.gov.uk/articles/controlled-drugs>

The process is relatively in-depth and will require a degree of preparation in advance to be able to complete all the necessary stages in the required timescale. However, for those of you who already hold a controlled drug or drug precursor chemical licence, the process will be familiar. Information and guidance on drug licensing is available at [Drugs licensing - GOV.UK \(www.gov.uk\)](https://www.gov.uk/drugs-licensing)

Before you can submit an application for a licence you will need to:

FIRST:

- Register as a customer on the controlled drugs licensing system [link here](#). If your application is successful, you will receive a username and password.
- You do not need to register again each time you apply. If you have forgotten your login details or need your password reset, please email dflu.dom@homeoffice.gov.uk.

You should submit your registration request by 5pm on Friday 14 January 2022 and clearly explain that you are seeking to register "on account of the legislative changes in respect of GBL and 1,4 BD/BDO laid on 15 December 2021."

¹ The ACMD's advice is available at the following link:
<https://www.gov.uk/government/publications/assessment-of-the-harms-of-gamma-hydroxybutyric-acid-gamma-butyrolactone-and-closely-related-compounds>

² The Home Office's response is available at the following link:
<https://www.gov.uk/government/publications/response-to-the-acmd-on-ghb-gbl-and-closely-related-compounds>

SECOND:

- You must make sure that **each person you intend to name** on the application form holds a valid Disclosure and Barring Service (DBS) check or has applied for one before you submit your application. The DBS check **must be done** by [Security Watchdog](#). You can contact them on 01420 558 752 to apply for one, or apply online. You must list 'DLCU' (Drug Licensing and Compliance Unit) as the 'interested party'. If you have a DBS check by another company, the Home Office cannot accept that certificate.
- The named functions within the regulations, that you will need to consider, are:
 - Person in-charge
 - Authorised witness
 - Person responsible for security
 - Person responsible for legal compliance

If you, or anyone named on the application, already has a DBS check in place for the purpose of drug licensing dated 3 years or older from Security Watchdog you will need to apply for a new DBS check.

If you have subscribed to the DBS update service, you should include this information in your licence application.

THESE TWO STAGES ARE EXTREMELY IMPORTANT AS WITHOUT BOTH YOU CANNOT SUBMIT AN APPLICATION FOR A LICENCE SO THESE SHOULD BE UNDERTAKEN WITHIN THE TIMESCALES GIVEN

YOU CAN THEN MAKE YOUR DRUG LICENSING APPLICATION.

You should submit your controlled drug licence application by 5pm on Friday 11 February 2022 at the latest.

When applying for a domestic licence it is advised that you read the Home Office [application guidance](#) to help you complete your application.

A physical site inspection by a Home Office Compliance Officer will be mandatory for all applications, in accordance with existing Home Office procedures. Site visits can only be arranged when all DBS clearances have been fully processed, and any additional information requested has been provided. So, it is important you take the actions required by security watchdog- for example document validation- to ensure your check is processed quickly. You must therefore drive the DBS process as this involves your personal data and the Home Office cannot do this for you.

The visit will focus on operating procedures and processes as well as site security such as access control to the site and substances, record keeping and physical security measures employed. It is strongly advised that you contact your local Association of Police Controlled Drugs Liaison Officers (APCDLO), contacts are available from the following website <http://www.apcdlo.org.uk/contact.html> to explore a site visit to discuss the controls for these specific substances at a specific site level, one size does not always fit all. **It is advisable to undertake this early so that you have a plan for when the inspection visit is undertaken.**

When you submit the formal application you will need to include the [controlled drug user activity list](#) with your application, which must be uploaded as a PDF document along with the application.

BE AWARE: You will need to allow **up to 16 weeks** for the Home Office to process your application, from the point at which DBS clearances are received. If your controlled drugs licence is approved, you will receive an email with instructions for payment of the licence fee. Be aware the licence will not be issued until the fee has been paid.

Once you have paid, the licence will be sent electronically by email.

STOP PRESS... CBA will be running two Online Clinics on this subject on the 12th and 28th January 2022. More details and the booking forms will be available soon