Misuse of Drugs Act 1971

1971 CHAPTER 38

An Act to make new provision with respect to dangerous or otherwise harmful drugs and related matters, and for purposes connected therewith. [27th May 1971]

Modifications etc. (not altering text)

C1 Act applied (1.10.1996) by 1955 c. 18, **s.34A(2)** (as inserted by 1996 c. 46, **s. 32(1)**); S.I. 1996/2474, **arts.2**,3
Act applied (1.10.1996) by 1955 c. 19, **s.34A(2)** as inserted by 1996 c. 46, **s. 32(2)**; S.I. 1996/2474, **arts.2**, 3
Act applied (1.10.1996) by 1957 c. 53, **s.12A** as inserted by 1996 c. 46, **s. 32(3)**; S.I. 1996/2474, **arts.2**, 3

Commencement Information

I1 Act not in force at Royal Assent, see s.40; Act wholly in force at 1 July 1973.

The Advisory Council on the Misuse of Drugs

1 The Advisory Council on the Misuse of Drugs.

(1) There shall be constituted in accordance with Schedule 1 to this Act as Advisory Council on the Misuse of Drugs (in this Act referred to as "the Advisory Council"); and the supplementary provisions contained in that Schedule shall have effect in relation to the Council.

(2) It shall be the duty of the Advisory Council to keep under review the situation in the United Kingdom with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to any one or more of the Ministers, where either the Council consider it expedient to do so or they are consulted by the Minister or Ministers in question, advice on measures (whether or not involving alteration of the law) which in the opinion of the Council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected

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Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

with their misuse, and in particular on measures which in the opinion of the Council ought to be taken—

(a) for restricting the availability of such drugs or supervising the arrangements for their supply;

(b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;

(c) for promoting co-operation between the various professional and community services which in the opinion of the Council have a part to play in dealing with social problems connected with the misuse of such drugs;

(d) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to those dangers; and

(e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse.

(3) It shall also be the duty of the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by any one or more of the Ministers and to advise the Minister or Ministers in question thereon, and in particular to consider and advise the Secretary of State with respect to any communication referred by him to the Council, being a communication relating to the control of any dangerous or otherwise harmful drug made to Her Majesty's Government in the United Kingdom by any organisation or authority established by or under any treaty, convention or other agreement or arrangement to which that Government is for the time being a party.

(4) In this section "the Ministers" means the Secretary of State for the Home Department, the Secretaries of State respectively concerned with health in England, Wales and Scotland, the Secretaries of State respectively concerned with education in England, Wales and Scotland, the Minister of Home Affairs for Northern Ireland, the Minister of Health and Social Services for Northern Ireland and the Minister of Education for Northern Ireland.

Modifications etc. (not altering text)

C2 S. 1: Powers transferred (W.) (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch. 1**

C3 References to Ministers of Northern Ireland to be construed as references to heads of departments bearing names of respective Ministries immediately before 1.1.1974 Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 7(1)**

Controlled drugs and their classification

2 Controlled drugs and their classification for purposes of this Act.

(1) In this Act—

(a) the expression "controlled drug" means any substance or product for the time being specified**[F1**—

(i) in Part I, II or III of Schedule 2, or

(ii) in a temporary class drug order as a drug subject to temporary control (but this is subject to section 2A(6));**]**

(b) the expressions "Class A drug", "Class B drug" and "Class C drug" mean any of the substances and products for the time being specified respectively in Part I, Part II and Part III of that Schedule**[**[F2], and

(c) the expression "temporary class drug" means any substance or product which is for the time being a controlled drug by virtue of a temporary class drug order;**]**

and the provisions of Part IV of that Schedule shall have effect with respect to the meanings of expressions used in that Schedule.

(2) Her Majesty may by Order in Council make such amendments in Schedule 2 to this Act as may be requisite for the purpose of adding any substance or product to, or removing any substance or product from, any of Parts I to III of that Schedule, including amendments for securing that no substance or product is for the time being specified in a particular one of those Parts or for inserting any substance or product into any of those Parts in which no substance or product is for the time being specified.

(3) An Order in Council under this section may amend Part IV of Schedule 2 to this Act, and may do so whether or not it amends any other Part of this Schedule.

(4) An Order in Council under this section may be varied or revoked by a subsequent Order in Council thereunder.

(5) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament; and the Secretary of State shall not lay a draft of such an Order before Parliament except after consultation with or on the recommendation of the Advisory Council.

Textual Amendments

F1 Words in s. 2(1)(a) substituted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 2(a)**; S.I. 2011/2515, art. 3(g)

F2 S. 2(1)(c) and preceding word inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 2(b)**; S.I. 2011/2515, art. 3(g)

[[F3]**2A Temporary class drug orders**

(1) The Secretary of State may make an order (referred to in this Act as a "temporary class drug order") specifying any substance or product as a drug subject to temporary control if the following two conditions are met.

(2) The first condition is that the substance or product is not a Class A drug, a Class B drug or a Class C drug.

(3) The second condition is that—

(a) the Secretary of State has consulted in accordance with section 2B and has determined that the order should be made, or

(b) the Secretary of State has received a recommendation under that section that the order should be made.

(4) The Secretary of State may make the determination mentioned in subsection (3)(a) only if it appears to the Secretary of State that—

(a) the substance or product is a drug that is being, or is likely to be, misused, and

(b) that misuse is having, or is capable of having, harmful effects.

(5) A substance or product may be specified in a temporary class drug order by reference to—

(a) the name of the substance or product, or

(b) a description of the substance or product (which may take such form as the Secretary of State thinks appropriate for the purposes of the specification).

(6) A substance or product specified in a temporary class drug order as a drug subject to temporary control ceases to be a controlled drug by virtue of the order—

(a) at the end of one year beginning with the day on which the order comes into force, or

(b) if earlier, upon the coming into force of an Order in Council under section 2(2) by virtue of which the substance or product is specified in Part 1, 2 or 3 of Schedule 2.

(7) Subsection (6)—

(a) is subject to subsection (10), and

(b) is without prejudice to the power of the Secretary of State to vary or revoke a temporary class drug order by a further order.

(8) The power of the Secretary of State to make an order under this section is subject to section 2B.

(9) An order under this section is to be made by statutory instrument.

(10) An order under this section—

(a) must be laid before Parliament after being made, and

(b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless before the end of that period the order is approved by a resolution of each House of Parliament.

(11) In calculating that period of 40 days no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

(12) Subsection (10)(b)—

(a) is without prejudice to anything previously done or to the power of the Secretary of State to make a new order under this section;

(b) does not apply to an order that only revokes a previous order under this section.

Textual Amendments

F3 Ss. 2A, 2B inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 3**; S.I. 2011/2515, art. 3(g)

2B Orders under section 2A: role of Advisory Council etc

(1) Before making an order under section 2A the Secretary of State—

(a) must consult as mentioned in subsection (2), or

(b) must have received a recommendation from the Advisory Council to make the order.

(2) The Secretary of State must consult—

(a) the Advisory Council, or

(b) if the order is to be made under section 2A(1) and the urgency condition applies, the person mentioned in subsection (3).

(3) The person referred to in subsection (2)(b) is—

(a) the person who is for the time being the chairman of the Advisory Council appointed under paragraph 1(3) of Schedule 1, or

(b) if that person has delegated the function of responding to consultation under subsection (1)(a) to another member of the Advisory Council, that other member.

(4) The "urgency condition" applies if it appears to the Secretary of State that the misuse of the substance or product to be specified in the order as a drug subject to temporary control, or the likelihood of its misuse, poses an urgent and significant threat to public safety or health.

(5) The duty of the Advisory Council or any other person consulted under subsection (1)(a) is limited to giving to the Secretary of State that person's opinion as to whether the order in question should be made.

(6) A recommendation under subsection (1)(b) that a temporary class drug order should be made may be given by the Advisory Council only if it appears to the Council that—

(a) the substance or product is a drug that is being, or is likely to be, misused, and

(b) that misuse is having, or is capable of having, harmful effects.**]**

Textual Amendments

F3 Ss. 2A, 2B inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 3**; S.I. 2011/2515, art. 3(g)

Restrictions relating to controlled drugs etc.

3 Restriction of importation and exportation of controlled drugs.

(1) Subject to subsection (2) below—

(a) the importation of a controlled drug; and

(b) the exportation of a controlled drug,

are hereby prohibited.

(2) Subsection (1) above does not apply—

(a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph (a) or, as the case may be, paragraph (b) of subsection (1) above by regulations under section 7 of this Act **[**[F4]or by provision made in a temporary class drug order by virtue of section 7A**]** ; or

(b) to the importation or exportation of a controlled drug under and in accordance with the terms of a licence issued by the Secretary of State and in compliance with any conditions attached thereto.

Textual Amendments

F4 Words in s. 3(2)(a) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 4**; S.I. 2011/2515, art. 3(g)

4 Restriction of production and supply of controlled drugs.

(1) Subject to any regulations under section 7 of this Act **[**[F5], or any provision made in a temporary class drug order by virtue of section 7A, **]** for the time being in force, it shall not be lawful for a person—

(a) to produce a controlled drug; or

(b) to supply or offer to supply a controlled drug to another.

(2) Subject to section 28 of this Act, it is an offence for a person—

(a) to produce a controlled drug in contravention of subsection (1) above; or

(b) to be concerned in the production of such a drug in contravention of that subsection by another.

(3) Subject to section 28 of this Act, it is an offence for a person—

(a) to supply or offer to supply a controlled drug to another in contravention of subsection (1) above; or

(b) to be concerned in the supplying of such a drug to another in contravention of that subsection; or

(c) to be concerned in the making to another in contravention of that subsection of an offer to supply such a drug.

Textual Amendments

F5 Words in s. 4(1) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 5**; S.I. 2011/2515, art. 3(g)

Modifications etc. (not altering text)

C4 S. 4(1)(a) excluded (1.2.2002) by S.I. 2001/3998, **regs. 4**, 8(1), 9(1) (with reg. 2(3))

C5 S. 4(1)(b) excluded (1.2.2002) by S.I. 2001/3998, **regs. 6**, 8(2)-(6), 9(2)-(6), 11(1)(2) (with reg. 2(3))

C6 S. 4(1)(b) excluded by S.I. 2001/3998, reg. 8(7)(8) (as inserted (15.10.2003) by Misuse of Drugs (Amendment) (No.3) Regulations 2003 (S.I. 2003/2429), regs. 1, **2(5)**)

C7 S. 4(1)(b) excluded by S.I. 2001/3998, reg. 9(7)(8) (as inserted (15.10.2003) by Misuse of Drugs (Amendment) (No.3) Regulations 2003 (S.I. 2003/2429), regs. 1, **2(6)**)

C8 S. 4(1)(b) excluded by S.I. 2001/3998, reg. 8(7) (as substituted (14.11.2005) by Misuse of Drugs and the Misuse of Drugs (Supply to Addicts) (amendment) Regulations 2005 (S.I. 2005/2864), regs. 1(1), 7)

C9 S. 4(1)(b) excluded by S.I. 2001/3998, reg. 8(7) (as substituted (14.11.2005) by Misuse of Drugs and the Misuse of Drugs (Supply to Addicts) (amendment) Regulations 2005 (S.I. 2005/2864), regs. 1(1), **8**)

C10 S. 4(2)(3) saved by (E.W.) Criminal Law Act 1977 (c. 45), **Sch. 5 para. 1(2)(b)(i)(ii)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 7B para. 1(2)(b)(i)(ii)**

[[F6]4A Aggravation of offence of supply of controlled drug

(1) This section applies if—

(a) a court is considering the seriousness of an offence under section 4(3) of this Act, and

(b) at the time the offence was committed the offender had attained the age of 18.

(2) If either of the following conditions is met the court—

(a) must treat the fact that the condition is met as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and

(b) must state in open court that the offence is so aggravated.

(3) The first condition is that the offence was committed on or in the vicinity of school premises at a relevant time.

(4) The second condition is that in connection with the commission of the offence the offender used a courier who, at the time the offence was committed, was under the age of 18.

(5) In subsection (3), a relevant time is—

(a) any time when the school premises are in use by persons under the age of 18;

(b) one hour before the start and one hour after the end of any such time.

(6) For the purposes of subsection (4), a person uses a courier in connection with an offence under section 4(3) of this Act if he causes or permits another person (the courier)—

(a) to deliver a controlled drug to a third person, or

(b) to deliver a drug related consideration to himself or a third person.

(7) For the purposes of subsection (6), a drug related consideration is a consideration of any description which—

(a) is obtained in connection with the supply of a controlled drug, or

(b) is intended to be used in connection with obtaining a controlled drug.

(8) In this section—

"school premises" means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school; and

"school" has the same meaning—

(a) in England and Wales, as in section 4 of the Education Act 1996;

(b) in Scotland, as in section 135(1) of the Education (Scotland) Act 1980;

(c) in Northern Ireland, as in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.**]**

Textual Amendments

F6 S. 4A inserted (1.1.2006) by Drugs Act 2005 (c. 17), **ss. 1**, 24(3) (with s. 1(2)); S.I. 2005/3053, art. 3(a)

5 Restriction of possession of controlled drugs.

(1) Subject to any regulations under section 7 of this Act for the time being in force, it shall not be lawful for a person to have a controlled drug in his possession.

(2) Subject to section 28 of this Act and to subsection (4) below, it is an offence for a person to have a controlled drug in his possession in contravention of subsection (1) above.

[[F7](2A) Subsections (1) and (2) do not apply in relation to a temporary class drug.**]**

(3) Subject to section 28 of this Act, it is an offence for a person to have a controlled drug in his possession, whether lawfully or not, with intent to supply it to another in contravention of section 4(1) of this Act.

(4) In any proceedings for an offence under subsection (2) above in which it is proved that the accused had a controlled drug in his possession, it shall be a defence for him to prove—

(a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it; or

(b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.

[[F8](5) Subsection (4) above shall apply in the case of proceedings for an offence under section 19(1) of this Act consisting of an attempt to commit an offence under subsection (2) above as it applies in the case of proceedings for an offence under subsection (2), subject to the following modifications, that is to say—

(a) for the references to the accused having in his possession, and to his taking possession of, a controlled drug there shall be substituted respectively references to his attempting to get, and to his attempting to take, possession of such a drug; and

(b) in paragraphs (a) and (b) the words from "and that as soon as possible" onwards shall be omitted.**]**

(6) Nothing in subsection (4) **[**[F9]or (5)**]** above shall prejudice any defence which it is open to a person charged with an offence under this section to raise apart from that subsection.

Textual Amendments

F7 S. 5(2A) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 6**; S.I. 2011/2515, art. 3(g)

F8 S. 5(5) repealed (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **Sch. Pt. I** and (N.I.) by S.I. 1983/1120 (N.I. 13), **Sch.**

F9 Words repealed (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **Sch. Pt. I** and (N.I.) by S.I. 1983/1120 (N.I. 13), **Sch.**

Modifications etc. (not altering text)

C11 S. 5(1) excluded (1.2.2002) by S.I. 2001/3998, **regs. 4**, 6(4)-(7), 10, 11(1)(2) (with reg. 2(3))

C12 S. 5(2)(3) saved by (E.W.) Criminal Law Act 1977 (c. 45), **Sch. 5 para. 1(2)(a)(b)(iii)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 7B**, para. 1(2)(a)(b)(iii)

6 Restriction of cultivation of cannabis plant.

(1) Subject to any regulations under section 7 of this Act for the time being in force, it shall not be lawful for a person to cultivate any plant of the genus*Cannabis*.

(2) Subject to section 28 of this Act, it is an offence to cultivate any such plant in contravention subsection (1) above.

7 Authorisation of activities otherwise unlawful under foregoing provisions.

(1) The Secretary of State may by regulations—

(a) except from section 3(1)(a) or (b), 4(1)(a) or (b) or 5(1) of this Act such controlled drugs as may be specified in the regulations; and

(b) make such other provision as he thinks fit for the purpose of making it lawful for persons to do things which under any of the following provisions of this Act, that is to say sections 4(1), 5(1) and 6(1), it would otherwise be unlawful for them to do.

(2) Without prejudice to the generality of paragraph (b) of subsection (1) above, regulations under that subsection authorising the doing of any such thing as is mentioned in that paragraph may in particular provide for the doing of that thing to be lawful—

(a) if it is done under and in accordance with the terms of a licence or other authority issued by the Secretary of State and in compliance with any conditions attached thereto; or

(b) if it is done in compliance with such conditions as may be prescribed.

(3) Subject to subsection (4) below, the Secretary of State shall so exercise his power to make regulations under subsection (1) above as to secure—

(a) that it is not unlawful under section 4(1) of this Act for a doctor, dentist, veterinary practitioner or veterinary surgeon, acting in his capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a pharmacist or a person lawfully conducting a retail pharmacy business, acting in either case in his capacity as such, to manufacture, compound or supply a controlled drug; and

(b) that it is not unlawful under section 5(1) of this Act for a doctor, dentist, veterinary practitioner, veterinary surgeon, pharmacist or person lawfully conducting a retail pharmacy business to have a controlled drug in his possession for the purpose of acting in his capacity as such.

(4) If in the case of any controlled drug the Secretary of State is of the opinion that it is in the public interest—

(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or

(b) for it to be unlawful for practitioners, pharmacists and persons lawfully conducting retail pharmacy businesses to do in relation to that drug any of the things mentioned in subsection (3) above except under a licence or other authority issued by the Secretary of State,

he may by order designate that drug as a drug to which this subsection applies; and while there is in force an order under this subsection designating a controlled drug as one to which this subsection applies, subsection (3) above shall not apply as regards that drug.

(5) Any order under subsection (4) above may be varied or revoked by a subsequent order thereunder.

(6) The power to make orders under subsection (4) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The Secretary of State shall not make any order under subsection (4) above except after consultation with or on the recommendation of the Advisory Council.

(8) References in this section to a person's "doing" things include references to his having things in his possession.

(9) In its application to Northern Ireland this section shall have effect as if for references to the Secretary of State there were substituted references to the Ministry of Home Affairs for Northern Ireland and as if for subsection (6) there were substituted—

"(6) Any order made under subsection (4) above by the Ministry of Home Affairs for Northern Ireland shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act."

[[F10](10) In this section a reference to "controlled drugs" does not include a reference to temporary class drugs (see instead section 7A).**]**

Textual Amendments

F10 S. 7(10) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 7**; S.I. 2011/2515, art. 3(g)

Modifications etc. (not altering text)

C13 Functions of Ministry of Home Affairs for Northern Ireland transferred to Department of Health and Social Services for Northern Ireland by S.R. & O. (N.I.) 1973 No. 504, **Sch. 2 Pt. I**

[[F11]**7A Temporary class drug orders: power to make further provision**

(1) This section applies if a temporary class drug order specifies a substance or product as a drug subject to temporary control.

(2) The order may—

(a) include provision for the exception of the drug from the application of section 3(1)(a) or (b) or 4(1)(a) or (b),

(b) make such other provision as the Secretary of State thinks fit for the purpose of making it lawful for persons to do things in respect of the drug which under section 4(1) it would otherwise be unlawful for them to do,

(c) provide for circumstances in which a person's possession of the drug is to be treated as excepted possession for the purposes of this Act, and

(d) include any provision in relation to the drug of a kind that could be made in regulations under section 10 or 22 if the drug were a Class A drug, a Class B drug or a Class C drug (but ignoring section 31(3)).

(3) Provision under subsection (2) may take the form of applying (with or without modifications) any provision made in regulations under section 7(1), 10 or 22.

(4) Provision under subsection (2)(b) may (in particular) provide for the doing of something to be lawful if it is done—

(a) in circumstances mentioned in section 7(2)(a), or

(b) in compliance with such conditions as may be prescribed by virtue of section 7(2)(b).

(5) Section 7(8) applies for the purposes of this section.

(6) Section 31(1) (general provision as to regulations) applies in relation to a temporary class drug order that contains provision made by virtue of this section as it applies to regulations under this Act.**]**

Textual Amendments

F11 S. 7A inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 8**; S.I. 2011/2515, art. 3(g)

Miscellaneous offences involving controlled drugs etc.

8 Occupiers etc. of premises to be punishable for permitting certain activities to take place there.

A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say—

(a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;

(b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);

(c) preparing opium for smoking;

(d) smoking cannabis, cannabis resin or prepared opium.

Modifications etc. (not altering text)

C14 S. 8 saved by (E.W.) Criminal Law Act 1977 (c. 45), **Sch. 5 para. 1(2)(b)(iv)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 7B para. 1(2)(b)(iv)**

C15 S. 8 excluded by S.I. 1985/2066, **art. 13** and S.R. 1986/52, **art. 13**

C16 S. 8 restricted (1.2.2002) by S.I. 2001/3998, **reg. 13** (with reg. 2(3))

9 Prohibition of certain activities etc. relating to opium.

Subject to section 28 of this Act, it is an offence for a person—

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Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

(a) to smoke or otherwise use prepared opium; or
(b) to frequent a place used for the purpose of opium smoking; or
(c) to have in his possession—
(i) any pipes or other utensils made or adapted for use in connection with the smoking of opium, being pipes or utensils which have been used by him or with his knowledge and permission in that connection or which he intends to use or permit others to use in that connection; or
(ii) any utensils which have been used by him or with his knowledge and permission in connection with the preparation of opium for smoking.

[F12 9A Prohibition of supply etc. of articles for administering or preparing controlled drugs.

(1) A person who supplies or offers to supply any article which may be used or adapted to be used (whether by itself or in combination with another article or other articles) in the administration by any person of a controlled drug to himself or another, believing that the article (or the article as adapted) is to be so used in circumstances where the administration is unlawful, is guilty of an offence.

(2) It is not an offence under subsection (1) above to supply or offer to supply a hypodermic syringe, or any part of one.

(3) A person who supplies or offers to supply any article which may be used to prepare a controlled drug for administration by any person to himself or another believing that the article is to be so used in circumstances where the administration is unlawful is guilty of an offence.

(4) For the purposes of this section, any administration of a controlled drug is unlawful except—
(a) the administration by any person of a controlled drug to another in circumstances where the administration of the drug is not unlawful under section 4(1) of this Act, [F13]...
(b) the administration by any person of a controlled drug**[**[F14], other than a temporary class drug,**]** to himself in circumstances where having the controlled drug in his possession is not unlawful under section 5(1) of this Act**[**[F15], or
(c) the administration by any person of a temporary class drug to himself in circumstances where having the drug in his possession is to be treated as excepted possession for the purposes of this Act (see section 7A(2)(c)).**]**

(5) In this section, references to administration by any person of a controlled drug to himself include a reference to his administering it to himself with the assistance of another**]**

Textual Amendments

F12 S. 9A inserted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1), **s. 34(1)**

F13 Word in s. 9A(4)(a) omitted (15.11.2011) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 9(a)**; S.I. 2011/2515, art. 3(g)

F14 Words in s. 9A(4)(b) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 9(b)**; S.I. 2011/2515, art. 3(g)

F15 S. 9A(4)(c) and words inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 9(c)**; S.I. 2011/2515, art. 3(g)

Powers of Secretary of State for preventing misuse of controlled drugs

10 Power to make regulations for preventing misuse of controlled drugs.

(1) Subject to the provisions of this Act, the Secretary of State may by regulations make such provision as appears to him necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1) above, regulations under this section may in particular make provision—

(a) for requiring precautions to be taken for the safe custody of controlled drugs;

(b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;

(c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;

(d) for the inspection of any precautions taken or records kept in pursuance of regulations under this section;

(e) as to the packaging and labelling of controlled drugs;

(f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;

(g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;

(h) for requiring any doctor who attends a person who he considers, or has reasonable grounds to suspect, is addicted (within the meaning of the regulations) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(i) for prohibiting any doctor from administering, supplying and authorising the administration and supply to persons so addicted, and from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the **[**[F16]appropriate authority **]** in pursuance of the regulations.

[[F17](2A) Regulations made in pursuance of subsection (2)(i) must secure that under any licence a doctor may—

(a) administer, supply or prescribe a controlled drug, or

(b) authorise the administration or supply of a controlled drug,

only while at an address specified in the licence.

(2B) The appropriate authority for the purposes of subsection (2)(i) is—

(a) where the specified address for the purposes of subsection (2A) is in Scotland, the Scottish Ministers;

(b) otherwise, the Secretary of State.**]**

[[F18](3) In this section a reference to "controlled drugs" does not include a reference to temporary class drugs (see instead section 7A).**]**

Textual Amendments

F16 Words in s. 10(2)(i) substituted (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(2)(a)**, 44(5); S.I. 2012/2516, art. 2(d)

F17 S. 10(2A)(2B) inserted (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(2)(b)**, 44(5); S.I. 2012/2516, art. 2(d)

F18 S. 10(3) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 10**; S.I. 2011/2515, art. 3(g)

11 Power to direct special precautions for safe custody of controlled drugs to be taken at certain premises.

(1) Without prejudice to any requirement imposed by regulations made in pursuance of section 10(2)(a) of this Act **[**[F19]or by provision made in a temporary class drug order by virtue of section 7A that is of a corresponding description to such regulations**]** , the Secretary of State may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are kept on those premises.

(2) It is an offence to contravene any directions given under subsection (1) above.

Textual Amendments

F19 Words in s. 11(1) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 11**; S.I. 2011/2515, art. 3(g)

12 Directions prohibiting prescribing, supply etc. of controlled drugs by practitioners etc. convicted of certain offences.

(1) Where a person who is a practitioner or pharmacist has after the coming into operation of this subsection been convicted—

(a) of an offence under this Act or under the [M1]Dangerous Drugs Act 1965 or any enactment repealed by that act; or

(b) of an offence under section 45, 56 or 304 of the [M2]Customs and Excise Act 1952 **[**[F20]or under section 50, 68 or 170 of the Customs and Excise Management Act 1979**]** in connection with a prohibition of or restriction on importation or exportation of a controlled drug having effect by virtue of section 3 of this Act or which had effect by virtue of any provision contained in or repealed by the [M3]Dangerous Drugs Act 1965,

[[F21](c) of an offence under section 12 or 13 of the Criminal Justice (International Co-operation) Act 1990;**]**

the Secretary of State may give a direction under subsection (2) below in respect of that person.

(2) A direction under this subsection in respect of a person shall—

(a) if that person is a practitioner, be a direction prohibiting him from having in his possession, prescribing administering, manufacturing, compounding and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction;

(b) if that person is a pharmacist, be a direction prohibiting him from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction.

(3) The Secretary of State may at any time give a direction cancelling or suspending any direction given by him under subsection (2) above, or cancelling any direction of his under this subsection by which a direction so given is suspended.

(4) The Secretary of State shall cause a copy of any direction given by him under this section to be served on the person to whom it applies, and shall cause notice of any such direction to be published in the London, Edinburgh and Belfast Gazettes.

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under subsection (2) above.

(7) In section 80 of the Medicines Act 1968 [M4] (under which a body corporate carrying on a retail pharmacy business may be disqualified for the purpose of Part IV of that Act and have its premises removed from the register kept under section 75 of that Act, where that body or any member of the board of that body or any officer or any employee of that body is convicted of an offence under any relevant Acts as defined in subsection (5)), for the words "and this Act" in subsection (5) there shall be substituted the words "this Act and the Misuse of Drugs Act 1971".

Textual Amendments

F20 Words inserted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), **Sch. 4 para. 8**

F21 S. 12(1)(c) inserted (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), **ss. 23(2)**, 32(2); S.I. 1991/1072, art. 2(b), **Sch. Pt. 2**

Modifications etc. (not altering text)

C17 S. 12(1)(*a*) extended (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **s. 7(3)** and (N.I.) by S.I. 1983/1120 (N.I. 13), **art. 6(3)**(*a*)

C18 S. 12(6) saved by (E.W.) Criminal Law Act 1977 (c. 45), **Sch. 5 para. 1(2)(b)(v)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 7B para. 1(2)(b)(v)**

C19 The text of ss. 12(7), 39(2) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1965 c. 15.

M2 1952 c. 44.

M3 1965 c. 15.

M4 1968 c. 67

13 Directions prohibiting prescribing, supply etc. of controlled drugs by practitioners in other cases.

(1) In the event of a contravention by a doctor of regulations made in pursuance of paragraph (h) or (i) of section 10(2) of this Act **[**[F22]or of corresponding provision made in a temporary class drug order**]** , or of the terms of a licence issued under regulations made in pursuance of the said paragraph (i) **[**[F23]or of any such corresponding provision **]** , the Secretary of State may, subject to and in accordance with section 14 of this Act, give a direction in respect of the doctor concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

[[F24](1A) For the purposes of subsection (1), provision made in a temporary class drug order is "corresponding provision" if it—

(a) is made by virtue of section 7A(2)(d), and

(b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) 10(2)(i).**]**

[[F25](1B) In relation to regulations made in pursuance of section 10(2)(i) or to a licence under those regulations, the reference in subsection (1) to the Secretary of State is to be read as a reference to the appropriate authority.

(1C) The appropriate authority for the purposes of subsection (1B) is—

(a) in relation to a contravention taking place in Scotland, the Scottish Ministers;

(b) otherwise, the Secretary of State.**]**

(2) If the Secretary of State is of the opinion that a practitioner is or has after the coming into operation of this subsection been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Secretary of State may, subject to and in accordance with section 14 or 15 of this Act, give a direction in respect of the practitioner concerned prohibiting him from prescribing, administering and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction.

(3) A contravention such as is mentioned in subsection (1) above does not as such constitute an offence, but it is an offence to contravene a direction given under subsection (1) or (2) above.

Textual Amendments

F22 Words in s. 13(1) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 12(2)(a)**; S.I. 2011/2515, art. 3(g)

F23 Words in s. 13(1) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 12(2)(b)**; S.I. 2011/2515, art. 3(g)

F24 S. 13(1A) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 12(3)**; S.I. 2011/2515, art. 3(g)

F25 S. 13(1B)(1C) inserted (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(3)**, 44(5); S.I. 2012/2516, art. 2(d)

Modifications etc. (not altering text)

C20 S. 13(3) saved by (E.W.) Criminal Law Act 1977 (c. 45), **Sch. 5 para. 1(2)(b)(vi)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 7B para. 1(2)(b)(vi)**

14 Investigation where grounds for a direction under s. 13 are considered to exist.

(1) If the Secretary of State considers that there are grounds for giving a direction under subsection (1) of section 13 of this Act on account of such a contravention by a doctor as is there mentioned, or for giving a direction under subsection (2) of that section on account of such conduct by a practitioner as is mentioned in the said subsection (2), he may refer the case to a tribunal constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the tribunal to consider the case and report on it to the Secretary of State.

[[F26](1A) In relation to section 13(1), references in this section to the Secretary of State are to be read in accordance with section 13(1B).**]**

(2) In this Act "the respondent", in relation to a reference under this section, means the doctor or other practitioner in respect of whom the reference is made.

(3) Where—

(a) in the case of a reference relating to the giving of a direction under the said subsection (1), the tribunal finds that there has been no such contravention as aforesaid by the respondent or finds that there has been such a contravention but does not recommend the giving of a direction under that subsection in respect of the respondent; or

(b) in the case of a reference relating to the giving of a direction under the said subsection (2), the tribunal finds that there has been no such conduct as aforesaid by the respondent or finds that there has been such conduct by the respondent but does not recommend the giving of a direction under the said subsection (2) in respect of him,

the Secretary of State shall cause notice to that effect to be served on the respondent.

(4) Where the tribunal finds—

(a) in the case of a reference relating to the giving of a direction under the said subsection (1), that there has been such a contravention as aforesaid by the respondent; or

(b) in the case of a reference relating to the giving of a direction under the said subsection (2), that there has been such conduct as aforesaid by the respondent,

and considers that a direction under the subsection in question should be given in respect of him, the tribunal shall include in its report a recommendation to that effect indicating the controlled drugs which it considers should be specified in the direction or indicating that the direction should specify all controlled drugs.

(5) Where the tribunal makes such a recommendation as aforesaid, the Secretary of State shall cause a notice to be served on the respondent stating whether or not he proposes to give a direction pursuant thereto, and where he does so propose the notice shall—

(a) set out the terms of the proposed direction; and

(b) inform the respondent that consideration will be given to any representations relating to the case which are made by him in writing to the Secretary of State within the period of twenty-eight days beginning with the date of service of the notice.

(6) If any such representations are received by the Secretary of State within the period aforesaid, he shall refer the case to an advisory body constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the

advisory body to consider the case and to advise the Secretary of State as to the exercise of his powers under subsection (7) below.

(7) After the expiration of the said period of twenty-eight days and, in the case of a reference to an advisory body under subsection (6) above, after considering the advice of that body, the Secretary of State may either—

(a) give in respect of the respondent a direction under subsection (1) or, as the case may be, subsection (2) of section 13 of this Act specifying all or any of the controlled drugs indicated in the recommendation of the tribunal; or

(b) order that the case be referred back to the tribunal, or referred to another tribunal constituted as aforesaid; or

(c) order that no further proceedings under this section shall be taken in the case.

(8) Where a case is referred or referred back to a tribunal in pursuance of subsection (7) above, the provisions of subsections (2) to (7) above shall apply as if the case had been referred to the tribunal in pursuance of subsection (1) above, and any finding, recommendation or advice previously made or given in respect of the case in pursuance of those provisions shall be disregarded.

Textual Amendments

F26 S. 14(1A) inserted (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(4)**, 44(5); S.I. 2012/2516, art. 2(d)

15 Temporary directions under s. 13(2).

(1) If the Secretary of State considers that there are grounds for giving a direction under subsection (2) of section 13 of this Act in respect of a practitioner on account of such conduct by him as is mentioned in that subsection and that the circumstances of the case require such a direction to be given with the minimum of delay, he may, subject to the following provisions of this section, give such a direction in respect of him by virtue of this section; and a direction under section 13(2) given by virtue of this section may specify such controlled drugs as the Secretary of State thinks fit.

(2) Where the Secretary of State proposes to give such a direction as aforesaid by virtue of this section, he shall refer the case to a professional panel constituted for the purpose in accordance with the following provisions of this Act; and

(a) it shall be the duty of the panel, after affording the respondent an opportunity of appearing before and being heard by the panel, to consider the circumstances of the case, so far as known to it, and to report to the Secretary of State whether the information before the panel appears to it to afford reasonable grounds for thinking that there has been such conduct by the respondent as is mentioned in section 13(2) of this Act; and

(b) the Secretary of State shall not by virtue of this section give such a direction as aforesaid in respect of the respondent unless the panel reports that the information before it appears to it to afford reasonable grounds for so thinking.

(3) In this Act "the respondent", in relation to a reference under subsection (2) above, means the practitioner in respect of whom the reference is made.

(4) Where the Secretary of State gives such a direction as aforesaid by virtue of this section he shall, if he has not already done so, forthwith refer the case to a tribunal in accordance with section 14(1) of this Act.

(5) Subject to subsection (6) below, the period of operation of a direction under section 13(2) of this Act given by virtue of this section shall be a period of six weeks beginning with the date on which the direction takes effect.

(6) Where a direction under section 13(2) of this Act has been given in respect of a person by virtue of this section and the case has been referred to a tribunal in accordance with section 14(1), the Secretary of State may from time to time, by notice in writing served on the person to whom the direction applies, extend or further extend the period of operation of the direction for a further twenty-eight days from the time when that period would otherwise expire, but shall not so extend or further extend that period without the consent of that tribunal, or, if the case has been referred to another tribunal in pursuance of section 14(7) of this Act, of that other tribunal.

(7) A direction under section 13(2) of this Act given in respect of a person by virtue of this section shall (unless previously cancelled under section 16(3) of this Act) cease to have effect on the occurrence of any of the following events, that is to say—

(a) the service on that person of a notice under section 14(3) of this Act relating to his case;

(b) the service on that person of a notice under section 14(5) of this Act relating to his case stating that the Secretary of State does not propose to give a direction under section 13(2) of this Act pursuant to a recommendation of the tribunal that such a direction should be given;

(c) the service on that person of a copy of such a direction given in respect of him in pursuance of section 14(7) of this Act;

(d) the making of an order by the Secretary of State in pursuance of section 14(7) that no further proceedings under section 14 shall be taken in the case;

(e) the expiration of the period of operation of the direction under section 13(2) given by virtue of this section.

16 Provisions supplementary to ss. 14 and 15.

(1) The provisions of Schedule 3 to this Act shall have effect with respect to the constitution and procedure of any tribunal, advisory body or professional panel appointed for the purposes of section 14 or 15 of this Act, and with respect to the other matters there mentioned.

[[F27](1A) Where in accordance with section 14(1A) a case is referred to a tribunal or advisory body by the Scottish Ministers—

(a) references in this section and Schedule 3 to the Secretary of State are to be read as references to the Scottish Ministers, and

(b) references in that Schedule to the approval of the Treasury do not apply.**]**

(2) The Secretary of State shall cause a copy of any order or direction made or given by him in pursuance of section 14(7) of this Act or any direction given by him by virtue of the said section 15 to be served on the person to whom it applies and shall cause notice of any such direction, and a copy of any notice served under section 15(6) of this Act, to be published in the London, Edinburgh and Belfast Gazettes.

(3) The Secretary of State may at any time give a direction—

(a) cancelling or suspending any direction given by him in pursuance of section 14(7) of this Act or cancelling any direction of his under this subsection by which a direction so given is suspended; or

(b) cancelling any direction given by him by virtue of section 15 of this Act,

and shall cause a copy of any direction of his under this subsection to be served on the person to whom it applies and notice of it to be published as aforesaid.

(4) A direction given under section 13(1) or (2) of this Act or under subsection (3) above shall take effect when a copy of it is served on the person to whom it applies.

Textual Amendments

F27 S. 16(1A) inserted (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(5)**, 44(5); S.I. 2012/2516, art. 2(d)

17 Power to obtain information from doctors, pharmacists etc. in certain circumstances.

(1) If it appears to the Secretary of State that there exists in any area in Great Britain a social problem caused by the extensive misuse of dangerous or otherwise harmful drugs in that area, he may by notice in writing served on any doctor or pharmacist practising in or in the vicinity of that area, or on any person carrying on a retail pharmacy business within the meaning of the [M5]Medicines Act 1968 at any premises situated in or in the vicinity of that area, require him to furnish to the Secretary of State, with respect to any such drugs specified in the notice and as regards any period so specified, such particulars as may be so specified relating to the quantities in which and the number and frequency of the occasions on which those drugs—

(a) in the case of a doctor, were prescribed, administered or supplied by him;

(b) in the case of a pharmacist, were supplied by him; or

(c) in the case of a person carrying on a retail pharmacy business, were supplied in the course of that business at any premises so situated which may be specified in the notice.

(2) A notice under this section may require any such particulars to be furnished in such manner and within such time as may be specified in the notice and, if served on a pharmacist or person carrying on a retail pharmacy business, may require him to furnish the names and addresses of doctors on whose prescriptions any dangerous or otherwise harmful drugs to which the notice relates were supplied, but shall not require any person to furnish any particulars relating to the identity of any person for or to whom any such drug has been prescribed, administered or supplied.

(3) A person commits an offence if without reasonable excuse (proof of which shall lie on him) he fails to comply with any requirement to which he is subject by virtue of subsection (1) above.

(4) A person commits an offence if in purported compliance with a requirement imposed under this section he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(5) In its application to Northern Ireland this section shall have effect as if for the references to Great Britain and the Secretary of State there were substituted respectively references to Northern Ireland and the Ministry of Home Affairs for Northern Ireland.

Marginal Citations

M5 1968 c. 67.

Miscellaneous offences and powers

18 Miscellaneous offences.

(1) It is an offence for a person to contravene any regulations made under this Act other than regulations made in pursuance of section 10(2)(h) or (i).

(2) It is an offence for a person to contravene a condition or other term of a licence issued under section 3 of this Act or of a licence or other authority issued under regulations made under this Act, not being a licence issued under regulations made in pursuance of section 10(2)(i).

(3) A person commits an offence if, in purported compliance with any obligation to give information to which he is subject under or by virtue of regulations made under this Act, he gives any information which he knows to be false in a material particular or recklessly gives any information which is so false.

(4) A person commits an offence if, for the purpose of obtaining, whether for himself or another, the issue or renewal of a licence or other authority under this Act or under any regulations made under this Act, he—

(a) makes any statement or gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or

(b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular.

[[F28](5) In this section (and in references in Schedule 4 that refer to this section), any reference to regulations made under this Act is to be taken as including a reference to provision made in a temporary class drug order by virtue of section 7A.

(6) For this purpose, a reference in subsection (1) or (2) to regulations made in pursuance of section 10(2)(h) or (i) is a reference to any provision of a temporary class drug order which—

(a) is made by virtue of section 7A(2)(d), and

(b) is of a corresponding description to regulations made in pursuance of section 10(2)(h) or (as the case may be) (i).**]**

Textual Amendments

F28 S. 18(5)(6) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 13**; S.I. 2011/2515, art. 3(g)

19 Attempts etc. to commit offences.

It is an offence for a person **[**[F29]**[**[F30]to attempt to commit an offence under any other provision of this Act or to incite or attempt**]** to incite another to commit **[**[F31]such an

offence**][**[F31]an offence under any other provision of this Act**]][**[F29]to incite another to commit an offence under any other provision of this Act**]**.

Textual Amendments

F29 Words commencing "to incite" substituted (N.I.) for words commencing "to attempt" by S.I. 1983/1120, (N.I. 13), art. 6(3)(*b*)

F30 Words repealed (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **Sch. Pt. I**

F31 Words in s. 19 substituted (E.W.) (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 53** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

20 Assisting in or inducing commission outside United Kingdom of offence punishable under a corresponding law.

A person commits an offence if in the United Kingdom he assists in or induces the commission in any place outside the United Kingdom of an offence punishable under the provisions of a corresponding law in force in that place.

21 Offences by corporations.

Where any offence under this Act **[**[F32]or Part II of the Criminal Justice (International Co-operation) Act 1990 [F33]... **[**[F34]or Article 47 of the Proceeds of Crime (Northern Ireland) Order 1996**]]** committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Textual Amendments

F32 Words inserted (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), **s. 23(3)**; S.I. 1991/1072, art. 2, **Sch. Pt. II**

F33 Words in s. 21 repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 12**; S.I. 2003/120, art. 2, Sch. (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

F34 Words in s. 21 inserted (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(1), **Sch. 3 para.1**

22 Further powers to make regulations.

(**[**[F35]1**]**) The Secretary of State may by regulations make provision—

(a) for excluding in such cases as may be prescribed—

(i) the application of any provision of this Act which creates an offence; or

(ii) the application of any of the following provisions of **[**[F36]the Customs and Excise Management Act 1979, that is to say sections 50(1) to (4), 68(2) and (3) and 170**]**, in so far as they apply in relation to a prohibition or restriction on importation or exportation having effect by virtue of section 3 of this Act;

(b) for applying any of the provisions of sections 14 to 16 of this Act and Schedule 3 thereto, with such modifications (if any) as may be prescribed—

(i) in relation to any proposal by the Secretary of State to give a direction under section 12(2) of this Act; or

(ii) for such purposes of regulations under this Act as may be prescribed;

(c) for the application of any of the provisions of this Act or regulations or orders thereunder to servants or agents of the Crown, subject to such exceptions, adaptations and modifications as may be prescribed.

[[F37](2) The power to make regulations under this section does not apply in relation to temporary class drugs (see instead section 7A).**]**

Textual Amendments

F35 S. 22 renumbered as s. 22(1) (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 14(a)**; S.I. 2011/2515, art. 3(g)

F36 Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), s. 177(1), **Sch. 4 para. 12** Table Pt. I

F37 S. 22(2) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 14(b)**; S.I. 2011/2515, art. 3(g)

Law enforcement and punishment of offences

23 Powers to search and obtain evidence.

(1) A constable or other person authorised in that behalf by a general or special order of the Secretary of State (or in Northern Ireland either of the Secretary of State or the Ministry of Home Affairs for Northern Ireland) shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations **[**[F38]or orders**]** made thereunder, the constable may—

(a) search that person, and detain him for the purpose of searching him;

(b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;

(c) seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search which appears to the constable to be evidence of an offence under this Act.

In this subsection "vessel" includes a hovercraft within the meaning of the [M6]Hovercraft Act 1968; and nothing in this subsection shall prejudice any power of search or any power to seize or detain property which is exercisable by a constable apart from this subsection.

(3) If a justice of the peace (or in Scotland a justice of the peace, a magistrate or a sheriff) is satisfied by information on oath that there is reasonable ground for suspecting—

(a) that any controlled drugs are, in contravention of this Act or of any regulations **[**[F39]or orders**]** made thereunder, in the possession of a person on any premises; or

(b) that a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the United Kingdom, an offence against the provisions of a corresponding law in force in that place, is in the possession of a person on any premises,

he may grant a warrant authorising any constable [F40]... at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence under this Act has been committed in relation to any controlled drugs found on the premises or in the possession of any such persons, or that a document so found is such a document as is mentioned in paragraph (b) above, to seize and detain those drugs or that document, as the case may be.

[[F41](3A) The powers conferred by subsection (1) above shall be exercisable also for the purposes of the execution of Part II of the Criminal Justice (International Co-operation) Act 1990 [F42]...**[**[F43]or Article 47 of the Proceeds of Crime (Northern Ireland) Order 1996**]** and subsection (3) above (excluding paragraph (a)) shall apply also to offences under section 12 or 13 of that Act **[**[F44]of 1990**]**, taking references in those provisions to controlled drugs as references to scheduled substances within the meaning of that Part.**]**

(4) A person commits an offence if he—

(a) intentionally obstructs a person in the exercise of his powers under this section; or

(b) conceals from a person acting in the exercise of his powers under subsection (1) above any such books, documents, stocks or drugs as are mentioned in that subsection; or

(c) without reasonable excuse (proof of which shall lie on him) fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his power under that subsection.

[F45](5) . . . . . .

Textual Amendments

F38 Words in s. 23(2) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 15(2)**; S.I. 2011/2515, art. 3(g)

F39 Words in s. 23(3)(a) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 15(3)**; S.I. 2011/2515, art. 3(g)

F40 Words in s. 23(3) repealed (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 111(2), 116(5)(c), **Sch. 8 Pt. 12**

F41 S. 23(3A) inserted (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), **s. 23(4)**; S.I. 1991/1072, art. 2, **Sch. Pt. II**

F42 Words in s. 23(3A) repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 12**; S.I. 2003/120, art. 2, Sch. (with arts. 34) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

F43 Words in s. 23(3A) inserted (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(1), **Sch. 3 para. 2**

F44 Words in s. 23(3A) inserted (3.2.1995) by 1994 c. 37, s. 65, **Sch. 1 para. 4(b)**

F45 S. 23(5) repealed (12.11.2009) by Policing and Crime Act 2009 (c. 26), ss. 111(3), 116(5)(c), **Sch. 8 Pt. 12**

Modifications etc. (not altering text)

C21 Functions of Ministry of Home Affairs for Northern Ireland transferred to Department of Health and Social Services for Northern Ireland by S.R. & O. (N.I.) 1973 No. 504, art. 5, **Sch. 2 Pt. I**

C22 S. 23(1)(3) extended (with modifications) (6.10.1993) by S.I. 1993/2166, **reg. 8(2)**.

C23 S. 23(1)(3) extended (with modifications) (7.3.2008) by Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008 (S.I. 2008/296), regs. 1(1), **10**

C24 S. 23(1)(3) extended (with modifications) (7.3.2008) by Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008 (S.I. 2008/295), regs. 1(1), **8**

C25 S. 23(2)(3) powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 50, 138(2), **Sch. 1 para. 14** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

C26 S. 23(2)(3) powers of seizure extended (1.4.2003) by Criminal Justice and Police Act 2001 (c. 16), ss. 51, 138(2), **Sch. 1 para. 77** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)

C27 S. 23(3)(3A) modified by 2002 c. 30, Sch. 4 para. 16B (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 8 para. 14**; S.I. 2005/1521, art. 3(1)(i))

C28 S. 23(3)(3A) modified by 2003 c. 6, Sch. 2 para. 2B (as inserted (N.I.) (22.4.2007) by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), art. 1(3), **Sch. 1 para. 2**)

C29 S. 23(3) extended (with modifications) (7.3.2008) by Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008 (S.I. 2008/295), regs. 1(1), **8**

Marginal Citations

M6 1968 c. 59.

[F46 23A Temporary class drugs: further power to search, seize and detain

(1) Subsection (3) applies in any case where—

(a) a constable has reasonable grounds to suspect that a person ("P") is in possession of a temporary class drug, and

(b) it does not appear to the constable that a power under section 23(2) applies to the case.

(2) But if any provision has been made by virtue of section 7A(2)(c) (excepted possession) that applies to the temporary class drug in question, subsection (3) applies only if the constable has no reason to believe that P's possession of the drug is to be treated as excepted possession for the purposes of this Act.

(3) The constable may—

(a) search P, and detain P for the purposes of searching P;

(b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;

(c) seize and detain anything found in the course of the search which appears to the constable to be a temporary class drug or to be evidence of an offence under this Act.

In this subsection, "vessel" has the same meaning as in section 23(2).

(4) Subsection (5) applies if a constable reasonably believes that anything detained under subsection (3)(c) is a temporary class drug but is not evidence of any offence under this Act.

(5) The constable may dispose of the drug in such manner as the constable thinks appropriate.

(6) A person who intentionally obstructs a constable in the exercise of the constable's powers under subsection (3) commits an offence.**]**

Textual Amendments

F46 S. 23A inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 16**; S.I. 2011/2515, art. 3(g)

24 Power of arrest

[[F47](1) A constable may arrest without warrant a person who has committed, or whom the constable, with reasonable cause, suspects to have committed, an offence under this Act, if—

(a) he, with reasonable cause, believes that that person will abscond unless arrested; or

(b) the name and address of that person are unknown to, and cannot be ascertained by, him; or

(c) he is not satisfied that a name and address furnished by that person as his name and address are true.

(2) This section shall not prejudice any power of arrest conferred by law apart from this section.**]**

Textual Amendments

F47 S. 24 repealed (E.W.) by virtue of Police and Criminal Evidence Act 1984 (c. 60, SIF 95, 47), s. 119, **Sch. 7 Pt. I** and s. 24 repealed (N.I.) by S.I. 1989/1341 (N.I. 12), art. 90(2)(3), **Sch. 7 Pt. I**

25 Prosecution and punishment of offences.

(1) Schedule 4 to this Act shall have effect, in accordance with subsection (2) below, with respect to the way in which offences under this Act are punishable on conviction.

(2) In relation to an offence under a provision of this Act specified in the first column of the Schedule (the general nature of the offence being described in the second column)—

(a) the third column shows whether the offence is punishable on summary conviction or on indictment or in either way;

(b) the fourth, fifth and sixth columns show respectively the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment) according to whether the controlled drug in relation to which the offence was committed was a Class A drug, a Class B drug or a Class C drug; and

(c) the seventh column shows the punishments which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment), whether or not the offence was committed in relation to a controlled drug and, if it was so committed,

irrespective of whether the drug was a Class A drug, a Class B drug or a Class C drug;

and in the fourth, fifth, sixth and seventh columns a reference to a period gives the maximum term of imprisonment and a reference to a sum of money the maximum fine.

[[F48](2A) Subsection (2B) applies if an offence specified in the first column of Schedule 4 is committed in relation to a temporary class drug.

(2B) The punishments which may be imposed on a person convicted of the offence summarily or (as the case may be) on indictment in relation to the temporary class drug are the same as those which could be imposed had the person been convicted of the offence in that way in relation to a Class B drug (see the fifth column of Schedule 4).**]**

(3) An offence under section 19 of this Act shall be punishable on summary conviction, on indictment or in either way according to whether, under Schedule 4 to this Act, the substantive offence is punishable on summary conviction, in indictment or in either way; and the punishments which may be imposed on a person convicted of an offence under that section are the same as those which, under that Schedule, may be imposed on a person convicted of the substantive offence.

In this subsection "the substantive offence" means the offence under this Act to which **[**[F49]the attempt or, as the case may be**]**, the incitement **[**[F49]or attempted incitement**]** mentioned in section 19 was directed.

[[F50](3A) The punishments which may be imposed on a person convicted of an offence under section 23A(6) are the same as those which, under Schedule 4, may be imposed on a person convicted of an offence under section 23(4).**]**

(4) Notwithstanding anything in **[**[F51]section 127(1) of the Magistrates' Courts Act 1980**]**, a magistrates' court in England and Wales may try an information for an offence under this Act if the information was laid at any time within twelve months from the commission of the offence.

(5) Notwithstanding anything in **[**[F52]section 331 of the [M7]Criminal Procedure (Scotland) Act 1975**]** (limitation of time for proceedings in statutory offences) summary proceedings in Scotland for an offence under this Act may be commenced at any time within twelve months from the time when the offence was committed, and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.

(6) Notwithstanding anything in **[**[F53]Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981**]**, a magistrates' court in Northern Ireland may hear and determine a complaint for an offence under **[**[F54]section 17(3) of**]** this Act if the complaint was made at any time within twelve months from the commission of the offence.

Textual Amendments

F48 S. 25(2A)(2B) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 17(2)**; S.I. 2011/2515, art. 3(g)

F49 Words repealed (E.W.) by Criminal Attempts Act 1981 (c. 47, SIF 39:1), **Sch. Pt. I** and (N.I.) by S.I. 1983/1120 (N.I. 13), **Sch.**

F50 S. 25(3A) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 17(3)**; S.I. 2011/2515, art. 3(g)

F51 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 102**

F52 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 460(1)(b)**

F53 Words commencing "Article 19(1)" substituted (N.I.) for words commencing "section 34" by S.I. 1981/1675 (N.I. 26), **Sch. 6 Pt. I para. 20**

F54 Words inserted by S.I. 1980/704, **Sch. 1 Pt. II para. 60**

Marginal Citations

M7 1975 c. 21.

[F55]26 . . . . . .

Textual Amendments

F55 S. 26 repealed by Customs and Excise Management Act 1979 (c. 2, SIF 39:1), **Sch. 6 Pt. I**

27 Forfeiture.

(1) Subject to subsection (2) below, the court by or before which a person is convicted of an offence under this Act **[**[F56]or **[**[F57]an offence falling within subsection (3) below**]][**[F58]or an offence to which section 1 of the Criminal Justice (Scotland) Act 1987 relates**][**[F59]or a drug trafficking offence, as defined in Article 2(2) of the **[**[F60]Proceeds of Crime (Northern Ireland) Order 1996**]]** may order anything shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(2) The court shall not order anything to be forfeited under this section, where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

[[F61](3) An offence falls within this subsection if it is an offence which is specified in—

(a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or

(b) so far as it relates to that paragraph, paragraph 10 of that Schedule.**]**

Textual Amendments

F56 Words inserted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 70, 123, **Sch. 8 para. 16**

F57 Words in s. 27(1) substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 5(2)**; S.I. 2003/333, art. 2, Sch.

F58 Words inserted (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), s. 31(1), **Sch. 4 para. 1**; S.I. 1991/1072, art. 2, **Sch. Pt. II**

F59 Words in s. 27(1) inserted (9.1.1995) by S.I. 1994/2795 (N.I. 15), **art. 13**;S.R. 1994 No. 446, **art. 2**

F60 Words in s. 27(1) substituted (25.8.1996) by S.I. 1996/1299 (N.I. 9), art. 57(1), **Sch. 3 para.3**

F61 S. 27(3) inserted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 5(3)**; S.I. 2003/333, art. 2, Sch.

Modifications etc. (not altering text)

C30 S. 27 restricted (E.W.) by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1), **s. 1(5)**(*b*)(iii)
s. 27 restricted (E.W.) (3.2.1995) by 1994 c. 37,ss. 2(5)(b)(iii), 20(1)(a)(iii)(with s. 66(2))

C31 S. 27 restricted by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 72(5)(c), 123, **Sch. 8 para. 6**

Miscellaneous and supplementary provisions

28 Proof of lack of knowledge etc. to be a defence in proceedings for certain offences.

(1) This section applies to offences under any of the following provisions of this Act, that is to say section 4(2) and (3), section 5(2) and (3), section 6(2) and section 9.

(2) Subject to subsection (3) below, in any proceedings for an offence to which this section applies it shall be a defence for the accused to prove that he neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution which it is necessary for the prosecution to prove if he is to be convicted of the offence charged.

(3) Where in any proceedings for an offence to which this section applies it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or product involved in the alleged offence was the controlled drug which the prosecution alleges it to have been, and it is proved that the substance or product in question was that controlled drug, the accused—

(a) shall not be acquitted of the offence charged by reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance or product in question was the particular controlled drug alleged; but

(b) shall be acquitted thereof—

(i) if he proves that he neither believed nor suspected nor had reason to suspect that the substance or product in question was a controlled drug; or

(ii) if he proves that he believed the substance or product in question to be a controlled drug, or a controlled drug of a description, such that, if it had in fact been that controlled drug or a controlled drug of that description, he would not at the material time have been committing any offence to which this section applies.

(4) Nothing in this section shall prejudice any defence which it is open to a person charged with an offence to which this section applies to raise apart from this section

Modifications etc. (not altering text)

C32 S. 28 extended (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), **ss. 19(5)**, 32(2); S.I. 1991/1072, art. 2, **Sch. Pt. II**

29 Service of documents.

(1) Any notice or other document required or authorised by any provision of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.

(2) Any notice or other document so required or authorised to be served on a body corporate shall be duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of this section, and of **[**[F62]section 7 of the [M8]Interpretation Act 1978**]** in its application to this section, the proper address of any person shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office

of that body, and in any other case shall be the last address of the person to be served which is known to the Secretary of State.

(4) Where any of the following documents, that is to say—

(a) a notice under section 11(1) or section 15(6) of this Act; or

(b) a copy of a direction given under section 12(2), section 13(1) or (2) or section 16(3) of this Act,

is served by sending it by registered post or by the recorded delivery service, service thereof shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and so much of **[**[F62]section 7 of the [M9]Interpretation Act 1978**]** as relates to the time when service by post is deemed to have been effected shall not apply to such a document if it is served by so sending it.

Textual Amendments

F62 Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 25(2)**

Marginal Citations

M8 1978 c. 30.

M9 1978 c. 30.

30 Licences and authorities.

[[F63](1)**]** A licence or other authority issued by the Secretary of State for purposes of this Act or of regulations **[**[F64]or orders **]** made under this Act may be, to any degree, general or specific, may be issued on such terms and subject to such conditions (including, in the case of a licence, the payment of a prescribed fee) as the Secretary of State thinks proper, and may be modified or revoked by him at any time.

[[F65](2) Subsection (1) applies to a licence issued by the Scottish Ministers under regulations made in pursuance of section 10(2)(i) as if references in that subsection to the Secretary of State were references to the Scottish Ministers.**]**

Textual Amendments

F63 S. 30 renumbered as s. 30(1) (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(6)(a)**, 44(5); S.I. 2012/2516, art. 2(d)

F64 Words in s. 30 inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 18**; S.I. 2011/2515, art. 3(g)

F65 S. 30(2) inserted (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(6)(b)**, 44(5); S.I. 2012/2516, art. 2(d)

31 General provisions as to regulations.

(1) Regulations made by the Secretary of State under any provision of this Act—

(a) may make different provision in relation to different controlled drugs, different classes of persons, different provisions of this Act or other different cases or circumstances; and

(b) may make the opinion, consent or approval of a prescribed authority or of any person authorised in a prescribed manner material for purposes of any provision of the regulations; and

(c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Secretary of State.

(2) Any power of the Secretary of State to make regulations under this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The Secretary of State shall not make any regulations under this Act except after consultation with the Advisory Council.

(4) In its application to Northern Ireland this section shall have effect as if for references to the Secretary of State there were substituted references to the Ministry of Home Affairs for Northern Ireland and as if for subsection (2) there were substituted—

"(2) Any regulations made under this Act by the Ministry of Home Affairs for Northern Ireland shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act."

Subordinate Legislation Made

P1 S. 31 power previously exercised by S.I. 1990/2630, 1989/1460, 245, 1988/916,311, 1987/298, 1986/2332, 2330, 416, 1985/2067, 2066, 1984/1146, 1983/1909, 1973/799, 798.

P2 S. 31 (with ss. 30 and 37(1)) power exercised by S.I.1991/339.

Modifications etc. (not altering text)

C33 Functions of Ministry of Home Affairs for Northern Ireland transferred to Department of Health and Social Services for Northern Ireland by S.R. & O. (N.I.) 1973 No. 504, art. 5, **Sch. 2 Pt. I**

32 Research.

The Secretary of State may conduct or assist in conducting research into any matter relating to the misuse of dangerous or otherwise harmful drugs.

[F66]33 . . . . . .

Textual Amendments

F66 S. 33 repealed by Extradition Act 1989 (c. 33, SIF 48), s. 37, **Sch. 2**

[F67]34 . . . . . .

Textual Amendments

F67 S. 34 repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), **Sch. 3**

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

35 Financial provisions.

There shall be defrayed out of moneys provided by Parliament—

(a) any expenses incurred by the Secretary of State under or in consequence of the provisions of this Act other than section 32; and

(b) any expenses incurred by the Secretary of State with the consent of the Treasury for the purposes of his functions under that section.

36 Meaning of "corresponding law", and evidence of certain matters by certificate.

(1) In this Act the expression "corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the United Kingdom to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of the Single Convention on Narcotic Drugs signed at New York on 30th March 1961 or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and Her Majesty's Government in the United Kingdom are for the time being parties.

(2) A statement in any such certificate as aforesaid to the effect that any facts constitute an offence against the law mentioned in the certificate shall be evidence, and in Scotland sufficient evidence, of the matters stated.

37 Interpretation.

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the Advisory Council" means the Advisory Council on the Misuse of Drugs established under this Act;

[[F68]"cannabis" (except in the expression "cannabis resin") means any plant of the genus*Cannabis*or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely—

(a) mature stalk of any such plant,

(b) fibre produced from mature stalk of any such plant, and

(c) seed of any such plant;**]**

"cannabis resin" means the separated resin, whether crude or purified, obtained from any plant of the genus*Cannabis;*

"contravention" includes failure to comply, and "contravene" has a corresponding meaning;

"controlled drug" has the meaning assigned by section 2 of this Act;

"corresponding law" has the meaning assigned by section 36(1) of this Act;

"dentist" means a person registered in the dentists register under the **[**[F69]Dentists Act 1984 [F70]...;**]**

[[F71]"doctor" means a registered medical practitoner within the meaning of Schedule 1 to the Interpretation Act 1978;**]**

"enactment" includes an enactment of the Parliament of Northern Ireland;

"person lawfully conducting a retail pharmacy business"[F72]... means a person lawfully conducting such a business in accordance with section 69 of the [M10]Medicines Act 1968;

"pharmacist" has the same meaning as in the [M11]Medicines Act 1968;

"practitioner" (except in the expression "veterinary practitioner") means a doctor, dentist, veterinary practioner or veterinary surgeon;

"prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

"prescribed" means prescribed by regulations made by the Secretary of State under this Act;

"produce", where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method, and "production" has a corresponding meaning;

"supplying" including distributing;

[[F73]"temporary class drug order" means an order made under section 2A(1);**]**

"veterinary practitioner" means a person registered in the supplementary veterinary register kept under section 8 of the [M12]Veterinary Surgeons Act 1966;

"veterinary surgeon" means a person registered in the register of veterinary surgeons kept under section 2 of the [M13]Veterinary Surgeons Act 1966.

(2) References in this Act to misusing a drug are references to misusing it by taking it; and the reference in the foregoing provision to the taking of a drug is a reference to the taking of it by a human being by way of any form of self-administration, whether or not involving assistance by another.

(3) For the purposes of this Act the things which a person has in his possession shall be taken to include any thing subject to his control which is in the custody of another.

(4) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

(5) [F74]...

[F75] . . . . . .

Subordinate Legislation Made

P3 S. 37: For other earlier exercises of power see Index to Government Orders

P4 S. 31 (with ss. 30 and 37(1)) power exercised by S.I. 1991/339

Textual Amendments

F68 Definition substituted by Criminal Law Act 1977 (c. 45), **s. 52**

F69 Words substituted by virtue of Dentists Act 1984 (c. 24, SIF 83:1), s. 54(1), **Sch. 5 para. 3**

F70 Words in s. 37(1) omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **152**

F71 Definition substituted by Medical Act 1983 (c. 54, SIF 83:1), ss. 54, 56(1), **Sch. 5 para. 9**

F72 Words in s. 37(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 7

F73 Words in s. 37(1) inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 19**; S.I. 2011/2515, art. 3(g)

F74 S. 37(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 7

F75 Words repealed by S.I. 1976/1213 (N.I. 22), **Sch. 6**

Modifications etc. (not altering text)

C34 Reference to enactment of the Parliament of Northern Ireland to be construed as including reference to Measure of the Northern Ireland Assembly: Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 1(1)**

Marginal Citations

M10 1968 c. 67.

M11 1968 c. 67.

M12 1966 c. 36.

M13 1966 c. 36.

38 Special provisions as to Northern Ireland.

(1) In the application of this Act to Northern Ireland, for any reference to the Secretary of State (except in sections 1, **[**[F76]2, 2A, 2B, 7, 7A,**]** 17, 23(1), 31, 35, 39(3) and 40(3) and Schedules 1 and 3) there shall be substituted a reference to the Ministry of Home Affairs for Northern Ireland.

(2) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament; and no expenditure shall be incurred by the Ministry of Home Affairs for Northern Ireland for the purposes of its functions under section 32 of this Act except with the consent of the Ministry of Finance for Northern Ireland.

[F77](3) . . . . . .

(4) Without prejudice to section 37(4) of this Act, any reference in this Act to an enactment of the Parliament of Northern Ireland includes a reference to any enactment re-enacting it with or without modifications.

Textual Amendments

F76 Words in s. 38(1) substituted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 20**; S.I. 2011/2515, art. 3(g)

F77 S. 38(3) repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

C35 Functions of Ministry of Home Affairs for Northern Ireland transferred to Department of Health and Social Services for Northern Ireland by S.R. & O. (N.I.) 1973 No. 504, art. 5, **Sch. 2 Pt. I**

39 Savings and transitional provisions, repeals, and power to amend local enactments.

(1) The savings and transitional provisions contained in Schedule 5 to this Act shall have effect.

(2) The enactments mentioned in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The Secretary of State may by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in any instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act.

Modifications etc. (not altering text)

C36 The text of ss. 12(7), 39(2) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

40 Short title, extent and commencement.

(1) This Act may be cited as the Misuse of Drugs Act 1971.

(2) This Act extends to Northern Ireland.

[F78](3) . . . . . .

Textual Amendments

F78 S. 40(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 7

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION ETC. OF ADVISORY COUNCIL ON THE MISUSE OF DRUGS

1 (1) The members of the Advisory Council, of whom there shall be not less than twenty, shall be appointed by the Secretary of State after consultation with such organisations as he considers appropriate [F79]...

[F80](2) . . . . . .

(3) The Secretary of State shall appoint one of the members of the Advisory Council to be chairman of the Council.

Textual Amendments

F79 Words in Sch. 1 para. 1(1) omitted (15.11.2011) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 152(a)**, 157(1); S.I. 2011/2515, art. 3(e)

F80 Sch. 1 para. 1(2) omitted (15.11.2011) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 152(b)**, 157(1); S.I. 2011/2515, art. 3(e)

2 The Advisory Council may appoint committees, which may consist in part of persons who are not members of the Council, to consider and report to the Council on any matter referred to them by the Council.

3 At meetings of the Advisory Council the quorum shall be seven, and subject to that the Council may determine their own procedure.

4 The Secretary of State may pay to the members of the Advisory Council such remuneration (if any) and such travelling and other allowances as may be determined by him with the consent of the Minister for the Civil Service.

5 Any expenses incurred by the Advisory Council with the approval of the Secretary of State shall be defrayed by the Secretary of State.

SCHEDULE 2

Section 2.

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1 The following substances and products, namely:—

[[F81](a)**]** Acetorphine.

[[F82]Alfentanil.**]**

Allylprodine.
Alphacetylmethadol.
Alphameprodine.
Alphamethadol.
Alphaprodine.
Anileridine.
Benzethidine.
Benzylmorphine (3-benzylmorphine).
Betacetylmethadol.
Betameprodine.
Betamethadol.
Betaprodine.
Bezitramide.
Bufotenine.
F83 …
F84 …
[F85Carfentanil.**]**
Clonitazene.
Coca leaf.
Cocaine.
Desomorphine.
Dextromoramide.
Diamorphine.
Diampromide.
Diethylthiambutene.
[F86Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid).**]**
Dihydrocodeinone*O*-carboxymethyloxime.
[F87Dihydroetorphine**]**
Dimenoxadole.
Dimepheptanol.
Dimethylthiambutene.
Dioxaphetyl butyrate.
Diphenoxylate.
Dipipanone.
[F88Drotebanol (3,4-dimethoxy-17-methylmorphinan-6b, 14-diol).**]**
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.
Ethylmethylthiambutene.
[F82Eticyclidine.**]**
Etonitazene.
Etorphine.
Etoxeridine.
[F89Etryptamine**]**

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

Fentanyl.

[[F90]Fungus (of any kind) which contains psilocin or an ester of psilocin.**]**

Furethidine.

Hydrocodone.

Hydromorphinol.

Hydromorphone.

Hydroxypethidine.

Isomethadone.

Ketobemidone.

Levomethorphan.

Levomoramide.

Levophenacylmorphan.

Levorphanol.

[[F85]Lofentanil**]**

Lysergamide.

Lysergide and other*N*-alkyl derivatives of lysergamide.

Mescaline.

Metazocine.

Methadone.

Methadyl acetate.

[[F91]Methylamphetamine**]**

Methyldesorphine.

Methyldihydromorphine (6-methyldihydromorphine).

Metopon.

Morpheridine.

Morphine.

Morphine methobromide, morphine*N*-oxide and other pentavalent nitrogen morphine derivatives.

Myrophine.

[F92] . . .

Nicomorphine (3,6-dinicotinoylmorphine).

Noracymethadol.

Norlevorphanol.

Normethadone.

Normorphine.

Norpipanone.

Opium, whether raw, prepared or medicinal.

Oxycodone.

Oxymorphone.

Pethidine.

Phenadoxone.

Phenampromide.

Phenazocine.

[[F93]Phencyclidine.**]**

Phenomorphan.
Phenoperidine.
Piminodine.
Piritramide.
Poppy-straw and concentrate of poppy-straw.
Proheptazine.
Properidine (1-methyl-4-phenyl-piperidine-4-carboxylic acid isopropyl ester).
Psilocin.
Racemethorphan.
Racemoramide.
Racemorphan.
[[F94]Remifentanil**]**
[[F82]Rolicyclidine.**]**
[[F95]Sufentanil.**]**
[[F96]Tapentadol.**]**
[[F82]Tenocylidine.**]**
Thebacon.
Thebaine.
[[F95]Tilidate.**]**
Trimeperidine.
[[F97]4-Bromo-2,5-dimethoxy-a-methylphenethylamine**]**.
4-Cyano-2-dimethylamino-4,4-diphenylbutane.
4-Cyano-1-methyl-4-phenyl-piperidine.
N,N-Diethyltryptamine.
N,N-Dimethyltryptamine.
2,5-Dimethoxy-a,4-dimethylphenethylamine.
[[F98]N-Hydroxy-tenamphetamine.**]**
1-Methyl-4-phenylpiperidine-4-carboxylic acid.
2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid.
[[F99]4-Methyl-aminorex**]**
4-Phenylpiperidine-4-carboxylic acid ethyl ester.

[[F100](b) any compound (not being a compound for the time being specified in sub-paragraph (a) above) 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;

[the following phenethylamine derivatives, namely:—

[F101](ba) Allyl(*a* -methyl-3,4-methylenedioxyphenethyl)amine
2-Amino-1-(2,5-dimethoxy-4-methylphenyl)ethanol
2-Amino-1-(3,4-dimethoxyphenyl)ethanol
Benzyl(*a* -methyl-3,4-methylenedioxyphenethyl)amine
4-Bromo- *b* ,2,5-trimethoxyphenethylamine
N -(4- *sec* -Butylthio-2,5-dimethoxyphenethyl)hydroxylamine
Cyclopropylmethyl(*a* -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

a , *a* -Dimethyl-3,4-methylenedioxyphenethylamine

a , *a* -Dimethyl-3,4-methylenedioxyphenethyl(methyl)amine

Dimethyl(*a* -methyl-3,4-methylenedioxyphenethyl)amine

N -(4-Ethylthio-2,5-dimethoxyphenethyl)hydroxylamine

4-Iodo-2,5-dimethoxy- *a* -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

b -Methoxy-3,4-methylenedioxyphenethylamine

1-(3,4-Methylenedioxybenzyl)butyl(ethyl)amine

1-(3,4-Methylenedioxybenzyl)butyl(methyl)amine

2-(*a* -Methyl-3,4-methylenedioxyphenethylamino)ethanol

a -Methyl-3,4-methylenedioxyphenethyl(prop-2-ynyl)amine

N -Methyl- *N* -(*a* -methyl-3,4-methylenedioxyphenethyl)hydroxylamine

O -Methyl- *N* -(*a* -methyl-3,4-methylenedioxyphenethyl)hydroxylamine

a -Methyl-4-(methylthio)phenethylamine

b ,3,4,5-Tetramethoxyphenethylamine

b ,2,5-Trimethoxy-4-methylphenethylamine; **]**

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

[[F102](d) any compound (not being a compound for the time being specified in sub-paragraph (a) above) 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;

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

(e) any compound (not being a compound for the time being specified in sub-paragraph (a) above) 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 wiith alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;

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

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

[[F103](f) any compound (not being benzyl(α-methyl-3,4-methylenedioxyphenethyl)amine) structurally derived from mescaline, 4-bromo-2,5-dimethoxy-α-methylphenethylamine, 2,5-dimethoxy-α,4-dimethylphenethylamine, *N*-hydroxytenamphetamine, or a compound specified in sub-paragraph (ba) or (c) above, by substitution at the nitrogen atom of the amino group with a benzyl substituent, whether or not substituted in the phenyl ring of the benzyl group to any extent.**]**

Textual Amendments

F81 "(a)" inserted by S.I. 1977/1243, **art. 3(a)**

F82 Word inserted by S.I. 1984/859, **art. 2(2)**

F83 Words in Sch. 2 Pt. 1 para. 1(a) deleted (29.1.2004) by The Misuse of Drugs Act 1971 (Modification) (No. 2) Order 2003 (S.I. 2003/3201), **art. 2(2)**

F84 Words in Sch. 2 Pt. 1 para. 1(a) deleted (29.1.2004) by The Misuse of Drugs Act 1971 (Modification) (No. 2) Order 2003 (S.I. 2003/3201), **art. 2(2)**

F85 Word inserted by S.I. 1986/2230, **art. 2(2)(a)**

F86 Word inserted by S.I. 1975/421, **art. 3**

F87 Word in Sch. 2 Pt. 1 para. 1(a) inserted (1.7.2003) by The Misuse of Drugs Act 1971 (Modification) Order 2003 (S.I. 2003 /1243), art. 2(2)(a)

F88 Word inserted by S.I. 1973/771, **art. 2**

F89 Word in Sch. 2 Pt. I para. 1(a) inserted (1.5.1998) by S.I. 1998/750, **art. 2(2)**

F90 Words in Sch. 2 Pt. 1 para. 1 inserted (18.7.2005) by Drugs Act 2005 (c. 17), **s. 21**

F91 Word in Sch. 2 Pt. 1 para. 1(a) inserted (18.1.2007) by The Misuse of Drugs Act 1971 (Amendment) Order 2006 (S.I. 2006/3331), **art. 2(1)**

F92 Words repealed by S.I. 1973/771, **art. 2**

F93 Word inserted by S.I. 1979/299, **art. 2**

F94 Word in Sch. 2 Pt. 1 para. 1(a) inserted (1.7.2003) by The Misuse of Drugs Act 1971 (Modification) Order 2003 (S.I. 2003 /1243), art. 2(2)(b)

F95 Word inserted by S.I. 1983/765, **art. 2(a)**

F96 Word in Sch. 2 Pt. 1 para. 1(a) inserted (28.3.2011) by The Misuse of Drugs Act 1971 (Amendment) Order 2011 (S.I. 2011/744), **arts. 1(1)**, 2
F97 Words inserted by S.I. 1975/421, **art. 3**
F98 Word inserted by S.I. 1990/2589, **art. 2(a)(i)**
F99 Word inserted by S.I. 1990/2589, **art. 2(a)(ii)**
F100 Sch. 2 Pt. I para. 1(b)(c) added by S.I. 1977/1243, **art. 3(b)**
F101 Sch. 2 Pt. I para. 1(ba) inserted (1.2.2002) by The Misuse of Drugs Act 1971 (Modification) Order 2001 (S.I. 2001/3932), **art. 2(2)**
F102 Sch. 2 Pt. I para. 1(d)(e) added by S.I. 1986/2230, **art. 2(2)(b)**
F103 Sch. 2 Pt. 1 para. 1(f) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), **art. 3**

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

3 Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above **[**[F104]not being a substance for the time being specified in Part II of this Schedule**]**.

Textual Amendments
F104 Words inserted by S.I. 1973/771, **art. 2**

4 Any salt of a substance for the time being specified in any of paragraphs 1 to 3 above.

5 Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4 above.

6 Any preparation designed for administration by injection which includes a substance or product for the time being 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:—

[[F105](a)**]** Acetyldihydrocodeine.
Amphetamine.
[[F106]Cannabinol**]**
[[F106]Cannabinol derivatives**]**
[[F106]Cannabis and cannabis resin**]**
[F107]...
Codeine.
[F108]...
Dihydrocodeine.
Ethylmorphine (3-ethylmorphine).
[[F109]Glutethimide.**]**
[[F110]Ketamine.**]**

[F109]Lefetamine.]

[F111]Lisdexamphetamine.]

[F112]Mecloqualone.]

[F112]Methaqualone.]

[F113]Methcathinone]

F114 …

F115 …

[F116*a*-Methylphenethylhydroxylamine]

Methylphenidate.

[F112]Methylphenobarbitone.]

Nicocodine.

[F117]Nicodicodine (6-nicotinoyldihydrocodeine).]

Norcodeine.

[F118]Pentazocine.]

Phenmetrazine.

Pholcodine.

[F119]Propiram.]

[F113]Zipeprol]

[F120]2-((Dimethylamino)methyl)-1-(3-hydroxyphenyl)cyclohexanol.]

[F121](aa) Any compound (not being bupropion, cathinone, diethylpropion, pyrovalerone or a compound for the time being specified in sub–paragraph (a) above) structurally derived from 2–amino–1–phenyl–1–propanone by modification in any of the following ways, that is to say,

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) by substitution at the 3–position with an alkyl substituent;

(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.]

[F122](ab) Any compound structurally derived from 2–aminopropan–1–one by substitution at the 1-position with any monocyclic, or fused-polycyclic ring system (not being a phenyl ring or alkylenedioxyphenyl ring system), whether or not the compound is further modified in any of the following ways, that is to say,

(i) by substitution in the ring system to any extent with alkyl, alkoxy, haloalkyl or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(ii) by substitution at the 3–position with an alkyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl or dialkyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.]

[F123](ac) Any compound (not being pipradrol) structurally derived from piperidine, pyrrolidine, azepane, morpholine or pyridine by substitution at a ring

carbon atom with a diphenylmethyl group, whether or not the compound is further modified in any of the following ways, that is to say,

(i) by substitution in any of the phenyl rings to any extent with alkyl, alkoxy, haloalkyl or halide groups;

(ii) by substitution at the methyl carbon atom with an alkyl, hydroxyalkyl or hydroxy group;

(iii) by substitution at the ring nitrogen atom with an alkyl, alkenyl, haloalkyl or hydroxyalkyl group.**]**

[[F105](b) any 5,5 disubstituted barbituric acid.**]**

[[F124](c) [2,3–Dihydro–5–methyl–3–(4–morpholinylmethyl)pyrrolo[1, 2, 3–*de*]–1,4–benzoxazin–6–yl]–1–naphthalenylmethanone.

[9–Hydroxy–6–methyl–3–[5–phenylpentan–2–yl] oxy–5, 6, 6a, 7, 8, 9, 10, 10a–octahydrophenanthridin–1–yl] acetate.

[9–Hydroxy–6–methyl–3–[5–phenylpentan–2–yl] oxy–5, 6, 6a, 7, 8, 9, 10, 10a–octahydrophenanthridin–1–yl] acetate.

9-(Hydroxymethyl)–6, 6–dimethyl–3–(2–methyloctan–2–yl)–6a, 7, 10, 10a–tetrahydrobenzo[*c*]chromen–1–ol.

Any compound structurally derived from 3–(1–naphthoyl)indole, 3-(2-naphthoyl) indole, 1*H*–indol–3–yl–(1–naphthyl)methane or 1*H*-indol-3-yl-(2-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Any compound structurally derived from 3–(1–naphthoyl)pyrrole or 3-(2-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Any compound structurally derived from 1–(1–naphthylmethylene)indene or 1-(2-naphthylmethylene)indene by substitution at the 3–position of the indene ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Nabilone.

Any compound structurally derived from 3–phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Any compound structurally derived from 2–(3–hydroxycyclohexyl)phenol by substitution at the 5–position of the

phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the cyclohexyl ring to any extent.

Any compound structurally derived from 3-benzoylindole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Any compound structurally derived from 3-(1-adamantoyl)indole or 3-(2-adamantoyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent.

Any compound structurally derived from 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (*N*-methylpiperidin-2-yl)methyl or 2–(4–morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent.

(d) 1-Phenylcyclohexylamine or any compound (not being ketamine, tiletamine or a compound for the time being specified in paragraph 1(a) of Part 1 of this Schedule) structurally derived from 1-phenylcyclohexylamine or 2-amino-2-phenylcyclohexanone by modification in any of the following ways, that is to say,

(i) by substitution at the nitrogen atom to any extent by alkyl, alkenyl or hydroxyalkyl groups, or replacement of the amino group with a 1-piperidyl, 1-pyrrolidyl or 1-azepyl group, whether or not the nitrogen containing ring is further substituted by one or more alkyl groups;

(ii) by substitution in the phenyl ring to any extent by amino, alkyl, hydroxy, alkoxy or halide substituents, whether or not further substituted in the phenyl ring to any extent;

(iii) by substitution in the cyclohexyl or cyclohexanone ring by one or more alkyl substituents;

(iv) by replacement of the phenyl ring with a thienyl ring.**]**

[[F125](e) Any compound (not being a compound for the time being specified in paragraph 1(ba) of Part 1 of this Schedule) structurally derived from 1-benzofuran, 2,3-dihydro-1-benzofuran, 1H-indole, indoline, 1H-indene, or indane by substitution in the 6-membered ring with a 2-ethylamino substituent whether or not further substituted in the ring system to any extent with alkyl, alkoxy, halide or haloalkyl substituents and whether or not substituted in the ethylamino side-chain with one or more alkyl substituents.**]**

Textual Amendments

F105 Sch. 2 Pt. 2 para. 1(b) added by S.I. 1984/859, **art. 2(3)**

F106 Words in Sch. 2 Pt. 2 para. 1(a) inserted (26.1.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), **art. 2(2)(a)**
F107 Words in Sch. 2 Pt. 2 para. 1(a) deleted (29.1.2004) by The Misuse of Drugs Act 1971 (Modification) (No. 2) Order 2003 (S.I. 2003/3201), art. 2(3)
F108 Word repealed by S.I. 1985/1995, **art. 2(2)(a)**
F109 Word inserted by S.I. 1985/1995, **art. 2(2)(b)**
F110 Word in Sch. 2 Pt. 2 para. 1(a) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), art. 4(a)(i)
F111 Word in Sch. 2 Pt. 2 para. 1(a) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), art. 4(a)(ii)
F112 Word inserted by S.I. 1984/859, **art. 2(3)**
F113 Words in Sch. 2 Pt. 2 para. 1(a) inserted (1.5.1998) by S.I. 1998/750, **art. 2(3)**
F114 Word in Sch. 2 Pt. 2 para. 1(a) omitted (28.3.2011) by virtue of The Misuse of Drugs Act 1971 (Amendment) Order 2011 (S.I. 2011/744), arts. 1(1), 3
F115 Word in Sch. 2 Pt. 2 para. 1(a) repealed (18.1.2007) by The Misuse of Drugs Act 1971 (Amendment) Order 2006 (S.I.2006/3331), art. 2(2)
F116 Word in Sch. 2 Pt. 2 para. 1(a) inserted (1.2.2002) by S.I. 2001/3932, **art. 2(3)**
F117 Words inserted by S.I. 1973/771, **art. 2**
F118 Word inserted by S.I. 1985/1995, **art. 2(2)(c)**
F119 Word inserted by S.I. 1973/771, **art. 2**
F120 Words in Sch. 2 Pt. 2 para. 1(a) inserted (26.2.2013) by The Misuse of Drugs Act 1971 (Amendment) Order 2013 (S.I. 2013/239), art. 3
F121 Sch. 2 Pt. 2 para. 1(aa) inserted (16.4.2010) by The Misuse of Drugs Act 1971 (Amendment) Order 2010 (S.I. 2010/1207), art. 2(b)
F122 Sch. 2 Pt. 2 para. 1(ab) inserted (23.7.2010) by The Misuse of Drugs Act 1971 (Amendment No. 2) Order 2010 (S.I. 2010/1833), **art. 2**
F123 Sch. 2 Pt. 2 para. 1(ac) inserted (13.6.2012) by The Misuse of Drugs Act 1971 (Amendment) Order 2012 (S.I. 2012/1390), art. 2(a)
F124 Sch. 2 Pt. 2 para. 1(c)(d) substituted (26.2.2013) for Sch. 2 Pt. 2 para. 1(c) by The Misuse of Drugs Act 1971 (Amendment) Order 2013 (S.I. 2013/239), art. 4
F125 Sch. 2 Pt. 2 para. 1(e) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), art. 4(b)

2 Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule.

[[F126]2A. Any ester or ether of cannabinol or of a cannabinol derivative **[**[F127]or of a substance for the time being specified in **[**[F128]paragraph 1(ac), (c) or (d)**]** of this Part of this Schedule.**]** .**]**

Textual Amendments

F126 Sch. 2 Pt. 2 para. 2A inserted (26.1.2009) by Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), arts. 1(1), **2(2)(b)**
F127 Words in Sch. 2 Pt. 2 para. 2A inserted (23.12.2009) by Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), arts. 1, **2(2)(b)**
F128 Words in Sch. 2 Pt. 2 para. 2A substituted (26.2.2013) by The Misuse of Drugs Act 1971 (Amendment) Order 2013 (S.I. 2013/239), art. 5

3 Any salt of a substance for the time being specified in paragraph 1 **[**[F129], 2 or 2A**]** of this Part of this Schedule.

Textual Amendments

F129 Words in Sch. 2 Pt. 2 para. 3 substituted (26.1.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), **art. 2(2)(c)**

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

PART III

CLASS C DRUGS

1 The following substances, namely:—

[[F130](a)**]**

[[F131]Alprazolam.**]**

[[F132]Amineptine**]**

[[F133]Aminorex**]**

[[F131]Bromazepam.**]**

[[F134]7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2*H*-1,4-benzodiazepin-2-one.**]**

Benzphetamine.

[[F133]Brotizolam**]**

[[F135]Buprenorphine**]**

[[F131]Camazepam.**]**

[F136]…

[F137]…

[F138]…

[[F139]Cathine.**]**

[[F139]Cathinone.**]**

[[F131]Chlordiazepoxide.**]**

Chlorphentermine.

[[F131]Clobazam.**]**

[[F131]Clorazepic acid.**]**

[[F131]Clonazepam.**]**

[[F131]Clotiazepam.**]**

[[F131]Cloxazolam.**]**

[[F131]Delorazepam.**]**

[[F140]Dextropropoxyphene.**]**

[[F131]Diazepam.**]**

[[F141]Diethylpropion.**]**

[[F131]Estazolam.**]**

[[F131]Ethchlorvynol.**]**

[[F131]Ethinamate.**]**

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

[F131Ethyl loflazepate.]
[F139Fencamfamin.]
[F139Fenethylline.]
[F139Fenproporex.]
[F131Fludiazepam.]
[F131Flunitrazepam.]
[F131Flurazepam.]
[F142Gamma–butyrolactone]
[F131Halazepam.]
[F131Haloxazolam.]
[F143 4-Hydroxy-n-butyric acid]
F144 …
[F131Ketazolam.]
[F145Khat.]
[F131Loprazolam.]
[F131Lorazepam.]
[F131Lormetazepam.]
[F131Mazindol.]
[F131Medazepam.]
[F139Mefenorex.]
F146 . . .
Mephentermine.
[F131Meprobamate.]
[F133Mesocarb]
F147 . . .
[F131Methyprylone.]
[F148Midazolam.]
[F131Nimetazepam.]
[F131Nitrazepam.]
[F131Nordazepam.]
[F131Oxazepam.]
[F131Oxazolam.]
[F149Pemoline.]
F146 . . .
Phendimetrazine.
[F131Phentermine.]
[F131Pinazepam.]
F146 . . .
F150 …
[F131Prazepam.]

[F146] . . .
[F151] . . .
[[F139]Pyrovalerone.]
[[F131]Temazepam.]
[[F131]Tetrazepam.]
[[F152]Tramadol.]
[[F131]Triazolam.]
[[F139]*N*-Ethylamphetamine.]
[[F153]Zaleplon.]
[[F154]Zolpidem]
[[F155]Zopiclone.]

[[F156](b) [[F157]5α–Androstane–3,17–diol.]
[[F158]Androst-4-ene-3,17-diol.]
[[F159]1–Androstenediol.]
[[F160]1–Androstenedione]
[[F161]4-Androstene-3, 17-dione]
[[F162]5–Androstenedione.]
[[F161]5-Androstene-3, 17-diol]
Atamestane.
Bolandiol.
Bolasterone.
Bolazine.
Boldenone.
[[F163]Boldione.]
Bolenol.
Bolmantalate.
[[F164]1,4–Butanediol.]
Calusterone.
4-Chloromethandienone.
Clostebol.
[[F165]Danazol.]
[[F166]Desoxymethyltestosterone]
Drostanolone.
Enestebol.
Epitiostanol.
Ethyloestrenol.
Fluoxymesterone.
Formebolone.
Furazabol.
[[F167]Gestrinone.]
[[F168]3–Hydroxy–5α–androstan–17–one.]
Mebolazine.

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

Mepitiostane.
Mesabolone.
Mestanolone.
Mesterolone.
Methandienone.
Methandriol.
Methenolone.
Methyltestosterone.
Metribolone.
Mibolerone.
Nandrolone.
[[F169]19–Norandrostenedione.**]**
[[F170]19-Nor-4-Androstene-3, 17-dione**]**
[[F171]19–Norandrosterone.**]**
[[F170]19-Nor-5-Androstene-3, 17-diol**]**
Norboletone.
Norclostebol.
Norethandrolone.
[[F172]19–Noretiocholanolone.**]**
[[F173]Oripavine.**]**
Ovandrotone.
Oxabolone.
Oxandrolone.
Oxymesterone.
Oxymetholone.
[[F174]Pipradrol.**]**
Prasterone.
Propetandrol.
[[F175]Prostanozol**]**
Quinbolone.
Roxibolone.
Silandrone.
Stanolone.
Stanozolol.
Stenbolone.
Testosterone.
[[F176]Tetrahydrogestrinone.**]**
Thiomesterone.
Trenbolone.

(c) any compound (not being Trilostane or a compound for the time being specified in sub-paragraph (b) above) 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;

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

[[F177](ca) 1–benzylpiperazine or any compound structurally derived from 1–benzylpiperazine or 1–phenylpiperazine by modification in any of the following ways—

(i) by substitution at the second nitrogen atom of the piperazine ring with alkyl, benzyl, haloalkyl or phenyl groups;

(ii) by substitution in the aromatic ring to any extent with alkyl, alkoxy, alkylenedioxy, halide or haloalkyl groups.**]**

(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) above [F178]...;

(e) Chorionic Gonadotrophin (HCG).

Clenbuterol.

Non-human chorionic gonadotrophin.

Somatotropin.

Somatrem.

Somatropin.**]**

[[F179]Zeranol.**]**

[[F180]Zilpaterol.**]**

Textual Amendments

F130 "(a)" inserted (1.9.1996) by S.I. 1996/1300, **art. 2(2)(a)**

F131 Word inserted by S.I. 1985/1995, **art. 2(3)**

F132 Word in Sch. 2 Pt. 3 para. 1(a) inserted (28.3.2011) by The Misuse of Drugs Act 1971 (Amendment) Order 2011 (S.I. 2011/744), **arts. 1(1)**, 4

F133 Words in Sch. 2 Pt. 3 para. 1(a) inserted (1.5.1998) by S.I. 1998/750, **art. 2(4)**

F134 Words in Sch. 2 Pt. 3 para. 1(a) inserted (13.6.2012) by The Misuse of Drugs Act 1971 (Amendment) Order) 2012 (S.I. 2012/1390), art. 3(a)(ii)

F135 Word inserted by S.I. 1989/1340, **art. 2(a)**

F136 Word in Sch. 2 Pt. 3 para. 1(a) repealed (26.1.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), **art. 2(3)(a)**

F137 Words in Sch. 2 Pt. 3 para. 1(a) repealed (26.1.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), **art. 2(3)(a)**

F138 Words in Sch. 2 Pt. 3 para. 1(a) repealed (26.1.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), **art. 2(3)(a)**

F139 Word inserted by S.I. 1986/2230, **art. 2(3)**

F140 Word inserted by S.I. 1983/765, **art. 2(a)**

F141 Word inserted by S.I. 1984/859, **art. 2(4)(a)**

F142 Word in Sch. 2 Pt. 3 para. 1(a) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(a)**

F143 Word in Sch. 2 Pt. 3 para. 1(a) inserted (1.7.2003) by The Misuse of Drugs Act 1971 (Modification) Order 2003 (S.I. 2003/1243), **arts. 1**, 2(3)(a)

F144 Word in Sch. 2 Pt. 3 para. 1(a) omitted (10.6.2014) by virtue of The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), **art. 5(a)**

F145 Word in Sch. 2 Pt. 3 para. 1(a) inserted (24.6.2014) by The Misuse of Drugs Act 1971 (Amendment) Order 2014 (S.I. 2014/1352), **art. 3**

F146 Words repealed by S.I. 1973/771, **art. 2**

F147 Word repealed by S.I. 1984/859, **art. 2(4)(a)**

F148 Word inserted by S.I. 1990/2589, **art. 2(b)**

F149 Word inserted by S.I. 1989/1340, **art. 2(b)**

F150 Word in Sch. 2 Pt. 3 para. 1(a) omitted (13.6.2012) by virtue of The Misuse of Drugs Act 1971 (Amendment) Order 2012 (S.I. 2012/1390), **art. 3(a)(i)**

F151 Word in Sch. 2 Pt. 3 para.1 omitted (1.9.1995) by virtue of S.I. 1995/1966, **art. 2**

F152 Word in Sch. 2 Pt. 3 para. 1(a) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), **art. 5(b)**

F153 Word in Sch. 2 Pt. 3 para. 1(a) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2014/1106), **art. 5(c)**

F154 Word in Sch. 2 Pt. 3 para. 1(a) inserted (1.7.2003) by The Misuse of Drugs Act 1971 (Modification) Order 2003 (S.I. 2003/1243), **arts. 1**, 2(3)(b)

F155 Word in Sch. 2 Pt. 3 para. 1(a) inserted (10.6.2014) by The Misuse of Drugs Act 1971 (Ketamine etc.) (Amendment) Order 2014 (S.I. 2011/1106), **art. 5(d)**

F156 Sch. 2 Pt. 3 para. 1(b)-(e) added (1.9.1996) by S.I. 1996/1300, **art. 2(2)(b)**

F157 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(i)**

F158 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(i)**

F159 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(i)**

F160 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(i)**

F161 Word in Sch. 2 Pt. 3 para. 1(b) inserted (1.7.2003) by The Misuse of Drugs Act 1971 (Modification) Order 2003 (S.I. 2003/1243), **arts. 1**, 2(4)(a)

F162 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(ii)**

F163 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(iii)**

F164 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(iv)**

F165 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(v)**

F166 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(v)**

F167 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(vi)**

F168 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(vi)**

F169 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(vii)**

F170 Word in Sch. 2 Pt. 3 para. 1(b) inserted (1.7.2003) by The Misuse of Drugs Act 1971 (Modification) Order 2003 (S.I. 2003/1243), **arts. 1**, 2(4)(b)

F171 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(viii)**

F172 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(ix)**

F173 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(ix)**

F174 Word in Sch. 2 Pt. 3 para. 1(b) inserted (13.6.2012) by The Misuse of Drugs Act 1971 (Amendment) Order 2012 (S.I.2012/1390), **art. 3(b)**

F175 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(x)**

F176 Word in Sch. 2 Pt. 3 para. 1(b) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(b)(xi)**

F177 Sch. 2 Pt. 3 para. 1(ca) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(c)**

F178 Words in Sch. 2 Pt. 3 para. 1(d) repealed (26.1.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2008 (S.I. 2008/3130), **art. 2(3)(b)**

F179 Word in Sch. 2 Pt. 3 para. 1(e) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(d)**

F180 Word in Sch. 2 Pt. 3 para. 1(e) inserted (23.12.2009) by The Misuse of Drugs Act 1971 (Amendment) Order 2009 (S.I. 2009/3209), **art. 2(3)(d)**

2 Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule **[**[F181]not being phenylpropanolamine.**]**

Textual Amendments

F181 Words added by S.I. 1986/2230, **art. 2(4)**

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

4 Any preparation or other product containing a substance for the time being 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 37(1) of this Act) have the meanings hereby assigned to them respectively, that is to say—

"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;

[[F182]"khat" means the leaves, stems or shoots of the plant of the species *Catha edulis*;**]**

"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.

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

Textual Amendments

F182 Words in Sch. 2 Pt. 4 inserted (24.6.2014) by The Misuse of Drugs Act 1971 (Amendment) Order 2014 (S.I. 2014/1352), arts. 1, **4**

Textual Amendments

F182 Words in Sch. 2 Pt. 4 inserted (24.6.2014) by The Misuse of Drugs Act 1971 (Amendment) Order 2014 (S.I. 2014/1352), arts. 1, **4**

SCHEDULE 3

Section 16.

TRIBUNALS, ADVISORY BODIES AND PROFESSIONAL PANELS

PART I

TRIBUNALS

Membership

1 (1) A tribunal shall consist of five persons of whom—

(a) one shall be

[[F183](i) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;**]**

[[F184](ii) an advocate or solicitor in Scotland of at least **[**[F185]5**]** years' standing; or

(iii) a member of the Bar of Northern Ireland or **[**[F186]solicitor of the Court of Judicature of Northern Ireland**]** of at least **[**[F187]5**]** years' standing,**]**

appointed by the Lord Chancellor to be the chairman of the tribunal; and

(b) the other four shall be persons appointed by the Secretary of State from among members of the respondent's profession nominated for the purposes of this Schedule by any of the relevant bodies mentioned in sub-paragraph (2) below.

(2) The relevant bodies aforesaid are—

(a) where the respondent is a doctor, the General Medical Council, the Royal Colleges of Physicians of London and Edinburgh, the Royal Colleges of Surgeons of England and Edinburgh, the Royal College of Physicians and Surgeons (Glasgow), the Royal College of Obstetricians and Gynaecologists, the Royal College of General Practitioners, the Royal Medico-Psychological Association and the British Medical Association;

(b) where the respondent is a dentist, the General Dental Council and the British Dental Association;

(c) where the respondent is a veterinary practitioner or veterinary surgeon, the Royal College of Veterinary Surgeons and the British Veterinary Association.

[F188(2A) The chairman of a tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

(3) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted as reference to the Lord President of the Court of Session.

Textual Amendments

F183 Sch. 3 para. 1(1)(a)(i) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 10 para. 10(2)**; S.I. 2008/1653, art. 2(d) (with arts. 34)

F184 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 33**

F185 Word in Sch. 3 para. 1(1)(a)(ii) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 10 para. 10(3)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

F186 Words in Sch. 3 para. 1(1)(a)(iii) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, art. 2(d)

F187 Word in Sch. 3 para. 1(1)(a)(iii) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 10 para. 10(3)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

F188 Sch. 3 Pt. I para. 1(2A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 42(2)** (with sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

Modifications etc. (not altering text)

C37 Sch. 3 para. 1(1)(b): Functions transferred (S.) (1.7.1999) by virtue of S.I. 1999/1750, art. 2, **Sch. 1** (with art. 7)

Procedure

2 The quorum of a tribunal shall be the chairman and two other members of the tribunal.

3 Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to the request.

4 (1) Subject to paragraph 5 below, the Lord Chancellor may make rules as to the procedure to be followed, and the rules of evidence to be observed, in proceedings before tribunals, and in particular—

(a) for securing that notice that the proceedings are to be brought shall be given to the respondent at such time and in such manner as may be specified by the rules;

(b) for determining who, in addition to the respondent, shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;

(d) for enabling any party to the proceedings to be represented by counsel or solicitor.

(2) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted a reference to the Secretary of State.

Status: *Point in time view as at 24/06/2014.*
Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

(3) The power to make rules under this paragraph shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[[F189](4) Where the Scottish Ministers have power to make rules under this paragraph (by virtue of section 16(1A) or otherwise)—

(a) sub-paragraph (3) does not apply, and

(b) the rules are subject to the negative procedure.**]**

Textual Amendments

F189 Sch. 3 para. 4(4) added (31.10.2012) by Scotland Act 2012 (c. 11), **ss. 19(7)**, 44(5); S.I. 2012/2516, art. 2(d)

Modifications etc. (not altering text)

C38 Sch. 3 para. 4: Functions transferred (S.) (1.7.1999) by virtue of S.I. 1999/1750, art. 2, **Sch. 1** (with art. 7)

5 (1) For the purpose of any proceedings before a tribunal in England or Wales or Northern Ireland the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.

(2) The provisions of section **[**[F190]36 of the **[**[F191]Senior Courts Act 1981**]][**[F192], of section 67 of the Judicature (Northern Ireland) Act 1978**]**, or of the Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before a tribunal in England or Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(3) For the purpose of any proceedings before a tribunal in Scotland, the tribunal may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the tribunal.

Textual Amendments

F190 Words substituted by Supreme Court Act 1981 (c. 54, SIF 37), **Sch. 5**

F191 Words in Sch. 3 para. 5(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

F192 Words inserted by Judicature (Northern Ireland) Act 1978 (c. 23), **s. 125(2) Sch. 5 Pt. II(1)**

6 Subject to the foregoing provisions of this Schedule, a tribunal may regulate its own procedure.

7 The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

Financial provisions

8 The Secretary of State may pay to any member of a tribunal fees and travelling and other allowances in respect of his services in accordance with such scales and subject to such conditions as the Secretary of State may determine with the approval of the Treasury.

9 The Secretary of State may pay to any person who attends as a witness before the tribunal sums by way of compensation for the loss of his time and travelling and other allowances in accordance with such scales and subject to such conditions as may be determined as aforesaid.

10 If a tribunal recommends to the Secretary of State that the whole or part of the expenses properly incurred by the respondent for the purposes of proceedings before the tribunal should be defrayed out of public funds, the Secretary of State may if he thinks fit make to the respondent such payments in respect of those expenses as the Secretary of State considers appropriate.

11 Any expenses incurred by a tribunal with the approval of the Secretary of State shall be defrayed by the Secretary of State.

Supplemental

12 The Secretary of State shall make available to a tribunal such accommodation, the services of such officers and such other facilities as he considers appropriate for the purpose of enabling the tribunal to perform its functions.

PART II

ADVISORY BODIES

Membership

13 (1) An advisory body shall consist of three persons of whom—

(a) one shall be a person who is of counsel to Her Majesty and is appointed by the Lord Chancellor to be the chairman of the advisory body; and

(b) another shall be a person appointed by the Secretary of State, being a member of the respondent's profession who is an officer of a department of the Government of the United Kingdom; and

(c) the other shall be a person appointed by the Secretary of State from among the members of the respondent's profession nominated as mentioned in paragraph 1 above.

[[F193](1A) The chairman of an advisory body shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).**]**

(2) Sub-paragraph (1) above shall have effect in relation to an advisory body in Scotland as if for the reference to the Lord Chancellor there were substituted a reference to the Lord President of the Court of Session.

Textual Amendments

F193 Sch. 3 Pt. II para. 13(1A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 42(3)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

Modifications etc. (not altering text)

C39 Sch. 3 para. 13: transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 17 para. 3** (with arts. 28-31)

C40 Sch. 3 para. 13(1)(b): Functions transferred (S.) (1.7.1999) by virtue of S.I. 1999/1750, art. 2, **Sch. 1** (with art. 7)

Procedure

14 The respondent shall be entitled to appear before and be heard by the advisory body either in person or by counsel or solicitor.

15 Subject to the provisions of this Part of this Schedule, an advisory body may regulate its own procedure.

Application of provisions of Part I

16 Paragraphs 3, 7, 8 and 10 to 12 of this Schedule shall apply in relation to an advisory body as they apply in relation to a tribunal.

PART III

PROFESSIONAL PANELS

Membership

17 A professional panel shall consist of a chairman and two other persons appointed by the Secretary of State from among the members of the respondent's profession after consultation with such one or more of the relevant bodies mentioned in paragraph 1(2) above as the Secretary of State considers appropriate.

Modifications etc. (not altering text)

C41 Sch. 3 para. 17: Functions transferred (S.) (1.7.1999) by virtue of S.I. 1999/1750, art. 2, **Sch. 1** (with art. 7)

Procedure

18 The respondent shall be entitled to appear before, and be heard by, the professional panel either in person or by counsel or solicitor.

19 Subject to the provisions of this Part of this Schedule, a professional panel may regulate its own procedure.

Application of provisions of Part I

20 Paragraphs 3, 7 and 8 of this Schedule shall apply in relation to a professional panel as they apply in relation to a tribunal.

PART IV

APPLICATION OF PARTS I TO III TO NORTHERN IRELAND

21 In the application of Parts I to III of this Schedule to Northern Ireland the provisions specified in the first column of the following Table shall have effect subject to the modifications specified in relation thereto in the second column of that Table.

TABLE

Provision of this Schedule	***Modification***
Paragraph 1	In sub-paragraph (1), for the references to **[**[F194]any reference to **]** the Secretary of State there shall be substituted **[**[F195]a reference to**]** the Minister of Home Affairs for Northern Ireland **[**[F196]and for any reference to the Lord Chancellor there shall be substituted a reference to the Northern Ireland Judicial Appointments Commission**]** .
Paragraph 4	In sub-paragraph (1), for the reference to the Lord Chancellor there shall be substituted a reference to the Ministry of Home Affairs for Northern Ireland. For sub-paragraph (3) there shall be substituted— "(3) Any rules made under this paragraph by the Ministry of Home Affairs for Northern Ireland shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act."
Paragraphs 8 to 12	For the references to the Secretary of State and the Treasury there shall be substituted respectively references to the Ministry of Home Affairs for Northern Ireland and the Ministry of Finance for Northern Ireland.
Paragraph 13	In sub-paragraph (1)—

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	(a) for the references to **[**[F197]any reference to the**]** Secretary of State there shall be substituted **[**[F198]a reference to**]** the Minister of Home Affairs for Northern Ireland **[**[F199]and for any reference to the Lord Chancellor there shall be substituted a reference to the Department of Justice in Northern Ireland**]** ; and (b) for the reference to a department of the Government of the United Kingdom there shall be substituted a reference to a department of the Government of Northern Ireland.
Paragraph 16	The references to paragraphs 8 and 10 to 12 shall be construed as references to those paragraphs as modified by this Part of this Schedule.
Paragraph 17	For the reference to the Secretary of State there shall be substituted a reference to the Minister of Home Affairs for Northern Ireland.
Paragraph 20	The reference to paragraph 8 shall be construed as a reference to that paragraph as modified by this Part of this Schedule.

[[F200]	After sub-paragraph (2) there shall be inserted— "(3) The **[**[F201]Department of Justice in Northern Ireland**]** must obtain the concurrence of the Lord Chief Justice of Northern Ireland before exercising his functions under sub-paragraph (1)(a). (4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (3) (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002; (b) a Lord Justice of Appeal (as defined

in section 88 of that Act).”]

Textual Amendments

F194 Words in Sch. 3 para. 21 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 74(2)(a)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F195 Words in Sch. 3 para. 21 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 74(2)(b)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F196 Words in Sch. 3 para. 21 inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 8** (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F197 Words in Sch. 3 para. 21 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 74(3)(a)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F198 Words in Sch. 3 para. 21 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 74(3)(b)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F199 Words in Sch. 3 para. 21 inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 3(a)** (with arts. 28-31)

F200 Words in Sch. 3 para. 21 inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 74(3)(c)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

F201 Words in Sch. 3 para. 21 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 3(b)** (with arts. 28-31)

Modifications etc. (not altering text)

C42 Functions of Ministry of Home Affairs for Northern Ireland transferred to Department of Health and Social Services for Northern Ireland by S.R. & O. (N.I.) 1973 No. 504, art. 5, **Sch. 2 Pt. I**

SCHEDULE 4

Section 25.

PROSECUTION AND PUNISHMENT OF OFFENCES

Modifications etc. (not altering text)

C43 Sch. 4: power to amend column 5 or 6 conferred (S.) (1.4.1996) by 1995 c. 46, **s. 225(5)(d)**

C44 Sch. 4: power to amend conferred (N.I.) (3.2.1995) by S.I. 1984/703 (N.I. 3), **art. 17(2)(k)** (as inserted by 1994 c. 33, **s. 157(8)**; S.I. 1995/127, art. 2(1), **Sch. 1**)

Section Creation Offence	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 4(2)	Production, or being concerned in the production, of a	(a) Summary	[[F202]12 months][[F202]6 months] or [[F203]the	[[F202]12 months][[F202]6 months] or [[F203]the	[[F204]3 months or [[F205]£2,500], or both].	

	controlled drug.		prescribed sum], or both.	prescribed sum], or both.		
		(b) On indictment	[[F206]Life] or a fine, or both.	14 years or a fine, or both.	[[F207]14 years] or a fine, or both.	
Section 4(3)	Supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another.	(a) Summary	[[F202]12 months][[F202]6 months] or [[F203]the prescribed sum], or both.	[[F202]12 months][[F202]6 months] or [[F203]the prescribed sum], or both.	[[F204]3 months or [[F205]£2,500], or both].	
		(b) On indictment	[[F206]Life] or a fine, or both.	14 years or a fine, or both.	[[F208]14 years] or a fine, or both.	
Section 5(2)	Having possession of a controlled drug.	(a) Summary	[[F202]12 months][[F202]6 months] or [[F203]the prescribed sum], or both.	[[F209]3 months or [[F205]£2,500], or both].	[[F209]3 months or [[F205]£1,000], or both].	
		(b) On indictment	7 years or a fine, or both.	5 years or a fine, or both.	2 years or a fine, or both.	
Section 5(3)	Having possession of a controlled drug with intent to supply it to another.	(a) Summary	[[F202]12 months][[F202]6 months] or [[F203]the prescribed sum], or both.	[[F202]12 months][[F202]6 months] or [[F203]the prescribed sum], or both.	[[F210]3 months or [[F211]£2,500], or both].	
		(b) On indictment	[[F212]Life] or a fine, or both.	14 years or a fine, or both.	[[F213]14 years] or a fine, or both.	
Section 6(2)	Cultivation of cannabis plant.	(a) Summary				[[F202]12 months

						][F202 6 months] or [F203 the prescribed sum], or both.
		(b) On indictment				14 years or a fine, or both.
Section 8	Being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there.	(a) Summary	[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.	[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.	[F214 3 months or [F205 £2,500], or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	[F215 14 years] or a fine, or both.	
Section 9	Offences relating to opium.	(a) Summary				[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.
		On indictment				14 years or a fine, or both.
[F216 Section 9A.]	[F216 Prohibition of supply etc. of articles for administering or preparing comtrolled drugs.]	[F216 Summary]				[F216 6 months or level 5 on the standard scale, or both.]
Section 11(2)	Contravention of	(a) summary				6 months or [F203 the

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	directions relating to safe custody of controlled drugs.					prescribed sum], or both.
		(b) On indictment				2 years or a fine, or both.
Section 12(6)	Contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.	[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.	[F217 3 months or [F205 £2,500], or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	[F218 14 years] or a fine, or both.	
Section 13(3)	Contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.	[F202 12 months][F202 6 months] or [F203 the prescribed sum], or both.	[F217 3 months or [F205 £2,500], or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	[F219 14 years] or a fine, or both.	
Section 17(3)	Failure to comply with notice requiring information relating to prescribing, supply etc. of drugs.	Summary				[F220 level 3 on the standard scale].
Section 17(4)	Giving false information in	(a) Summary				6 months or [F203 the prescribed

	purported compliance with notice requiring information relating to prescribing, supply etc. of drugs.		sum**]**, or both.
		(b) On indictment	2 years or afine, or both.
Section 18(1)	Contravention of regulations (other than regulations relating to addicts).	(a) Summary	6 months or **[**[F203]the prescribed sum**]**, or both
		(b) On indictment	2 years or a fine, or both.
Section 18(2)	Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts).	(a) Summary	6 months or **[**[F203]the prescribed sum**]**, or both
		(b) On indictment	2 years or a fine, or both.
Section 18(3)	Giving false information in purported compliance with obligation to give information imposed under or by	(a) Summary	6 months or **[**[F203]the prescribed sum**]**, or both

	virtue of regulations.		
		(b) On indictment	2 years or a fine, or both.
Section 18(4)	Giving false information, or producing document etc. containing false statement etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary	6 months or **[**[F203]the prescribed sum**]**, or both
		(b) On indictment	2 years or a fine, or both.
Section 20	Assisting in or inducing commission outside United Kingdom of an offence punishable under a corresponding law.	(a) Summary	**[**[F202]12 months **][**[F202]6 months**]** or **[**[F203]the prescribed sum**]**, or both
		(b) On indictment	14 years or a fine, or both.
Section 23(4)	Obstructing exercise of powers of search etc. or concealing books, drugs etc.	(a) Summary	6 months or **[**[F203]the prescribed sum**]**, or both

	(b) On indictment	2 years or a fine, or both.

Textual Amendments

F202 Words in Sch. 4 substituted (N.I.) by S.I. 1984/703, (N.I. 3), art. 4, Sch. 1 para. 1(c)

F203 Sch. 4: the maximum fine which may be imposed on summary conviction shall be the prescribed sum by virtue of Magistrates' Courts Act 1980 (c. 43), **s. 32(2)**

F204 Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss.3(1), 6, **Sch. 1 para. 11(1)(2) Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1**(*c*), 2 (*b*)(i)(ii)

F205 Sch. 4: Words substituted (3.2.1995) by 1994 c. 33, s. 157(2)(9), **Sch. 8 Pt. II**; S.I. 1995/127, art. 2(1), **Sch. 1**

F206 Word substituted by Controlled Drugs (Penalties) Act 1985 (c. 39, SIF 84), **ss. 1(1)**, 2(2)

F207 Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3), (4), **Sch. 28 para. 1(1)-(3)(a)**; S.I. 2004/81, art. 4(1)(2)(k)

F208 Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3), (4), **Sch. 28 para. 1(1)-(3)(b)**; S.I. 2004/81, art. 4(1)(2)(k)

F209 Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(c)(i)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(c)(i)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1**(*b*)(i)

F210 Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), **Sch. 1 para. 1**(*a*), 2(*b*)(iii)

F211 Word in Sch. 4 substituted (3.2.1995) by 1994 c. 33, s. 157(2)(9), **Sch. 8 Pt. II**; S.I 1995/127, art. 2(1)

F212 Word substituted by Controlled Drugs (Penalties) Act 1985 (c. 39, SIF 84), **ss. 1(1)**, 2(2)

F213 Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(c)**; S.I. 2004/81, art. 4(1)(2)(k)

F214 Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1**(*a*), 2(*b*)(iv)

F215 Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(d)**; S.I. 2004/81, art. 4(1)(2)(k)

F216 Entry inserted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1), **s. 34(2)**

F217 Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1**(*a*), 2(*b*)(v)(vi)

F218 Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(e)**; S.I. 2004/81, art. 4(1)(2)(k)

F219 Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(f)**; S.I. 2004/81, art. 4(1)(2)(k)

F220 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (1.4.1996) by 1995 c. 40, ss. 3, 6, Sch. 1 para. 3(1) Sch. 2 Pt.II, **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), **arts. 5**, 6

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Changes to legislation: *There are currently no known outstanding effects for the Misuse of Drugs Act 1971. (See end of Document for details)*

SCHEDULE 5

Section 39.

SAVINGS AND TRANSITIONAL PROVISIONS

1 (1) Any addiction regulations which could have been made under this Act shall not be invalidated by any repeal effected by this Act but shall have effect as if made under the provisions of this Act which correspond to the provisions under which the regulations were made; and the validity of any licence issued under any such addiction regulations shall not be affected by any such repeal.

(2) Any order, rule or other instrument or document whatsoever made or issued, any direction given, and any other thing done, under or by virtue of any of the following provisions of the Dangerous Drugs Act 1967, that is to say section 1(2), 2 or 3 or the Schedule, shall be deemed for the purposes of this Act to have been made, issued or done, as the case may be, under the corresponding provision of this Act; and anything begun under any of the said provisions of that Act may be continued under this Act as if begun under this Act.

(3) In this paragraph "addiction regulations" means any regulations made under section 11 of the Dangerous Drugs Act 1965 which include provision for any of the matters for which regulations may be so made by virtue of section 1(1) of the Dangerous Drugs Act 1967.

2 As from the coming into operation of section 3 of this Act any licence granted for the purpose of section 5 of the Drugs (Prevention of Misuse) Act 1964 or sections 2, 3 or 10 of the Dangerous Drugs Act 1965 shall have effect as if granted for the purposes of section 3(2) of this Act.

3 (1) The Secretary of State may at any time before the coming into operation of section 12 of this Act give a direction under subsection (2) of that section in respect of any practitioner or pharmacist whose general authority under the Dangerous Drugs Regulations is for the time being withdrawn; but a direction given by virtue of this sub-paragraph shall not take effect until section 12 comes into operation, and shall not take effect at all if the general authority of the person concerned is restored before that section comes into operation.

(2) No direction under section 12(2) of this Act shall be given by virtue of sub-paragraph (1) above in respect of a person while the withdrawal of his general authority under the Dangerous Drugs Regulations is suspended; but where, in the case of any practitioner or pharmacist whose general authority has been withdrawn, the withdrawal is suspended at the time when section 12 comes into operation, the Secretary of State may at any time give a direction under section 12(2) in respect of him by virtue of this sub-paragraph unless the Secretary of State has previously caused to be served on him a notice stating that he is no longer liable to have such a direction given in respect of him by virtue of this sub-paragraph.

(3) In this paragraph "the Dangerous Drugs Regulations" means, as regards Great Britain, the Dangerous Drugs (No. 2) Regulations 1964 or, as regards Northern Ireland, the Dangerous Drugs Regulations (Northern Ireland) 1965.

4 Subject to paragraphs 1 to 3 above, and without prejudice to the generality of section 31(1)(c) of this Act, regulations made by the Secretary of State under any provision of this Act may include such provision as the Secretary of State thinks fit for effecting the transition from any provision made by or by virtue of any of the enactments repealed by this Act to any provision made by or by virtue of this Act, and in particular may provide for the continuation in force, with or without

modifications, of any licence or other authority issued or having effect as if issued under or by virtue of any of those enactments.

5 For purposes of the enforcement of the enactments repealed by this Act as regards anything done or omitted before their repeal, any powers of search, entry, inspection, seizure or detention conferred by those enactments shall continue to be exercisable as if those enactments were still in force.

6 The mention of particular matters in this Schedule shall not prejudice the general application of **[**[F221]section 16 of the Interpretation Act 1978**]** with regard to the effect of repeals.

Textual Amendments

F221 Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 25(2)**

SCHEDULE 6

Section 39.

REPEALS.

Modifications etc. (not altering text)

C45 The text of ss. 12(7), 39(2) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1964 c. 64.	The Drugs (Prevention of Misuse) Act 1964.	The whole Act.
1965 c. 15.	The Dangerous Drugs Act 1965.	The whole Act.
1967 c. 82.	The Dangerous Drugs Act 1967.	The whole Act.
1968 c. 59.	The Hovercraft Act 1968.	Paragraph 6 of the Schedule.
1968 c. 67.	The Medicines Act 1968.	In Schedule 5, paragraphs 14 and 15.

Status:
Point in time view as at 24/06/2014.

Changes to legislation:
There are currently no known outstanding effects for the Misuse of Drugs Act 1971.