



Misuse of Drugs Act 1971

1971 CHAPTER 38

Powers of Secretary of State for preventing misuse of controlled drugs

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.

Status: This is the original version (as it was originally enacted).

- (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.