

**Changes to legislation:** Criminal Law Act 1977, SCHEDULE 5 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### <sup>X1</sup>SCHEDULE 5

Section 28.

#### ALTERATION OF PENALTIES ON SUMMARY CONVICTION OF CERTAIN OFFENCES TRIABLE EITHER WAY

##### Editorial Information

**X1** The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 1 (1) The <sup>M1</sup>Misuse of Drugs Act 1971 shall be amended as follows—
- (a) ..... <sup>F1</sup>
  - (b) in the entries in Schedule 4 showing the punishment that may be imposed on persons summarily convicted of offences mentioned in subparagraph (2) (b) below, for “6 months or £200, or both” there shall be substituted “three months or £500, or both”; and
  - (c) in the entry in Schedule 4 relating to section 5(2)—
    - (i) for “6 months or £400, or both” (being the maximum punishment on summary conviction of an offence under that section where a Class B drug was involved) there shall be substituted “3 months or £500, or both”; and
    - (ii) for “6 months or £200, or both” (being the maximum punishment on summary conviction of such an offence where a Class C drug was involved) there shall be substituted “3 months or £200, or both”.
- [<sup>F2</sup>(1A) The offences mentioned in subparagraph (1)(b) above are offences under the following provisions of the Misuse of Drugs Act 1971, where the controlled drug in relation to which the offence was committed was a Class C drug, namely—
- (i) section 4(2) (production, or being concerned in the production of a controlled drug);
  - (ii) section 4(3) (supplying or offering a controlled drug or being concerned in the doing of either activity by another);
  - (iii) section 5(3) (having possession of a controlled drug with intent to supply it to another);
  - (iv) section 8 (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there);
  - (v) section 12(6) (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs); or
  - (vi) section 13(3) (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs).]
- (2) The offences to which (as provided in section 28(8) above) section 28(2) above does not apply are—

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- (a) ..... F3
- (c) offences under the following provisions of the <sup>M2</sup>Customs and Excise Act 1952, where the controlled drug constituting the goods in respect of which the offence was committed was a Class C drug, namely—
  - (i) section 45(1) (improper importation);
  - (ii) section 56(2) (improper exportation);
  - (iii) section 304 (fraudulent evasion of prohibition or restriction affecting goods).

(3) In this paragraph “controlled drug”, “Class B drug” and “Class C drug” have the same meaning as in the <sup>M3</sup>Misuse of Drugs Act 1971.

**Textual Amendments**

**F1** Sch. 5 para. 1(1)(a) repealed by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 6**

**F2** Sch. 5 para. 1(1A) inserted by [Magistrates' Courts Act 1980 \(c. 43 SIF 82\)](#), Sch. 7 para. 154(b)

**F3** Sch. 5 para. 1(2)(a)(b) repealed by [Magistrates' Courts Act 1980 \(c. 43 SIF 82\)](#), Sch. 9

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**Marginal Citations**

**M1** 1971 c. 38

**M2** 1952 c. 44.

**M3** 1971 c. 38.

2 ..... F4

**Textual Amendments**

**F4** Sch. 5 para. 2 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, **Sch. 1 Pt. I**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)