

SCHEDULES

SCHEDULE 17

TEMPORARY CLASS DRUG ORDERS

Amendments of the Misuse of Drugs Act 1971

16 After section 23 insert—

“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.”