



# Scotland Act 2012

## 2012 CHAPTER 11

### PART 2

#### MINISTERS AND THEIR POWERS

##### *Executive competence*

#### **19 Misuse of drugs**

- (1) The Misuse of Drugs Act 1971 is amended as follows.
- (2) In section 10 (power to make regulations for preventing misuse of controlled drugs)—
  - (a) in subsection (2)(i) for “Secretary of State” substitute “appropriate authority”;
  - (b) after subsection (2) insert—
    - “(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.”
- (3) In section 13 (directions where regulations or licence contravened) after subsection (1A) insert—
  - “(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—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in relation to a contravention taking place in Scotland, the Scottish Ministers;
  - (b) otherwise, the Secretary of State.”
- (4) In section 14 (investigation where grounds for direction under section 13 are considered to exist) after subsection (1) insert—
  - “(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).”
- (5) In section 16 (provisions supplementary to sections 14 and 15) after subsection (1) insert—
  - “(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.”
- (6) In section 30 (licences and authorities)—
  - (a) at the beginning insert “(1)”;
  - (b) at the end insert—
    - “(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.”
- (7) In paragraph 4 of Schedule 3 (tribunal rules) at the end add—
  - “(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.”