

2014 No. 2081

DANGEROUS DRUGS, ENGLAND AND WALES

DANGEROUS DRUGS, SCOTLAND

**The Misuse of Drugs (Amendment No. 2) (England, Wales and
Scotland) Regulations 2014**

<i>Made</i> - - - -	<i>3rd August 2014</i>
<i>Laid before Parliament</i>	<i>8th August 2014</i>
<i>Coming into force</i> - -	<i>5th September 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22 and 31 of the Misuse of Drugs Act 1971(a).

In accordance with section 31(3) of that Act the Secretary of State has consulted with the Advisory Council on the Misuse of Drugs.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Misuse of Drugs (Amendment No. 2) (England, Wales and Scotland) Regulations 2014 and come into force on 5th September 2014.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Misuse of Drugs Regulations 2001

2. Regulation 6A of the Misuse of Drugs Regulations 2001(b) is amended as follows.

3. After paragraph (2) insert—

“(3) Despite the provisions of section 9A(1) and (3) of the Act(c), a person employed or engaged in the lawful provision of drug treatment services may, when acting in that capacity, supply or offer to supply aluminium foil in the context of structured steps—

- (a) to engage a patient in a drug treatment plan, or
- (b) which form part of a patient’s drug treatment plan.

(4) In this regulation “drug treatment plan” means a written plan, relating to the treatment of an individual patient, and agreed by the patient and the person employed in the lawful provision of drug treatment services.”.

(a) 1971 c. 38; section 22 was amended by section 177 of and paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2); there are amendments to section 31 but they are not relevant to these Regulations.
(b) S.I. 2001/3998; regulation 6A was inserted by S.I. 2003/1653 and amended by S.I. 2005/271, 2005/2864 and 2012/973.
(c) Section 9A was inserted by section 34(1) of the Drug Trafficking Offences Act 1986 (c. 32).

Home Office
3rd August 2014

Norman Baker
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Misuse of Drugs Regulations 2001 to allow for the provision of aluminium foil by persons employed or engaged in the lawful provision of drug treatment services. Such provision is permitted as part of structured steps to bring individuals into treatment or as part of such treatment. Without this amendment, the provision of foil to drug users would be an offence under section 9A Misuse of Drugs Act 1971.

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