



<b>Name of Policy/Guidance/Operational Activity</b>
<p>Control of the new psychoactive substances known as MT-45 and 4,4'-DMAR under the Misuse of Drugs Act 1971 as drugs that are considered “dangerous or otherwise harmful” following statutory consultation with the Advisory Council on the Misuse of Drugs.</p> <p>The intended objectives of drug control are to curb the availability and reduce the risk of misuse of substances which are being, or are likely to be, misused and misuse is having, or capable of having, harmful effects in the UK.</p> <p>The Misuse of Drugs Act 1971 enables law enforcement agencies to take appropriate action against the unauthorised production, possession, supply, importation and exportation etc of controlled drugs, while providing a regulatory framework within which such activities can be undertaken for approved purposes.</p>
<b>Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.</b>
<p>The Advisory Council on the Misuse of Drugs (ACMD) has recommended the control of MT-45 and 4,4'-DMAR which have been identified as new psychoactive substances following an assessment of available evidence on their potential health and social harms. The ACMD’s reports on these substances are published online, respectively, at:</p> <ol style="list-style-type: none"><li data-bbox="165 1160 1404 1227">1. <a href="http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374861/MT-45_final.pdf">www.gov.uk/government/uploads/system/uploads/attachment_data/file/374861/MT-45_final.pdf</a></li><li data-bbox="165 1245 1442 1312">2. <a href="http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374844/ACMD_44_-DMAR_final.pdf">www.gov.uk/government/uploads/system/uploads/attachment_data/file/374844/ACMD_44_-DMAR_final.pdf</a></li></ol> <p>The background to these reports is the continued monitoring of the threat posed by emerging new psychoactive substances in the UK and international through drugs early warning systems. These and previous advice reports on the harms of emerging new psychoactive substances in relation to control under the Misuse of Drugs Act 1971 have been produced following the ACMD’s thematic advice on ‘novel psychoactive substances’ – published at <a href="http://www.homeoffice.gov.uk/publications/agencies-public-bodies/acmd1/acmdnps2011">www.homeoffice.gov.uk/publications/agencies-public-bodies/acmd1/acmdnps2011</a> - which highlighted evidence that ‘Users, particularly young people, who are in possession of what they think are “legal highs” may well be in possession of controlled substances and could face the prospect of being subject to prosecution and a potential criminal record if found in possession of them by the Police.’</p> <p>This advice further pointed to the availability of harmful substances through modern technologies which are appealing to young people and, in relation to harms, the fact that the use of new psychoactive substances can also result in young people and young adults putting themselves in situations where they may be vulnerable or at risk of other harms (e.g. through collapse, intoxication, etc) including accidents and being victims of crime (e.g. sexual or physical assault)’. It also gave due consideration to the impact of legislation in relation to ‘Police enforcement and the criminalisation of Young People’ outweighed by the need for Government intervention to protect them and the wider public from substance use because of its assessment of the belief that new psychoactive substances ‘are “legal and therefore safe” is the main driver for trying them.’</p>

Government considerations of these issues led to the introduction of the power to make temporary class drug orders under the Misuse of Drugs Act 1971 on 15 November 2011 to enable the Government to take swift action to protect public health from potentially harmful emerging new psychoactive substances and a cross-government Action Plan (published at [www.gov.uk/government/publications/annual-review-of-the-drug-strategy-2010](http://www.gov.uk/government/publications/annual-review-of-the-drug-strategy-2010)) combining legislative approaches with targeted prevention, treatment and research policies. In early 2014, the Government also appointed a panel to undertake a review of approaches to new psychoactive substances and report to Ministers with advice on how to further enhance the UK's response to this threat. On 30 October 2014 the panel's report and the Government's response to its recommendations were published online at:

1. [www.gov.uk/government/publications/new-psychoactive-substances-review-report-of-the-expert-panel](http://www.gov.uk/government/publications/new-psychoactive-substances-review-report-of-the-expert-panel)
2. [www.gov.uk/government/publications/response-to-expert-panel-report-on-the-new-psychoactive-substances-review](http://www.gov.uk/government/publications/response-to-expert-panel-report-on-the-new-psychoactive-substances-review).

Alongside these reports, the Government published a review of evidence on new psychoactive substances in England and beyond, which was made available to the review panel, including on the demographics of new psychoactive substances users informed by data on their age and sex, as well as history of illicit drug use. This paper is available on the Government's website alongside the review panel's report at [www.gov.uk/government/publications/new-psychoactive-substances-in-england-a-review-of-the-evidence](http://www.gov.uk/government/publications/new-psychoactive-substances-in-england-a-review-of-the-evidence).

<b>SCS sign off</b>	Daniel Greaves	<b>Name/Title</b>	Daniel Greaves Head of Drugs and Alcohol Unit
<b>I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that <u>due regard</u> has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.</b>			
<b>Directorate/ Unit</b>	Crime Directorate Drugs and Alcohol	<b>Lead contact</b>	Cyrille Marcel
<b>Date</b>	12 December	<b>Review Date</b>	N/A

**Retain the completed PES for your records and send a copy to [SDAT@homeoffice.gsi.gov.uk](mailto:SDAT@homeoffice.gsi.gov.uk) and your relevant business area Equality and Diversity Lead.**