



# Misuse of Drugs Act 1971

## 1971 CHAPTER 38

*Restrictions relating to controlled drugs etc.*

### **[<sup>F1</sup>4A Aggravation of offence of supply of controlled drug**

- (1) This section applies if—
  - (a) a court is considering the seriousness of an offence under section 4(3) of this Act, and
  - (b) at the time the offence was committed the offender had attained the age of 18.
- (2) If either of the following conditions is met the court—
  - (a) must treat the fact that the condition is met as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
  - (b) must state in open court that the offence is so aggravated.
- (3) The first condition is that the offence was committed on or in the vicinity of school premises at a relevant time.
- (4) The second condition is that in connection with the commission of the offence the offender used a courier who, at the time the offence was committed, was under the age of 18.
- (5) In subsection (3), a relevant time is—
  - (a) any time when the school premises are in use by persons under the age of 18;
  - (b) one hour before the start and one hour after the end of any such time.
- (6) For the purposes of subsection (4), a person uses a courier in connection with an offence under section 4(3) of this Act if he causes or permits another person (the courier)—
  - (a) to deliver a controlled drug to a third person, or
  - (b) to deliver a drug related consideration to himself or a third person.
- (7) For the purposes of subsection (6), a drug related consideration is a consideration of any description which—
  - (a) is obtained in connection with the supply of a controlled drug, or

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*Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Section 4A. (See end of Document for details)*

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(b) is intended to be used in connection with obtaining a controlled drug.

(8) In this section—

“school premises” means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school; and

“school” has the same meaning—

- (a) in England and Wales, as in section 4 of the Education Act 1996;
- (b) in Scotland, as in section 135(1) of the Education (Scotland) Act 1980;
- (c) in Northern Ireland, as in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.]

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#### **Textual Amendments**

**F1** [S. 4A](#) inserted (1.1.2006) by [Drugs Act 2005 \(c. 17\)](#), [ss. 1, 24\(3\)](#) (with [s. 1\(2\)](#)); [S.I. 2005/3053](#), [art. 3\(a\)](#)

**Status:**

Point in time view as at 01/01/2006. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Section 4A.