



Misuse of Drugs Act 1971

1971 CHAPTER 38

Restrictions relating to controlled drugs etc.

[^{F1}4A Aggravation of offence of supply of controlled drug

- [^{F2}(1) [^{F3}Subsections (2) to (8) apply] if—
- (a) a court [^{F4}in Scotland or Northern Ireland] 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

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)

(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.

[For the requirement for a court in England and Wales considering the seriousness of ^{F5}(9) an offence under section 4(3) of this Act to treat certain matters as aggravating factors, see section 71 of the Sentencing Code.]]

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)
- F2** S. 4A(1)-(7) repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 29](#) (with ss. 413(4), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F3** Words in s. 4A(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 27\(2\)\(a\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F4** Words in s. 4A(1)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 27\(2\)\(b\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F5** S. 4A(9) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 27\(3\)](#) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C1** S. 4A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\), ss. 1, 5\(2\)\(3\)](#); S.I. 2012/1236, reg. 2

Changes to legislation:

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