

# DRUGS ACT 2005

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 1: Supply of Controlled Drugs**

##### ***Section 1: Aggravated supply of controlled drug***

4. This section, in *subsection (1)*, inserts a new section 4A into the Misuse of Drugs Act 1971 and stipulates the circumstances which a court must treat as aggravating factors in respect of the offence of supply of a controlled drug. New section 4A(2) requires a court to treat either or both of two conditions as aggravating factors and, where either condition is met, to state that the offence is so aggravated.
5. New section 4A(3), together with new section 4A(5), provides that the first condition is met when a person supplies a controlled drug on or in the vicinity of school premises when they are being used by children and young people and within one hour of any such time. New section 4A(4), together with new section 4A(6), provides that the second condition is met when a person causes or permits a child or young person to deliver a controlled drug to a third person or to deliver a drug related consideration to himself or a third person in connection with the offence of supply of a controlled drug.
6. New section 4A(7) defines a drug related consideration as a consideration of any kind, thus encompassing any form of payment or reward, be it in cash, goods or services.
7. New section 4A(8) defines 'school premises' and 'school' for the purposes of this provision
8. *Subsection (2)* provides that new section 4A does not apply to any offence committed before it comes into force.