
STATUTORY INSTRUMENTS

2005 No. 1653

The Misuse of Drugs (Amendment) (No. 2) Regulations 2005

Amendment of the Misuse of Drugs Regulations 2001

2.—(1) The Misuse of Drugs Regulations 2001(1) shall be amended as follows.

(2) After regulation 4 insert—

“Exceptions for drugs in Schedule 1

4A.—(1) Section 5(1) of the Act (which prohibits the possession of controlled drugs) shall not have effect in relation to a fungus (of any kind) which contains psilocin or an ester of psilocin(2) where that fungus—

- (a) is growing uncultivated;
- (b) is picked by a person already in lawful possession of it for the purpose of delivering it as soon as is reasonably practicable into the custody of a person lawfully entitled to take custody of it and it remains in that person’s possession for and in accordance with that purpose;
- (c) is picked for either of the purposes specified in paragraph (2) and is held for and in accordance with the purpose specified in paragraph (2)(b), either by the person who picked it or by another person; or
- (d) is picked for the purpose specified in paragraph (2)(b) and is held for and in accordance with the purpose in paragraph (2)(a), either by the person who picked it or by another person.

(2) The purposes specified for the purposes of this paragraph are—

- (a) the purpose of delivering the fungus as soon as is reasonably practicable into the custody of a person lawfully entitled to take custody of it; and
- (b) the purpose of destroying the fungus as soon as is reasonably practicable.”.

(3) In schedule 1, after “Etryptamine” insert “Fungus (of any kind) which contains psilocin or an ester of psilocin”.

(1) S.I.2001/3998, to which there are amendments not relevant to these Regulations.

(2) The Drugs Act 2005 (c. 17) in section 21 inserts into Part 1 of Schedule 2 to the Misuse of Drugs Act 1971 a fungus (of any kind) which contains psilocin or an ester of psilocin and thereby classifies such a fungus a Class A drug.