



# Criminal Justice (International Co-operation) Act 1990

## 1990 CHAPTER 5

### PART II

#### THE VIENNA CONVENTION

##### *Substances useful for manufacture of controlled drugs*

#### **12 Manufacture and supply of scheduled substances.**

- (1) It is an offence for a person—
- (a) to manufacture a scheduled substance; or
  - (b) to supply such a substance to another person,
- knowing or suspecting that the substance is to be used in or for the unlawful production of a controlled drug.

[<sup>F1</sup>(1A) A person does not commit an offence under subsection (1) above if he manufactures or, as the case may be, supplies the scheduled substance with the express consent of a constable.]

- (2) A person guilty of an offence under subsection (1) above is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both.
- (3) In this section “a controlled drug” has the same meaning as in the <sup>M1</sup>Misuse of Drugs Act 1971 and “unlawful production of a controlled drug” means the production of such a drug which is unlawful by virtue of section 4(1)(a) of that Act.
- (4) In this section and elsewhere in this Part of this Act “a scheduled substance” means a substance for the time being specified in Schedule 2 to this Act.

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Cross Heading: Substances useful for manufacture of controlled drugs. (See end of Document for details)*

- (5) Her Majesty may by Order in Council amend that Schedule (whether by addition, deletion or transfer from one Table to the other) but—
- (a) no such Order shall add any substance to the Schedule unless—
    - (i) it appears to Her Majesty to be frequently used in or for the unlawful production of a controlled drug; or
    - (ii) it has been added to the Annex to the Vienna Convention under Article 12 of that Convention; and
  - (b) no such Order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

**F1** [S. 12\(1A\)](#) inserted (9.9.1998) by [1998 c. 27, ss.1, 2\(2\)](#).

#### Modifications etc. (not altering text)

**C1** [Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3](#) extended (with modifications) (to Anguilla) (14.7.1994) by [S.I. 1994/1635, art. 2, Sch. 1](#)

#### Commencement Information

**II** [S. 12](#) wholly in force; [s. 12\(5\)](#) in force for certain purposes at 23.4.1991, [s. 12](#) wholly in force 1.7.1991. See [s. 32\(2\)](#) and [S.I. 1991/1072, arts. 2\(b\), 3, Schedule Pt. II](#)

#### Marginal Citations

**M1** [1971 c. 38](#).

### 13 Regulations about scheduled substances.

- (1) The Secretary of State may by regulations make provision—
- (a) imposing requirements as to the documentation of transactions involving scheduled substances;
  - (b) requiring the keeping of records and the furnishing of information with respect to such substances;
  - (c) for the inspection of records kept pursuant to the regulations;
  - (d) for the labelling of consignments of scheduled substances.
- (2) Regulations made by virtue of subsection (1)(b) may, in particular, require—
- (a) the notification of the proposed exportation of substances specified in Table I in Schedule 2 to this Act to such countries as may be specified in the regulations; and
  - (b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given;
- and for the purposes of section 68 of the <sup>M2</sup>Customs and Excise Management Act 1979 (offences relating to exportation of prohibited or restricted goods) any such substance shall be deemed to be exported contrary to a restriction for the time being in force with respect to it under this Act if it is exported without the requisite notification having been given.
- (3) Regulations under this section may make different provision in relation to the substances specified in Table I and Table II in Schedule 2 to this Act respectively and in relation to different cases or circumstances.

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Cross Heading: Substances useful for manufacture of controlled drugs. (See end of Document for details)

- (4) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any person who fails to comply with any requirement imposed by the regulations or, in purported compliance with any such requirement, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) No information obtained pursuant to the regulations shall be disclosed except for the purposes of criminal proceedings or of proceedings under the provisions of the <sup>F2</sup> ... <sup>M3</sup> relating to the confiscation of the proceeds of drug trafficking or corresponding provisions in force in Northern Ireland<sup>F3</sup> or of proceedings under Part 2, 3 or 4 of the Proceeds of Crime Act 2002].

#### Subordinate Legislation Made

**P1** S. 13: S. 13 power exercised by [S.I. 1991/1285](#)

#### Textual Amendments

**F2** Words in s. 13(6) omitted (24.3.2003) by virtue of [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), Sch. 11 para. 21(a), [Sch. 12](#); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F3** Words in s. 13(6) inserted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 21\(b\)](#); [S.S.I. 2003/210](#), art. 2(1)(b)(2), sch. (with art. 7); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

#### Modifications etc. (not altering text)

**C2** Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3 extended with modifications (to Anguilla) (14.7.1994) by [S.I. 1994/1635](#), art. 2, [Sch. 1](#)

**C3** S. 13(2) applied (with modifications) by [S.I. 1991/1285](#), [reg. 3\(b\)](#).

**C4** S. 13(5)(a) modified by [S.I. 1991/1285](#), [reg. 6\(d\)](#)  
S. 13(5)(a) modified (6.10.1993) by [S.I. 1993/2166](#), [reg. 7](#).

**C5** [S. 13\(5\)\(a\)](#) modified (7.3.2008) by [Controlled Drugs \(Drug Precursors\) \(Community External Trade\) Regulations 2008 \(S.I. 2008/296\)](#), regs. 1(1), [5\(2\)](#)

#### Commencement Information

**I2** S. 13 wholly in force; s. 13 in force for certain purposes at 23.4.1991 and wholly in force at 1.7.1991. See s. 32(2) and [S.I. 1991/1702](#), [arts. 2\(b\)](#), 3, Schedule Pt.II

#### Marginal Citations

**M2** 1979 c. 2.

**M3** 1987 c. 41.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Cross Heading: Substances useful for manufacture of controlled drugs.