

Status: Point in time view as at 29/01/2004.

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

SCHEDULES

SCHEDULE 4

Section 25.

PROSECUTION AND PUNISHMENT OF OFFENCES

Modifications etc. (not altering text)

- C1** Sch. 4: power to amend column 5 or 6 conferred (S.) (1.4.1996) by 1995 c. 46, s. 225(5)(d)
C2 Sch. 4: power to amend conferred (N.I.) (3.2.1995) by S.I. 1984/703 (N.I. 3), art. 17(2)(k) (as inserted by 1994 c. 33, s. 157(8); S.I. 1995/127, art. 2(1), Sch. 1)

Section Creation Offence	General Nature of Offence	Mode of Prosecution	Punishment			General
			Class A drug involved	Class B drug involved	Class C drug involved	
Section 4(2)	Production, or being concerned in the production, of a controlled drug.	(a) Summary	[^{F1} 12 months ^{F1} 6 months] or [^{F2} the prescribed sum], or both.	[^{F1} 12 months ^{F1} 6 months] or [^{F2} the prescribed sum], or both.	[^{F3} 3 months or [^{F4} £2,500], or both].	
		(b) On indictment	[^{F5} Life] or a fine, or both.	14 years or a fine, or both.	[^{F6} 14 years] or a fine, or both.	
Section 4(3)	Supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another.	(a) Summary	[^{F1} 12 months ^{F1} 6 months] or [^{F2} the prescribed sum], or both.	[^{F1} 12 months ^{F1} 6 months] or [^{F2} the prescribed sum], or both.	[^{F3} 3 months or [^{F4} £2,500], or both].	
		(b) On indictment	[^{F5} Life] or a fine, or both.	14 years or a fine, or both.	[^{F7} 14 years] or a fine, or both.	

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Section 5(2)	Having possession of a controlled drug.	(a) Summary	[^{F1} 12 months][^{F16} months] or [^{F2} the prescribed sum], or both.	[^{F83} 3 months or [^{F4} £2,500], or both].	[^{F83} 3 months or [^{F4} £1,000], or both].	
		(b) On indictment	7 years or a fine, or both.	5 years or a fine, or both.	2 years or a fine, or both.	
Section 5(3)	Having possession of a controlled drug with intent to supply it to another.	(a) Summary	[^{F1} 12 months][^{F16} months] or [^{F2} the prescribed sum], or both.	[^{F1} 12 months][^{F16} months] or [^{F2} the prescribed sum], or both.	[^{F93} 3 months or [^{F10} £2,500], or both].	
		(b) On indictment	[^{F11} Life] or a fine, or both.	14 years or a fine, or both.	[^{F12} 14 years] or a fine, or both.	
Section 6(2)	Cultivation of cannabis plant.	(a) Summary				[^{F1} 12 months][^{F16} months] or [^{F2} the prescribed sum], or both.
		(b) On indictment				14 years or a fine, or both.
Section 8	Being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there.	(a) Summary	[^{F1} 12 months][^{F16} months] or [^{F2} the prescribed sum], or both.	[^{F1} 12 months][^{F16} months] or [^{F2} the prescribed sum], or both.	[^{F133} 3 months or [^{F4} £2,500], or both].	

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		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	[^{F14} 14 years] or a fine, or both.
Section 9	Offences relating to opium.	(a) Summary			[^{F1} 12 months][^{F16} 6 months] or [^{F2} the prescribed sum], or both.
		On indictment			14 years or a fine, or both.
[^{F15} Section 9A.]	[^{F15} Prohibition of supply etc. of articles for administering or preparing controlled drugs.]	[^{F15} Summary]			[^{F15} 6 months or level 5 on the standard scale, or both.]
Section 11(2)	Contravention of directions relating to safe custody of controlled drugs.	(a) summary			6 months or [^{F2} the prescribed sum], or both.
		(b) On indictment			2 years or a fine, or both.
Section 12(6)	Contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	[^{F1} 12 months][^{F16} 6 months] or [^{F2} the prescribed sum], or both.	[^{F1} 12 months][^{F16} 6 months] or [^{F2} the prescribed sum], or both.	[^{F16} 3 months or [^{F4} £2,500], or both].
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	[^{F17} 14 years] or a fine, or both.

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Section 13(3)	Contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	[^{F1} 12 months][^{F1} 6 months] or [^{F2} the prescribed sum], or both.	[^{F1} 12 months][^{F1} 6 months] or [^{F2} the prescribed sum], or both.	[^{F16} 3 months or [^{F4} £2,500], or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	[^{F18} 14 years] or a fine, or both.	
Section 17(3)	Failure to comply with notice requiring information relating to prescribing, supply etc. of drugs.	Summary			[^{F19} level 3 on the standard scale].	
Section 17(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supply etc. of drugs.	(a) Summary			6 months or [^{F2} the prescribed sum], or both.	
		(b) On indictment			2 years or a fine, or both.	
Section 18(1)	Contravention of regulations (other than regulations relating to addicts).	(a) Summary			6 months or [^{F2} the prescribed sum], or both	
		(b) On indictment			2 years or a fine, or both.	

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Section 18(2)	Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts).	(a) Summary	6 months or [^{F2} the prescribed sum], or both
		(b) On indictment	2 years or a fine, or both.
Section 18(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations.	(a) Summary	6 months or [^{F2} the prescribed sum], or both
		(b) On indictment	2 years or a fine, or both.
Section 18(4)	Giving false information, or producing document etc. containing false statement etc., for purposes of obtaining issue or renewal of a licence or other authority.	(a) Summary	6 months or [^{F2} the prescribed sum], or both

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		(b) On indictment	2 years or a fine, or both.
Section 20	Assisting in or inducing commission outside United Kingdom of an offence punishable under a corresponding law.	(a) Summary	[^{F1} 12 months][^{F1} 6 months] or [^{F2} the prescribed sum], or both
		(b) On indictment	14 years or a fine, or both.
Section 23(4)	Obstructing exercise of powers of search etc. or concealing books, drugs etc.	(a) Summary	6 months or [^{F2} the prescribed sum], or both
		(b) On indictment	2 years or a fine, or both.

Textual Amendments

- F1** Words in Sch. 4 substituted (N.I.) by S.I. 1984/703, (N.I. 3), art. 4, Sch. 1 para. 1(c)
- F2** Sch. 4: the maximum fine which may be imposed on summary conviction shall be the prescribed sum by virtue of Magistrates' Courts Act 1980 (c. 43), s. 32(2)
- F3** Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, Sch. 5 para. 1(1)(b), (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 7B para. 1(1)(b) and (1.4.1996) by 1995 c. 40, ss.3(1), 6, Sch. 1 para. 11(1)(2) Sch.5 (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, Sch. 1 para. 1(c), 2 (b)(i)(ii)
- F4** Sch. 4: Words substituted (3.2.1995) by 1994 c. 33, s. 157(2)(9), Sch. 8 Pt. II; S.I. 1995/127, art. 2(1), Sch. 1
- F5** Word substituted by Controlled Drugs (Penalties) Act 1985 (c. 39, SIF 84), ss. 1(1), 2(2)
- F6** Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3), (4), Sch. 28 para. 1(1)-(3)(a); S.I. 2004/81, art. 4(1)(2)(k)
- F7** Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3), (4), Sch. 28 para. 1(1)-(3)(b); S.I. 2004/81, art. 4(1)(2)(k)
- F8** Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, Sch. 5 para. 1(1)(c)(i), (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 7B para. 1(1)(c)(i) and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), Sch.5 (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, Sch. 1 para. 1(b)(i)

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- F9** Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), **Sch. 1 para. 1(a), 2(b)(iii)**
- F10** Word in Sch. 4 substituted (3.2.1995) by 1994 c. 33, s. 157(2)(9), **Sch. 8 Pt. II**; S.I 1995/127, art. 2(1)
- F11** Word substituted by Controlled Drugs (Penalties) Act 1985 (c. 39, SIF 84), **ss. 1(1), 2(2)**
- F12** Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(c)**; S.I. 2004/81, art. 4(1)(2)(k)
- F13** Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1(a), 2(b)(iv)**
- F14** Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(d)**; S.I. 2004/81, art. 4(1)(2)(k)
- F15** Entry inserted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1), **s. 34(2)**
- F16** Words substituted by (E.W.) Criminal Law Act 1977 (c. 45, SIF 39:1), s. 28, **Sch. 5 para. 1(1)(b)**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7B para. 1(1)(b)** and (1.4.1996) by 1995 c. 40, ss. 3(1), 6, Sch. 1 para. 11(1)(2), **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1(a), 2(b)(v)(vi)**
- F17** Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(e)**; S.I. 2004/81, art. 4(1)(2)(k)
- F18** Words in Sch. 4 substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 28 para. 1(1)-(3)(f)**; S.I. 2004/81, art. 4(1)(2)(k)
- F19** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (1.4.1996) by 1995 c. 40, ss. 3, 6, Sch. 1 para. 3(1) Sch. 2 Pt.II, **Sch.5** (with s. 6(2), Sch. 6) and (N.I.) S.I. 1984/703 (N.I. 3), **arts. 5, 6**

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