

Status: Point in time view as at 09/01/1995.

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

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION ETC. OF ADVISORY COUNCIL ON THE MISUSE OF DRUGS

- 1 (1) The members of the Advisory Council, of whom there shall be not less than twenty, shall be appointed by the Secretary of State after consultation with such organisations as he considers appropriate, and shall include—
 - (a) in relation to each of the activities specified in sub-paragraph (2) below, at least one person appearing to the Secretary of State to have wide and recent experience of that activity; and
 - (b) persons appearing to the Secretary of State to have wide and recent experience of social problems connected with the misuse of drugs.
 - (2) The activities referred to in sub-paragraph (1)(a) above are—
 - (a) the practice of medicine (other than veterinary medicine);
 - (b) the practice of dentistry;
 - (c) the practice of veterinary medicine;
 - (d) the practice of pharmacy;
 - (e) the pharmaceutical industry;
 - (f) chemistry other than pharmaceutical chemistry.
 - (3) The Secretary of State shall appoint one of the members of the Advisory Council to be chairman of the Council.
- 2 The Advisory Council may appoint committees, which may consist in part of persons who are not members of the Council, to consider and report to the Council on any matter referred to them by the Council.
 - 3 At meetings of the Advisory Council the quorum shall be seven, and subject to that the Council may determine their own procedure.
 - 4 The Secretary of State may pay to the members of the Advisory Council such remuneration (if any) and such travelling and other allowances as may be determined by him with the consent of the Minister for the Civil Service.
 - 5 Any expenses incurred by the Advisory Council with the approval of the Secretary of State shall be defrayed by the Secretary of State.

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SCHEDULE 2

Section 2.

CONTROLLED DRUGS

PART I

CLASS A DRUGS

1 The following substances and products, namely:—

(a) Acetorphine.	Lysergamide.
[^{F1} Alfentanil.]	Lysergide and other <i>N</i> -alkyl derivatives of lysergamide.
Allylprodine.	Mescaline.
Alphacetylmethadol.	Metazocine.
Alphameprodine.	Methadone.
Alphamethadol.	Methadyl acetate.
Alphaprodine.	Methyldesorphine.
Anileridine.	Methyldihydromorphine (6-methyldihydromorphine).
Benzethidine.	Metopon.
Benzylmorphine (3-benzylmorphine).	Morpheridine.
Betacetylmethadol.	Morphine.
Betameprodine.	Morphine methobromide, morphine <i>N</i> -oxide and other pentavalent nitrogen morphine derivatives.
Betamethadol.	Myrophine.
Betaprodine.	...
	^{F2}
Bezitramide.	Nicomorphine (3,6-dinicotinoylmorphine).
Bufotenine.	Noracymethadol.
Cannabinol, except where contained in cannabis or cannabis resin.	Norlevorphanol.
Cannabinol derivatives.	Normethadone.
[^{F3} Carfentanil.]	Normorphine.
Clonitazene.	Norpipanone.

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Coca leaf.	Opium, whether raw, prepared or medicinal.
Cocaine.	Oxycodone.
Desomorphine.	Oxymorphone.
Dextromoramide.	Pethidine.
Diamorphine.	Phenadoxone.
Diampromide.	Phenampromide.
Diethylthiambutene.	Phenazocine.
[^{F4} Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid).]	[^{F5} Phencyclidine.]
Dihydrocodeinone <i>O</i> -carboxymethyloxime.	Phenomorphan.
Dihydromorphine.	Phenoperidine.
Dimenoxadole.	Piminodine.
Dimepheptanol.	Piritramide.
Dimethylthiambutene.	Poppy-straw and concentrate of poppy-straw.
Dioxaphetyl butyrate.	Proheptazine.
Diphenoxylate.	Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester).
Dipipanone.	Psilocin.
[^{F6} Drotebanol (3,4-dimethoxy-17-methylmorphinan-6b, 14-diol).]	Racemethorphan.
Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.	Racemoramide.
Ethylmethylthiambutene.	Racemorphan.
[^{F1} Eticyclidine.]	[^{F1} Rolicyclidine.]
Etonitazene.	[^{F7} Sufentanil.]
Etorphine.	[^{F1} Tenocyclidine.]
Etoperidine.	Thebacon.
Fentanyl.	Thebaine.
Furethidine.	[^{F7} Tilidate.]
Hydrocodone.	Trimeperidine.

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Hydromorphanol.	[^{F8} 4-Bromo-2,5-dimethoxy-a-methylphenethylamine].
Hydromorphone.	4-Cyano-2-dimethylamino-4,4-diphenylbutane.
Hydroxypethidine.	4-Cyano-1-methyl-4-phenylpiperidine.
Isomethadone.	<i>N,N</i> -Diethyltryptamine.
Ketobemidone.	<i>N,N</i> -Dimethyltryptamine.
Levomethorphan.	2,5-Dimethoxy-a,4-dimethylphenethylamine.
Levomoramide.	[^{F9} N-Hydroxy-tenamphetamine.]
Levophenacymorphan.	1-Methyl-4-phenylpiperidine-4-carboxylic acid.
Levorphanol.	2-Methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid.
[^{F3} Lofentanil]	[^{F10} 4-Methyl-aminorex] 4-Phenylpiperidine-4-carboxylic acid ethyl ester.
[^{F11} (b)	any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from tryptamine or from a ring-hydroxy tryptamine by substitution at the nitrogen atom of the sidechain with one or more alkyl substituents but no other substituent;
(c)	any compound (not being methoxyphenamine or a compound for the time being specified in sub-paragraph (a) above) structurally derived from phenethylamine an <i>N</i> -alkylphenethylamine,a-methylphenethylamine, an <i>N</i> -alkyl-a-methylphenethylamine,a-ethylphenethylamine, or an <i>N</i> -alkyl-a-ethylphenethylamine by substitution in the ring to any extent with alkyl, alkoxy, alkylendioxy or halide substituents, whether or not further substituted in the ring by one or more other univalent substituents.]
[^{F12} (d)	any compound (not being a compound for the time being specified in sub-paragraph (a) above) structurally derived from fentanyl by modification in any of the following ways, that is to say,
	(i) by replacement of the phenyl portion of the phenethyl group by any heteromonocycle whether or not further substituted in the heterocycle;
	(ii) by substitution in the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halogeno, haloalkyl, amino or nitro groups;
	(iii) by substitution in the piperidine ring with alkyl or alkenyl groups;
	(iv) by substitution in the aniline ring with alkyl, alkoxy, alkylendioxy, halogeno or haloalkyl groups;
	(v) by substitution at the 4-position of the piperidine ring with any alkoxy-carbonyl or alkoxyalkyl or acyloxy group;
	(vi) by replacement of the N-propionyl group by another acyl group;

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- (e) any compound (not being a compound for the time being specified in subparagraph (a) above) structurally derived from pethidine by modification in any of the following ways, that is to say,
- (i) by replacement of the 1-methyl group by an acyl, alkyl whether or not unsaturated, benzyl or phenethyl group, whether or not further substituted;
 - (ii) by substitution in the piperidine ring with alkyl or alkenyl groups or with a propano bridge, whether or not further substituted;
 - (iii) by substitution in the 4-phenyl ring with alkyl, alkoxy, aryloxy, halogeno or haloalkyl groups;
 - (iv) by replacement of the 4-ethoxycarbonyl by any other alkoxy carbonyl or any alkoxyalkyl or acyloxy group;
 - (v) by formation of an N-oxide or of a quaternary base.]

Textual Amendments

- F1 Word inserted by S.I. 1984/859, art. 2(2)
- F2 Words repealed by S.I. 1973/771, art. 2
- F3 Word inserted by S.I. 1986/2230, art. 2(2)(a)
- F4 Word inserted by S.I. 1975/421, art. 3
- F5 Word inserted by S.I. 1979/299, art. 2
- F6 Word inserted by S.I. 1973/771, art. 2
- F7 Word inserted by S.I. 1983/765, art. 2(a)
- F8 Words inserted by S.I. 1975/421, art. 3
- F9 Word inserted by S.I. 1990/2589, art. 2(a)(i)
- F10 Word inserted by S.I. 1990/2589, art. 2(a)(ii)
- F11 Sch. 2 para 1(b)(c) added by S.I. 1977/1243, art. 3(b)
- F12 Sch. 2 para. 1(d)(e) added by S.I. 1986/2230, art. 2(2)(b)

- 2 Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrorphan.
- 3 Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above [^{F13}not being a substance for the time being specified in Part II of this Schedule].

Textual Amendments

- F13 Words inserted by S.I. 1973/771, art. 2

- 4 Any salt of a substance for the time being specified in any of paragraphs 1 to 3 above.
- 5 Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4 above.
- 6 Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 3 of Part II of this Schedule.

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PART II

CLASS B DRUGS

1 The following substances and products, namely:—

[^{F14} (a)]	Acetyldihydrocodeine.	Methylamphetamine.
	Amphetamine.	Methylphenidate.
	Cannabis and cannabis resin.	[^{F15} Methylphenobarbitone.]
	Codeine.	Nicocodeine.
	...	[^{F17} Nicodicodine (6-nicotinoyldihydrocodeine).]
[^{F16}	Dihydrocodeine.	Norcodeine.
	Ethylmorphine (3-ethylmorphine).	[^{F18} Pentazocine.]
	[^{F19} Glutethimide.]	Phenmetrazine.
	[^{F19} Lefetamine.]	Pholcodine.
	[^{F15} Mecloqualone.]	[^{F20} Propiram.]
	[^{F15} Methaqualone.]	
[^{F21} (b)]	any 5,5 disubstituted barbituric acid.]	

Textual Amendments

- F14** “(a)” inserted by S.I. 1984/859, art. 2
F15 Word inserted by S.I. 1984/859, art. 2(3)
F16 Word repealed by S.I. 1985/1995, art. 2(2)(a)
F17 Words inserted by S.I. 1973/771, art. 2
F18 Word inserted by S.I. 1985/1995, art. 2(2)(c)
F19 Word inserted by S.I. 1985/1995, art. 2(2)(b)
F20 Word inserted by S.I. 1973/771, art. 2
F21 Sub-para. (b) added by S.I. 1984/859, art. 2(3)

- 2 Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule.
- 3 Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.
- 4 Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule, not being a preparation falling within paragraph 6 of Part I of this Schedule.

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PART III

CLASS C DRUGS

1 The following substances, namely:—

[^{F22} Alprazolam.]	[^{F22} Lorazepam.]
Benzphetamine.	[^{F22} Lormetazepam.]
[^{F22} Bromazepam.]	[^{F22} Mazindol.]
[^{F23} Buprenorphine]	[^{F22} Medazepam.]
[^{F22} Camazepam.]	[^{F24} Mefenorex.]
[^{F24} Cathine.]	. . . F25
[^{F24} Cathinone.]	Mephentermine.
[^{F22} Chlordiazepoxide.]	[^{F22} Meprobamate.]
Chlorphentermine.	. . . F26
[^{F22} Clobazam.]	[^{F22} Methyprylone.]
[^{F22} Clorazepic acid.]	[^{F27} Midazolam.]
[^{F22} Clonazepam.]	[^{F22} Nimetazepam.]
[^{F22} Clotiazepam.]	[^{F22} Nitrazepam.]
[^{F22} Cloxazolam.]	[^{F22} Nordazepam.]
[^{F22} Delorazepam.]	[^{F22} Oxazepam.]
[^{F28} Dextropropoxyphene.]	[^{F22} Oxazolam.]
[^{F22} Diazepam.]	[^{F29} Pemoline.]
[^{F30} Diethylpropion.]	. . . F25
[^{F22} Estazolam.]	Phendimetrazine.
[^{F22} Ethchlorvynol.]	[^{F22} Pentermine.]
[^{F22} Ethinamate.]	[^{F22} Pinazepam.]
[^{F22} Ethyl loflazepate.]	. . . F25
[^{F24} Fencamfamin.]	Pipradrol.
[^{F24} Fenethylamine.]	[^{F22} Prazepam.]
[^{F24} Fenproporex.]	. . . F25

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[^{F22} Fludiazepam.]	[^{F24} Propylhexedrine.]
[^{F22} Flunitrazepam.]	[^{F24} Pyrovalerone.]
[^{F22} Flurazepam.]	[^{F22} Temazepam.]
[^{F22} Halazepam.]	[^{F22} Tetrazepam.]
[^{F22} Haloxazolam.]	[^{F22} Triazolam.]
[^{F22} Ketazolam.]	[^{F24} N-Ethylamphetamine.]
[^{F22} Loprazolam.]	

Textual Amendments

- F22** Word inserted by S.I. 1985/1995, art. 2(3)
F23 Word inserted by S.I. 1989/1340 art. 2(a)
F24 Word inserted by S.I. 1986/2230, art. 2(3)
F25 Words repealed by S.I. 1973/771, art. 2
F26 Word repealed by S.I. 1984/859, art. 2(4)(a)
F27 Word inserted by S.I. 1990/2589 art. 2(b)
F28 Word inserted by S.I. 1983/765, art. 2(a)
F29 Word inserted by S.I. 1989/1340 art. 2(b)
F30 Word inserted by S.I. 1984/859, art. 2(4)(a)

- 2 Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part of this Schedule [^{F31}not being phenylpropanolamine.]

Textual Amendments

- F31** Words added by S.I. 1986/2230, art. 2(4)

- 3 Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part of this Schedule.
- 4 Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3 of this Part of this Schedule.

PART IV

MEANING OF CERTAIN EXPRESSIONS USED IN THIS SCHEDULE

For the purposes of this Schedule the following expressions (which are not among those defined in section 37(1) of this Act) have the meanings hereby assigned to them respectively, that is to say—

“cannabinol derivatives” means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

“coca leaf” means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

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“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

“opium poppy” means the plant of the species *Papaver somniferum* L;

“poppy straw” means all parts, except the seeds, of the opium poppy, after mowing;

“raw opium” includes powdered or granulated opium but does not include medicinal opium.

SCHEDULE 3

Section 16.

TRIBUNALS, ADVISORY BODIES AND PROFESSIONAL PANELS

PART I

TRIBUNALS

Membership

- 1 (1) A tribunal shall consist of five persons of whom—
- (a) one shall be
 - [^{F32}(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (ii) an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (iii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.]
- appointed by the Lord Chancellor to be the chairman of the tribunal; and
- (b) the other four shall be persons appointed by the Secretary of State from among members of the respondent’s profession nominated for the purposes of this Schedule by any of the relevant bodies mentioned in subparagraph (2) below.
- (2) The relevant bodies aforesaid are—
- (a) where the respondent is a doctor, the General Medical Council, the Royal Colleges of Physicians of London and Edinburgh, the Royal Colleges of Surgeons of England and Edinburgh, the Royal College of Physicians and Surgeons (Glasgow), the Royal College of Obstetricians and Gynaecologists, the Royal College of General Practitioners, the Royal Medico-Psychological Association and the British Medical Association;
 - (b) where the respondent is a dentist, the General Dental Council and the British Dental Association;
 - (c) where the respondent is a veterinary practitioner or veterinary surgeon, the Royal College of Veterinary Surgeons and the British Veterinary Association.

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- (3) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted as reference to the Lord President of the Court of Session.

Textual Amendments

F32 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 33**

Procedure

- 2 The quorum of a tribunal shall be the chairman and two other members of the tribunal.
- 3 Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to the request.
- 4 (1) Subject to paragraph 5 below, the Lord Chancellor may make rules as to the procedure to be followed, and the rules of evidence to be observed, in proceedings before tribunals, and in particular—
- (a) for securing that notice that the proceedings are to be brought shall be given to the respondent at such time and in such manner as may be specified by the rules;
 - (b) for determining who, in addition to the respondent, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;
 - (d) for enabling any party to the proceedings to be represented by counsel or solicitor.
- (2) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted a reference to the Secretary of State.
- (3) The power to make rules under this paragraph shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C1 [Sch. 3 para. 4](#): Functions transferred (S.) (1.7.1999) by virtue of [S.I. 1999/1750](#), art. 2, **Sch. 1** (with art. 7)

- 5 (1) For the purpose of any proceedings before a tribunal in England or Wales or Northern Ireland the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.
- (2) The provisions of section [F33]36 of the Supreme Court Act 1981[F34], of section 67 of the Judicature (Northern Ireland) Act 1978], or of the Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before a tribunal in England or Wales or, as the case may be, in Northern Ireland as

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those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

- (3) For the purpose of any proceedings before a tribunal in Scotland, the tribunal may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the tribunal.

Textual Amendments

F33 Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), [Sch. 5](#)

F34 Words inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [s. 125\(2\) Sch. 5 Pt. II\(1\)](#)

- 6 Subject to the foregoing provisions of this Schedule, a tribunal may regulate its own procedure.
- 7 The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

Financial provisions

- 8 The Secretary of State may pay to any member of a tribunal fees and travelling and other allowances in respect of his services in accordance with such scales and subject to such conditions as the Secretary of State may determine with the approval of the Treasury.
- 9 The Secretary of State may pay to any person who attends as a witness before the tribunal sums by way of compensation for the loss of his time and travelling and other allowances in accordance with such scales and subject to such conditions as may be determined as aforesaid.
- 10 If a tribunal recommends to the Secretary of State that the whole or part of the expenses properly incurred by the respondent for the purposes of proceedings before the tribunal should be defrayed out of public funds, the Secretary of State may if he thinks fit make to the respondent such payments in respect of those expenses as the Secretary of State considers appropriate.
- 11 Any expenses incurred by a tribunal with the approval of the Secretary of State shall be defrayed by the Secretary of State.

Supplemental

- 12 The Secretary of State shall make available to a tribunal such accommodation, the services of such officers and such other facilities as he considers appropriate for the purpose of enabling the tribunal to perform its functions.

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PART II

ADVISORY BODIES

Membership

- 13 (1) An advisory body shall consist of three persons of whom—
- (a) one shall be a person who is of counsel to Her Majesty and is appointed by the Lord Chancellor to be the chairman of the advisory body; and
 - (b) another shall be a person appointed by the Secretary of State, being a member of the respondent's profession who is an officer of a department of the Government of the United Kingdom; and
 - (c) the other shall be a person appointed by the Secretary of State from among the members of the respondent's profession nominated as mentioned in paragraph 1 above.
- (2) Sub-paragraph (1) above shall have effect in relation to an advisory body in Scotland as if for the reference to the Lord Chancellor there were substituted a reference to the Lord President of the Court of Session.

Procedure

- 14 The respondent shall be entitled to appear before and be heard by the advisory body either in person or by counsel or solicitor.
- 15 Subject to the provisions of this Part of this Schedule, an advisory body may regulate its own procedure.

Application of provisions of Part I

- 16 Paragraphs 3, 7, 8 and 10 to 12 of this Schedule shall apply in relation to an advisory body as they apply in relation to a tribunal.

PART III

PROFESSIONAL PANELS

Membership

- 17 A professional panel shall consist of a chairman and two other persons appointed by the Secretary of State from among the members of the respondent's profession after consultation with such one or more of the relevant bodies mentioned in paragraph 1(2) above as the Secretary of State considers appropriate.

Modifications etc. (not altering text)

- C2** [Sch. 3 para. 17](#): Functions transferred (S.) (1.7.1999) by virtue of [S.I. 1999/1750](#), art. 2, [Sch. 1](#) (with art. 7)

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Procedure

- 18 The respondent shall be entitled to appear before, and be heard by, the professional panel either in person or by counsel or solicitor.
- 19 Subject to the provisions of this Part of this Schedule, a professional panel may regulate its own procedure.

Application of provisions of Part I

- 20 Paragraphs 3, 7 and 8 of this Schedule shall apply in relation to a professional panel as they apply in relation to a tribunal.

PART IV

APPLICATION OF PARTS I TO III TO NORTHERN IRELAND

- 21 In the application of Parts I to III of this Schedule to Northern Ireland the provisions specified in the first column of the following Table shall have effect subject to the modifications specified in relation thereto in the second column of that Table.

TABLE

<i>Provision of this Schedule</i>	<i>Modification</i>
Paragraph 1	In sub-paragraph (1), for the references to the Lord Chancellor and the Secretary of State there shall be substituted respectively references to the Lord Chief Justice of Northern Ireland and the Minister of Home Affairs for Northern Ireland.
Paragraph 4	<p>In sub-paragraph (1), for the reference to the Lord Chancellor there shall be substituted a reference to the Ministry of Home Affairs for Northern Ireland.</p> <p>For sub-paragraph (3) there shall be substituted—</p> <p>“(3) Any rules made under this paragraph by the Ministry of Home Affairs for Northern Ireland shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.”</p>
Paragraphs 8 to 12	For the references to the Secretary of State and the Treasury there shall be substituted respectively references to the Ministry of Home Affairs for

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Paragraph 13	Northern Ireland and the Ministry of Finance for Northern Ireland. In sub-paragraph (1)— (a) for the references to the Lord Chancellor and Secretary of State there shall be substituted respectively references to the Lord Chief Justice of Northern Ireland and the Minister of Home Affairs for Northern Ireland; and (b) for the reference to a department of the Government of the United Kingdom there shall be substituted a reference to a department of the Government of Northern Ireland.
Paragraph 16	The references to paragraphs 8 and 10 to 12 shall be construed as references to those paragraphs as modified by this Part of this Schedule.
Paragraph 17	For the reference to the Secretary of State there shall be substituted a reference to the Minister of Home Affairs for Northern Ireland.
Paragraph 20	The reference to paragraph 8 shall be construed as a reference to that paragraph as modified by this Part of this Schedule.

Modifications etc. (not altering text)

- C3** Functions of Ministry of Home Affairs for Northern Ireland transferred to Department of Health and Social Services for Northern Ireland by S.R. & O. (N.I.) 1973 No. 504, art. 5, **Sch. 2 Pt. I**

SCHEDULE 4

Section 25.

PROSECUTION AND PUNISHMENT OF OFFENCES

Section Creation Offence	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 4(2)	Production, or being concerned	(a) Summary	[^{F35} 12 months] or	[^{F35} 12 months] or	[^{F36} 6 months] or	

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	in the production, of a controlled drug.		£400, or both.	£400, or both.	£500, or both].
		(b) On indictment	[^{F37} Life] or a fine, or both.	14 years or a fine, or both.	5 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	[^{F35} 12 months][^{F35} 6 months] or £400, or both.	[^{F35} 12 months][^{F35} 6 months] or £400, or both.	[^{F36} 3 months or £500, or both].
		(b) On indictment	[^{F37} Life] or a fine, or both.	14 years or a fine, or both.	5 years or a fine, or both.
Section 5(2)	Having possession of a controlled drug.	(a) Summary	[^{F35} 12 months][^{F35} 6 months] or £400, or both.	[^{F38} 3 months or £500, or both].	[^{F38} 3 months or £200, 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	[^{F35} 12 months][^{F35} 6 months] or £400, or both.	[^{F35} 12 months][^{F35} 6 months] or £400, or both.	[^{F39} 3 months or £400, or both].
		(b) On indictment	[^{F40} Life] or a fine, or both.	14 years or a fine, or both.	5 years or a fine, or both.
Section 6(2)	Cultivation of cannabis plant.	(a) Summary			[^{F35} 12 months][^{F35} 6 months] or £400, or both.

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		(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	[^{F35} 12 months] or £400, or both.	[^{F35} 12 months] or £400, or both.	[^{F413} 6 months or £500, or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	5 years or a fine, or both.	
Section 9	Offences relating to opium.	(a) Summary			[^{F35} 12 months] or £400, or both.	
		On indictment				14 years or a fine, or both.
[^{F42} Section 9A.]	[^{F42} Prohibition of supply etc. of articles for administering or preparing controlled drugs.]	[^{F42} Summary]				[^{F42} 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 £400, or both.
		(b) On indictment				2 years or a fine, or both.

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Section 12(6)	Contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs.	(a) Summary	[^{F35} 12 months] or £400, or both.	[^{F35} 12 months] or £400, or both.	[^{F43} 3 months or £500, or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	5 years or a fine, or both.	
Section 13(3)	Contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	[^{F35} 12 months] or £400, or both.	[^{F35} 12 months] or £400, or both.	[^{F43} 3 months or £500, or both].	
		(b) On indictment	14 years or a fine, or both.	14 years or a fine, or both.	5 years or a fine, or both.	
Section 17(3)	Failure to comply with notice requiring information relating to prescribing, supply etc. of drugs.	Summary				[^{F44} 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 £400, or both.

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		(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 £400, or both
		(b) On indictment	2 years or a fine, or both.
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 £400, 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 £400, or both
		(b) On indictment	2 years or a fine, or both.
Section 18(4)	Giving false information, or	(a) Summary	6 months or £400, or both

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	producing document etc. containing false statement etc., for purposes of obtaining issue or renewal of a licence or other authority.		
		(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	[^{F35} 12 months][^{F356} months] or £400, 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 £400, or both
		(b) On indictment	2 years or a fine, or both.

Textual Amendments

F35 Words “6 months” substituted (N.I.) for “12 months” by [S.I. 1984/703](#), (N.I. 3), art. 4, Sch. 1 para. 1(c)

F36 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 (N.I.) [S.I. 1984/703](#) (N.I. 3), art. 4, [Sch. 1 para. 1\(c\)](#), 2 (b)(i)(ii)

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- F37** Word substituted by Controlled Drugs (Penalties) Act 1985 (c. 39, SIF 84), **ss. 1(1), 2(2)**
- F38** 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 (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1(b)(i)**
- F39** 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 (N.I.) S.I. 1984/703 (N.I. 3), **Sch. 1 para. 1(a), 2(b)(iii)**
- F40** Word substituted by Controlled Drugs (Penalties) Act 1985 (c. 39, SIF 84), **ss. 1(1), 2(2)**
- F41** 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 (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1(a), 2(b)(iv)**
- F42** Entry inserted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1), **s. 34(2)**
- F43** 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 (N.I.) S.I. 1984/703 (N.I. 3), art. 4, **Sch. 1 para. 1(a), 2(b)(v)(vi)**
- F44** 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 (N.I.) S.I. 1984/703 (N.I. 3), **arts. 5, 6**

SCHEDULE 5

Section 39.

SAVINGS AND TRANSITIONAL PROVISIONS

- 1 (1) Any addiction regulations which could have been made under this Act shall not be invalidated by any repeal effected by this Act but shall have effect as if made under the provisions of this Act which correspond to the provisions under which the regulations were made; and the validity of any licence issued under any such addiction regulations shall not be affected by any such repeal.
- (2) Any order, rule or other instrument or document whatsoever made or issued, any direction given, and any other thing done, under or by virtue of any of the following provisions of the Dangerous Drugs Act 1967, that is to say section 1(2), 2 or 3 or the Schedule, shall be deemed for the purposes of this Act to have been made, issued or done, as the case may be, under the corresponding provision of this Act; and anything begun under any of the said provisions of that Act may be continued under this Act as if begun under this Act.
- (3) In this paragraph “addiction regulations” means any regulations made under section 11 of the Dangerous Drugs Act 1965 which include provision for any of the matters for which regulations may be so made by virtue of section 1(1) of the Dangerous Drugs Act 1967.
- 2 As from the coming into operation of section 3 of this Act any licence granted for the purpose of section 5 of the Drugs (Prevention of Misuse) Act 1964 or sections 2, 3 or 10 of the Dangerous Drugs Act 1965 shall have effect as if granted for the purposes of section 3(2) of this Act.
- 3 (1) The Secretary of State may at any time before the coming into operation of section 12 of this Act give a direction under subsection (2) of that section in respect of any practitioner or pharmacist whose general authority under the Dangerous Drugs Regulations is for the time being withdrawn; but a direction given by virtue of this sub-paragraph shall not take effect until section 12 comes into operation, and shall

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not take effect at all if the general authority of the person concerned is restored before that section comes into operation.

- (2) No direction under section 12(2) of this Act shall be given by virtue of sub-paragraph (1) above in respect of a person while the withdrawal of his general authority under the Dangerous Drugs Regulations is suspended; but where, in the case of any practitioner or pharmacist whose general authority has been withdrawn, the withdrawal is suspended at the time when section 12 comes into operation, the Secretary of State may at any time give a direction under section 12(2) in respect of him by virtue of this sub-paragraph unless the Secretary of State has previously caused to be served on him a notice stating that he is no longer liable to have such a direction given in respect of him by virtue of this sub-paragraph.
- (3) In this paragraph “the Dangerous Drugs Regulations” means, as regards Great Britain, the Dangerous Drugs (No. 2) Regulations 1964 or, as regards Northern Ireland, the Dangerous Drugs Regulations (Northern Ireland) 1965.
- 4 Subject to paragraphs 1 to 3 above, and without prejudice to the generality of section 31(1)(c) of this Act, regulations made by the Secretary of State under any provision of this Act may include such provision as the Secretary of State thinks fit for effecting the transition from any provision made by or by virtue of any of the enactments repealed by this Act to any provision made by or by virtue of this Act, and in particular may provide for the continuation in force, with or without modifications, of any licence or other authority issued or having effect as if issued under or by virtue of any of those enactments.
- 5 For purposes of the enforcement of the enactments repealed by this Act as regards anything done or omitted before their repeal, any powers of search, entry, inspection, seizure or detention conferred by those enactments shall continue to be exercisable as if those enactments were still in force.
- 6 The mention of particular matters in this Schedule shall not prejudice the general application of [F45 section 16 of the Interpretation Act 1978] with regard to the effect of repeals.

Textual Amendments

F45 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

SCHEDULE 6

Section 39.

REPEALS.

Modifications etc. (not altering text)

C4 The text of ss. 12(7), 39(2) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter

Short Title

Extent of Repeal

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1964 c. 64.	The Drugs (Prevention of Misuse) Act 1964.	The whole Act.
1965 c. 15.	The Dangerous Drugs Act 1965.	The whole Act.
1967 c. 82.	The Dangerous Drugs Act 1967.	The whole Act.
1968 c. 59.	The Hovercraft Act 1968.	Paragraph 6 of the Schedule.
1968 c. 67.	The Medicines Act 1968.	In Schedule 5, paragraphs 14 and 15.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Misuse of Drugs Act 1971.