



Drugs Act 2005

2005 CHAPTER 17

PART 4

MISCELLANEOUS AND GENERAL

VALID FROM 01/10/2006

20 Anti-social behaviour orders: intervention orders

- (1) After section 1F of the Crime and Disorder Act 1998 (c. 37) (inserted by section 142(1) of the Serious Organised Crime and Police Act 2005 (c. 15)) insert—

“1G Intervention orders

- (1) This section applies if, in relation to a person who has attained the age of 18, a relevant authority—
- (a) makes an application for an anti-social behaviour order or an order under section 1B above (the behaviour order),
 - (b) has obtained from an appropriately qualified person a report relating to the effect on the person's behaviour of the misuse of controlled drugs or of such other factors as the Secretary of State by order prescribes, and
 - (c) has engaged in consultation with such persons as the Secretary of State by order prescribes for the purpose of ascertaining that, if the report recommends that an order under this section is made, appropriate activities will be available.
- (2) The relevant authority may make an application to the court which is considering the application for the behaviour order for an order under this section (an intervention order).
- (3) If the court—
- (a) makes the behaviour order, and

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(b) is satisfied that the relevant conditions are met,
it may also make an intervention order.

(4) The relevant conditions are—

- (a) that an intervention order is desirable in the interests of preventing a repetition of the behaviour which led to the behaviour order being made (trigger behaviour);
- (b) that appropriate activities relating to the trigger behaviour or its cause are available for the defendant;
- (c) that the defendant is not (at the time the intervention order is made) subject to another intervention order or to any other treatment relating to the trigger behaviour or its cause (whether on a voluntary basis or by virtue of a requirement imposed in pursuance of any enactment);
- (d) that the court has been notified by the Secretary of State that arrangements for implementing intervention orders are available in the area in which it appears that the defendant resides or will reside and the notice has not been withdrawn.

(5) An intervention order is an order which—

- (a) requires the defendant to comply, for a period not exceeding six months, with such requirements as are specified in the order, and
- (b) requires the defendant to comply with any directions given by a person authorised to do so under the order with a view to the implementation of the requirements under paragraph (a) above.

(6) An intervention order or directions given under the order may require the defendant—

- (a) to participate in the activities specified in the requirement or directions at a time or times so specified;
- (b) to present himself to a person or persons so specified at a time or times so specified.

(7) Requirements included in, or directions given under, an intervention order must, as far as practicable, be such as to avoid—

- (a) any conflict with the defendant's religious beliefs, and
- (b) any interference with the times (if any) at which he normally works or attends an educational establishment.

(8) If the defendant fails to comply with a requirement included in or a direction given under an intervention order, the person responsible for the provision or supervision of appropriate activities under the order must inform the relevant authority of that fact.

(9) The person responsible for the provision or supervision of appropriate activities is a person of such description as is prescribed by order made by the Secretary of State.

(10) In this section—

“appropriate activities” means such activities, or activities of such a description, as are prescribed by order made by the Secretary of State for the purposes of this section;

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“appropriately qualified person” means a person who has such qualifications or experience as the Secretary of State by order prescribes;

“controlled drug” has the same meaning as in the Misuse of Drugs Act 1971;

“relevant authority” means a relevant authority for the purposes of section 1 above.

- (11) An order under this section made by the Secretary of State may make different provision for different purposes.
- (12) This section and section 1H below apply to a person in respect of whom a behaviour order has been made subject to the following modifications—
- (a) in subsection (1) above paragraph (a) must be ignored;
 - (b) in subsection (2) above, for “is considering the application for” substitute “made”;
 - (c) in subsection (3) above paragraph (a), the word “and” following it and the word “also” must be ignored.

1H Intervention orders: explanation, breach, amendment etc.

- (1) Before making an intervention order the court must explain to the defendant in ordinary language—
- (a) the effect of the order and of the requirements proposed to be included in it,
 - (b) the consequences which may follow (under subsection (3) below) if he fails to comply with any of those requirements, and
 - (c) that the court has power (under subsection (5) below) to review the order on the application either of the defendant or of the relevant authority.
- (2) The power of the Secretary of State under section 174(4) of the Criminal Justice Act 2003 includes power by order to—
- (a) prescribe cases in which subsection (1) does not apply, and
 - (b) prescribe cases in which the explanation referred to in that subsection may be made in the absence of the defendant, or may be provided in written form.
- (3) If a person in respect of whom an intervention order is made fails without reasonable excuse to comply with any requirement included in the order he is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) If the behaviour order as a result of which an intervention order is made ceases to have effect, the intervention order (if it has not previously ceased to have effect) ceases to have effect when the behaviour order does.
- (5) On an application made by—
- (a) a person subject to an intervention order, or
 - (b) the relevant authority,
- the court which made the intervention order may vary or discharge it by a further order.

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- (6) An application under subsection (5) made to a magistrates' court must be made by complaint.
- (7) If the behaviour order as a result of which an intervention order was made is varied, the court varying the behaviour order may by a further order vary or discharge the intervention order.
- (8) Expressions used in this section and in section 1G have the same meaning in this section as in that section.”
- (2) In section 114(2) of that Act (procedure for subordinate legislation) after “1A” insert “, 1G”.

21 Inclusion of mushrooms containing psilocin etc. as Class A drugs

In Part 1 of Schedule 2 to the Misuse of Drugs Act 1971 (c. 38) (Class A drugs), in paragraph 1, insert at the appropriate place— “ Fungus (of any kind) which contains psilocin or an ester of psilocin. ”

Commencement Information

II S. 21 in force at 18.7.2005 by S.I. 2005/1650, art. 2

22 Financial provision

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

VALID FROM 01/09/2005

23 Amendments and repeals

- (1) Schedule 1 (which contains amendments) has effect.
- (2) Schedule 2 (which contains repeals) has effect.

24 Short title, commencement and extent

- (1) This Act may be cited as the Drugs Act 2005.
- (2) This section and section 22 come into force on the day on which this Act is passed.
- (3) Otherwise, this Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (4) Different days may be appointed for different purposes.
- (5) An order under subsection (3) may make—
 - (a) any supplementary, incidental or consequential provision, and

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- (b) any transitory, transitional or saving provision,
as the Secretary of State considers necessary or expedient in connection with the order.
- (6) Subject to subsection (7), this Act (except this section and sections 22 and 23) extends to England and Wales only.
- (7) So far as it amends or repeals any enactment, this Act has the same extent as the enactment amended or repealed.

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