



Drugs Act 2005

2005 CHAPTER 17

PART 1

SUPPLY OF CONTROLLED DRUGS

VALID FROM 01/01/2006

1 Aggravated supply of controlled drug

- (1) After section 4 of the Misuse of Drugs Act 1971 (c. 38) (restriction on production and supply of controlled drugs) insert—

“4A Aggravation of offence of supply of controlled drug

- (1) This section applies if—
- (a) a court is considering the seriousness of an offence under section 4(3) of this Act, and
 - (b) at the time the offence was committed the offender had attained the age of 18.
- (2) If either of the following conditions is met the court—
- (a) must treat the fact that the condition is met as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
 - (b) must state in open court that the offence is so aggravated.
- (3) The first condition is that the offence was committed on or in the vicinity of school premises at a relevant time.
- (4) The second condition is that in connection with the commission of the offence the offender used a courier who, at the time the offence was committed, was under the age of 18.

Status: Point in time view as at 18/07/2005. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Drugs Act 2005, Section 1. (See end of Document for details)

- (5) In subsection (3), a relevant time is—
- (a) any time when the school premises are in use by persons under the age of 18;
 - (b) one hour before the start and one hour after the end of any such time.
- (6) For the purposes of subsection (4), a person uses a courier in connection with an offence under section 4(3) of this Act if he causes or permits another person (the courier)—
- (a) to deliver a controlled drug to a third person, or
 - (b) to deliver a drug related consideration to himself or a third person.
- (7) For the purposes of subsection (6), a drug related consideration is a consideration of any description which—
- (a) is obtained in connection with the supply of a controlled drug, or
 - (b) is intended to be used in connection with obtaining a controlled drug.
- (8) In this section—
- “school premises” means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school; and
- “school” has the same meaning—
- (a) in England and Wales, as in section 4 of the Education Act 1996;
 - (b) in Scotland, as in section 135(1) of the Education (Scotland) Act 1980;
 - (c) in Northern Ireland, as in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.”
- (2) Section 4A of the Misuse of Drugs Act 1971 (c. 38) (inserted by subsection (1) above) does not apply to an offence committed before this section comes into force.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Drugs Act 2005, Section 1.