



Drugs Act 2005

2005 CHAPTER 17

PART 1

SUPPLY OF CONTROLLED DRUGS

2 Proof of intention to supply a controlled drug

- (1) The Misuse of Drugs Act 1971 is amended as follows.
- (2) In section 5 (restriction of possession of controlled drugs), after subsection (4) insert—
 - “(4A) In any proceedings for an offence under subsection (3) above, if it is proved that the accused had an amount of a controlled drug in his possession which is not less than the prescribed amount, the court or jury must assume that he had the drug in his possession with the intent to supply it as mentioned in subsection (3).
 - (4B) Subsection (4A) above does not apply if evidence is adduced which is sufficient to raise an issue that the accused may not have had the drug in his possession with that intent.
 - (4C) Regulations under subsection (4A) above have effect only in relation to proceedings for an offence committed after the regulations come into force.”
- (3) In section 31 (general provisions as to regulations)—
 - (a) in subsection (2), after “which shall” insert “, except as provided by subsection (2A),”;
 - (b) after subsection (2) insert—
 - “(2A) A statutory instrument containing regulations under section 5(4A) of this Act shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”;
 - (c) after subsection (4) insert—
 - “(4A) Subsection (4) does not apply in relation to regulations under section 5(4A) of this Act.”

Status: This is the original version (as it was originally enacted).

- (4) In section 38 (special provisions as to Northern Ireland) after subsection (1) insert—
- “(1A) Subsection (1) does not apply, in relation to regulations under section 5(4A) of this Act, to the reference to the Secretary of State in the definition of “prescribed” in section 37(1) of this Act.”