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STATUTORY INSTRUMENTS

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**2023 No. 784**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice (Specified Class A Drugs) Order 2023**

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|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>10th July 2023</i>  |
| <i>Laid before Parliament</i> |         | <i>12th July 2023</i>  |
| <i>Coming into force</i>      | - -     | <i>2nd August 2023</i> |

The Secretary of State makes the following Order in exercise of the power conferred by section 70(1) of the Criminal Justice and Court Services Act 2000(1).

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Criminal Justice (Specified Class A Drugs) Order 2023 and comes into force on 2nd August 2023.

(2) This Order extends to England and Wales.

**Specified Class A drugs**

2. For the purposes of section 70(1) of the Criminal Justice and Court Services Act 2000(2), the term “specified Class A drugs”(3) means the substances and products specified in paragraphs 1 to 5 of Part 1 (Class A drugs) of Schedule 2 to the Misuse of Drugs Act 1971(4).

**Revocation**

3. The Criminal Justice (Specified Class A Drugs) Order 2001(5) is revoked.

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- (1) [2000 c. 43](#) (“the 2000 Act”). Section 70(1) was amended by section 11(1) and (3) of the Offender Rehabilitation Act [2014 \(c. 11\)](#). There are other amendments to section 70 which are not relevant to this instrument.
- (2) The specification also has effect, accordingly, for the purposes of section 3(6E) of, and paragraph 6B(3) of Part 1 of Schedule 1 to, the Bail Act [1976 \(c. 63\)](#); section 63C(6) of the Police and Criminal Evidence Act [1984 \(c. 60\)](#); section 256D(6) of the Criminal Justice Act [2003 \(c. 44\)](#); section 19(3) of the Drugs Act [2005 \(c. 17\)](#); paragraph 10ZB(2) of Schedule 1 to the Terrorism Prevention and Investigation Measures Act [2011 \(c. 23\)](#); and section 34A(7) of the Sentencing Act [2020 \(c. 17\)](#) (which is not yet commenced). These provisions provide that specified Class A drugs, for the purposes set out in those provisions, have the same meaning as in Part 3 of the 2000 Act.
- (3) Class A drug is defined in section 70(1) of 2000 Act to have the same meaning as in the Misuse of Drugs Act [1971 \(c. 38\)](#) (“the 1971 Act”). See section 2 of the 1971 Act for the definition of “Class A drug” under that Act.
- (4) [1971 c. 38](#). Part I of Schedule 2 has been amended by section 21 of the Drugs Act [2005 \(c. 17\)](#) and S.I. [1973/771](#), [1975/421](#), [1977/1243](#), [1979/299](#), [1983/765](#), [1984/859](#), [1986/2230](#), [1990/2589](#), [1998/750](#), [2001/3932](#), [2003/1243](#), [2003/3201](#), [2006/3331](#), [2011/744](#), [2014/1106](#), [2014/3271](#), [2015/215](#) and [2017/634](#).
- (5) S.I. [2001/1816](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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10th July 2023

*Chris Philp*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies Class A drugs for the purposes of Part 3 of the Criminal Justice and Court Services Act 2000 (c. 43) (“the 2000 Act”).

Article 2 specifies the Class A drugs for which offenders who are subject to a drug testing licence condition, upon release from prison, can be tested (under section 64 of the 2000 Act). Specifically, the substances and products specified in paragraphs 1 to 5 of Part 1 (Class A drugs) of Schedule 2 to the Misuse of Drugs Act 1971 (c. 38), on the date this order enters into force (2nd August 2023), are “specified Class A drugs” for that purpose.

Additionally, as a consequence of other legislation relying on the definition of “specified Class A drug” in Part 3 of the 2000 Act, Article 2 also has the effect of setting out the Class A drugs for which:

- testing in police detention may be carried out (under section 63B of the Police and Criminal Evidence Act 1984 (c. 60)),
- persons may be required to attend assessments of their drug misuse following testing in police detention (under Part 3 of the Drugs Act 2005 (c. 17)),
- persons may be required to attend an assessment and/or follow up assessment relating to their drug dependency or misuse as a condition of bail (under section 3(6D) of the Bail Act 1976 (c. 63)),
- pre-sentence drug testing requirements may be imposed (under section 34A of the Sentencing Act 2020 (c. 17) (which is not yet commenced)),
- offenders may be tested when they are subject to post sentence supervision requirements (under section 256D of the Criminal Justice Act 2003 (c. 44)); and
- testing measures which may be imposed in respect of Terrorism Prevention and Investigation Measure subjects (under paragraph 10ZB of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (c. 23)).

Article 3 of this Order revokes the Criminal Justice (Specified Class A Drugs) Order 2001 (S.I. 2001/1816), the provisions of which are re-enacted, with amendments, by this Order.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and community bodies is available from [www.legislation.gov.uk](http://www.legislation.gov.uk). A hard copy can be obtained by writing to the Drugs Misuse Unit of the Home Office at 2 Marsham Street, London, SW1P 4DF.