

Drug laws

Misuse of Drugs Act, Medicines Act etc

The Misuse of Drugs Act 1971

This act is intended to prevent the non-medical use of certain drugs. For this reason it controls not just medicinal drugs (which will also be in the Medicines Act) but also drugs with no current medical uses. Offences under this Act overwhelmingly involve the general public, and even when the same drug and a similar offence are involved, penalties are far tougher. Drugs subject to this Act are known as 'controlled' drugs. The law defines a series of offences, including unlawful supply, intent to supply, import or export (all these are collectively known as 'trafficking' offences), and unlawful production. The main difference from the Medicines Act is that the Misuse of Drugs Act also prohibits unlawful possession. To enforce this law the police have the special powers to stop, detain and search people on 'reasonable suspicion' that they are in possession of a controlled drug.

The laws controlling drug use are complicated. The Misuse of Drugs Act (MDA) regulates what are termed controlled drugs. It divides drugs into three classes as follows:

Class A:

These include, cocaine and crack (a form of cocaine), ecstasy, heroin, LSD, methadone, methamphetamine (crystal meth), magic mushrooms containing ester of psilocin and any Class B drug which is injected, such as, for example, amphetamine.

Class B:

These include amphetamine (not methamphetamine which is class A), barbiturates, and codeine.

Class C:

These include cannabis (in resin, oil or herbal form), anabolic steroids and minor tranquillisers.

Class A drugs are treated by the law as the most dangerous. Offences under the Misuse of Drugs Act can include:

- Possession of a controlled drug.
- Possession with intent to supply another person.
- Production, cultivation or manufacture of controlled drugs.
- Supplying another person with a controlled drug.
- Offering to supply another person with a controlled drug.
- Import or export of controlled drugs.
- Allowing premises you occupy or manage to be used for the consumption of certain controlled drugs (smoking of cannabis or opium but not use of other controlled drugs) or supply or production of any controlled drug.

N.B. Certain controlled drugs such as amphetamines, barbiturates, methadone, minor tranquillisers and occasionally heroin can be obtained through a legitimate doctor's prescription. In such cases their possession is not illegal.

The law is even more complicated by the fact that some drugs are covered by other laws, are not covered at all or treated in an exceptional way under the Misuse of Drugs Act.

Alcohol is not illegal for an over 5 year old to consume away from licensed premises. It is an offence for a vendor to knowingly sell to an under 18 year old. A 14 year old can go into a pub alone but not consume alcohol. A 16 year old can buy and consume beer, port, cider or perry (but not spirits) in a pub if having a meal in an area set aside for this purpose. In some areas there are by laws restricting drinking of alcohol on the streets at any age. Police also have powers to confiscate alcohol from under 18s who drink in public places.

GHB (gammahydroxybutyrate) is a colourless, odourless liquid which comes in a small bottle and has sedative and euphoric effects. It is controlled under the Misuse of Drugs Act so possession is an offence.

Ketamine usually comes as a powder. The initial rush is usually followed by feelings of dissociation and an anaesthetic type experience. It is commonly used as an animal tranquilliser and for surgery on animals. As of January 1st 2006 Ketamine is a class C Drug under the Misuse of Drugs Act 1971.

Khat is a plant that is grown in eastern Africa and the Arabian peninsula. Chewing the leaves has a stimulant effect. Some Khat is imported to the UK and sold in greengrocers, specialist health food shops and some head shops. The Khat plant (the main form in which khat is sold) is not covered under the Misuse of Drugs Act and possession or supply is not an offence.

Magic mushrooms are now a Class A drug under the Drugs Act 2005. " fungus (of any kind) which contains psilocin or an ester of psilocin". This does not include Fly Agaric which is still legal.

Poppers (liquid gold, amyl or butyl nitrite) are not covered by the MDA and are not illegal to possess or buy. They are often sold in joke and sex shops but also in some pubs, clubs, tobacconists and sometimes music or clothes shops used by young people. Though not fully tested in court, the Medicines Control Agency has stated that poppers is regarded by them as a medicine and so falls under the Medicines Act 1968. This allows only licensed outlets, such as chemists, to sell the drug.

Solvents (aerosols, gases, glues etc.) are not illegal to possess, use or buy at any age. In England and Wales it is an offence for a shopkeeper to sell them to an under 18 year old if they know they are to be used for intoxicating purposes. The Government has extended this legislation to make it illegal for shopkeepers to sell lighter fuel (butane) to under 18s whether or not they know it will be used for intoxicating purposes. This law came into force on 1st Oct 1999, although it was not an extension to the Intoxicating Substances Supply Act, but an amendment to the Consumer Protection Act

Anabolic Steroids are controlled under the Misuse of Drugs Act as class C drugs but their legal status is complicated. In most situations the possession offence is waived meaning that people who possess or use steroids without a prescription are unlikely to be prosecuted. However, in some areas of the UK police have successfully prosecuted people for possession of steroids when the steroids have not been in the form of a medicinal product. It is always an offence to sell or supply steroids to another person. People can also be prosecuted for possession with intent to supply if they have large quantities of steroids without a prescription for them.

Tobacco It is not an offence for people of any age to use cigarettes or other tobacco products. It is an offence for a vendor to sell tobacco products to someone they know to be under 18 years old. Since 1st July 2007 smoking in public places has been banned in the UK.

Minor Tranquillisers (librium, valium etc) are controlled under the Misuse of Drugs Act as Class C drugs but the possession offence is waived so that it is not illegal to possess or use them without a prescription. It is an offence to sell or supply them to another person. The exception is temazepam and rohypnol tranquillisers which are illegal to be in possession of without a prescription.

Maximum penalties under the Misuse of Drugs Act are as follows:

Drug class	Possession	Supply
Class A	7 years + fine	Life + fine
Class B	5 years + fine	14 years + fine
Class C	2 years + fine	14 years + fine

The number of persons death with for drugs offences fell by 15 per cent in 2000, following a fall of 6 per cent during the previous year. In total 104,400 persons were found guilty or cautioned. (source Drug Seizure and Offender Statistics 2000). Of these people 90 per cent were male and 10 per cent were female. Offenders aged less than 21 years represented about 34 per cent of offenders in 2000 - the average age of offenders is now a little over 25 years.

Of the 104,400 people who committed drug offences under the MDA in 2000:

- 41 per cent were given a police caution and not taken to court.
- 26 per cent were fined.
- 24 per cent were dealt with by other means such as suspended prison sentences, probation or supervision orders, community service orders or discharged.
- 9 per cent were imprisoned.

In 2000 the percentage of offenders dealt with in various ways was as follows.

Method dealt with	Possession	Supply
Immediate custody	5%	53%
Fine	27%	4%
Other means	23%	34%

What happens to people who commit drug offences varies in different parts of the UK? Police forces in some areas are more likely to caution than in other areas. Some local police forces are more likely than others to charge people and take them to court. What happens in courts also varies. Some courts are more likely to give out custodial sentences or large fines than others.

Section 8 Amendment

In 2001, the Government passed an amendment to Section 8 of the Misuse of Drugs Act. The new amendment which made it a criminal offence for people to knowingly allow premises they own, manage, or have responsibility for, to be used by any other person for:

- administration or use of any controlled drugs
- supply of any controlled drug
- the production or cultivation of controlled drugs, such as growing cannabis

Professionals could be prosecuted if they knowingly allowed any of these things to occur on on work premises. The same legal obligations applied to people with regard to their own homes.

The law required that if staff become aware of the use or supply of illicit drugs on their premises, they must take reasonable action to prevent this continuing.

THE AMENDMENT TO SECTION 8 HAS NEVER BEEN IMPLEMENTED. It is still an offence to allow premises to be used for the smoking of cannabis and opium.

Penalties

Maximum sentences differ according to the nature of the offence - less for possession; more for trafficking, production, or for allowing premises to be used for producing or supplying drugs. They also vary according to how harmful the drug is thought to be.

Class A has the highest penalties (seven years and/or unlimited fine for possession; life and/or fine for production or trafficking). This class includes the more potent of the opioid painkillers, hallucinogens, such as LSD and ecstasy, and cocaine.

Class B has lower maximum penalties for possession (five years and/or fine) and includes less potent opioids, strong synthetic stimulants, and sedatives.

Class C has the lowest penalties (two years and/or fine for possession; fourteen years and/or fine for trafficking) and includes cannabis, tranquillisers, some less potent stimulants, and dextropropoxyphene, a mild opioid analgesic.

Any Class B drug prepared for injection counts as Class A. Less serious offences are usually dealt with by magistrates' courts, where sentences can't exceed six months and/or 5,000 fine, or three months and/or fine for less serious offences. Eighty five per cent of all drug offenders are convicted of unlawful possession. Although maximum penalties are severe, just over 20 per cent of offenders receive a custodial sentence (even fewer actually go to prison), and nearly 3/4 of fines are 50 or less. Cannabis possession for personal use is often receives a caution or in some places a warning and confiscation of the drug.

Regulations

Most controlled drugs have medical uses, others may be of scientific interest, so the Act allows the government to authorise possession, supply, production and import or export of drugs to meet medical or scientific needs. These exemptions to the general prohibitions are in the form of 'regulations' made under the Act.

The most restricted drugs can only be supplied or possessed for research or other special purposes by people licensed by the Home Office; these drugs are not available for normal medical uses and can't be prescribed by doctors who don't have a licence (eg, LSD). All the other drugs are available for normal medical uses. Most are Prescription Only, so they can only be obtained if they've been prescribed by a doctor and supplied by a pharmacy (eg, strong analgesics like morphine, stimulants like amphetamines or cocaine, tranquillisers and most sedatives). Some very dilute, non-injectable preparations of controlled drugs - because they are so unlikely to be misused - can be bought over the counter without a prescription, but only from a pharmacy (eg, some cough medicines and anti-diarrhoea mixtures containing opiates). Medicines available in this way can also legally be possessed by anyone. The same also applies to benzodiazepine tranquillisers and hypnotics (except temazepam and Rohypnol) even though these drugs can only be legally obtained on prescription. Additional regulations effectively restrict the ability to prescribe heroin, dipipanone and cocaine for the treatment of addiction to a few specially

licensed doctors.

Schedule 1

These drugs are the most stringently controlled. They are not authorised for medical use and can only be supplied, possessed or administered in exceptional circumstances under a special Home Office licence, usually only for research purposes. Examples include cannabis, coca leaf, ecstasy, LSD, raw opium and psilocin (when extracted from magic mushrooms).

Schedules 2 and 3

These drugs are available for medical use and can be prescribed by doctors. It is illegal for people to be in possession of these drugs without having been prescribed them by a doctor. It is not an offence to be in possession of these drugs if a doctor has prescribed them to you. Schedule 2 drugs include amphetamines, cocaine, dihydrocodeine (DF 118s), Diconal, heroin, methadone, morphine, opium in medicinal form, pethidine and Ritalin. They are subject to strict record keeping and storage in pharmacies. Schedule 3 drugs include barbiturates and Rohypnol and temazepam tranquillisers and are subject to restrictions on prescription writing.

Schedule 4

These drugs have recently been divided into two parts. Part 1 comprises most minor tranquillisers (other than Rohypnol and temazepam) and eight other substances. This new scheduling means that all minor tranquillisers are now illegal to be in possession of without a prescription. Part 2 drugs comprise anabolic steroids, which can be legally possessed in medicinal form without a prescription but are illegal to supply to other people.

Schedule 5

At the other end of the scale is schedule 5, listing preparations of drugs considered to pose minimal risk of abuse. Some of these dilute, small-dose, non-injectable preparations are allowed to be sold over-the-counter at a pharmacy without a prescription, and all may be possessed by anyone with impunity. But once bought they cannot legally be supplied to another person, a restriction that is probably ignored more often than it is enforced. Among these schedule 5 preparations are some well-known cough medicines, anti-diarrhoea agents and mild painkillers.

A copy of the original Misuse of Drugs Act 1971 is available online [here](#)

2005 - Drugs Act

This Act came into force on 1st January 2006. Full text of the Act is available [here](#)

It includes the following clauses:

- A reversal of the burden of proof in cases where suspects are found in possession of a quantity of drugs greater than that which would be required for personal use. In other words - it will be up to the defendant to prove there was no intent to supply. The actual amount has yet to be defined.
- Compulsory drug-testing of arrestees where police have reasonable grounds for believing that Class A drugs were involved in the commission of an offence. Failure to comply with this testing is itself an offence and positive tests can lead to compulsory drug treatment assessment.
- The inclusion of fresh Liberty Cap or magic mushrooms in Class A of the Misuse of Drugs Act. Before this Bill, only dried or prepared mushrooms were considered illegal.
- The Act has also linked drug legislation with measures to deal with Anti-Social Behaviour so that anyone given an Anti Social Behaviour Order must undergo compulsory testing and drug treatment.

The Medicines Act 1968

This law governs the manufacture and supply of medicine. It divides medical drugs into three categories.

1. Prescription only medicines are the most restricted. They can only be sold or supplied by a pharmacist if supplied by a doctor.
2. Pharmacy medicines can be sold without a prescription but only by a pharmacist.
3. General Sales List medicines can be sold by any shop, not just a pharmacy. However, even here advertising, labelling and production restrictions apply.

The enforcement of the Medicines Act rarely affects the general public.

Customs and Excise Management Act 1979

Together with the Misuses of Drugs Act, the Customs and Excise Act penalises unauthorised import or export of controlled drugs. The maximum penalties are the same as for other trafficking offences except that in a magistrates court fines can reach up to three times the value of the drugs seized.

Road Traffic Act 1972

It is an offence to be in charge of a motor vehicle while unfit to drive through drink or drugs. The drugs can include illegal drugs, prescribed medicines or solvents.

Drug Trafficking Act 1994

It is an offence to sell articles for the preparation or administration of controlled drugs such as cocaine snorting kits. The Act also allows for the seizure of assets and income of someone who is found guilty of drug trafficking, even if the assets and income cannot be shown to have come from the proceeds of drug trafficking.

Crime and Disorder Act 1998

This Act introduces, for the first time, enforceable drug treatment and testing orders, for people convicted of crimes committed in order to maintain their drug use.

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Related Links:



[FAQs - How are the UK's drug laws enforced?](#) There are a number of UK legislative controls to restrict the supply and use of drugs in the UK. The following agencies are responsible for enforcing them.



[Other languages - Information on drug laws](#) Drug information in other languages - leaflets and audio