



Misuse of Drugs Act 1971

1971 CHAPTER 38

Powers of Secretary of State for preventing misuse of controlled drugs

14 Investigation where grounds for a direction under s. 13 are considered to exist.

- (1) If the Secretary of State considers that there are grounds for giving a direction under subsection (1) of section 13 of this Act on account of such a contravention by a doctor as is there mentioned, or for giving a direction under subsection (2) of that section on account of such conduct by a practitioner as is mentioned in the said subsection (2), he may refer the case to a tribunal constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the tribunal to consider the case and report on it to the Secretary of State.

[^{F1}(1A) In relation to section 13(1), references in this section to the Secretary of State are to be read in accordance with section 13(1B).]

- (2) In this Act “the respondent”, in relation to a reference under this section, means the doctor or other practitioner in respect of whom the reference is made.

(3) Where—

- (a) in the case of a reference relating to the giving of a direction under the said subsection (1), the tribunal finds that there has been no such contravention as aforesaid by the respondent or finds that there has been such a contravention but does not recommend the giving of a direction under that subsection in respect of the respondent; or
- (b) in the case of a reference relating to the giving of a direction under the said subsection (2), the tribunal finds that there has been no such conduct as aforesaid by the respondent or finds that there has been such conduct by the respondent but does not recommend the giving of a direction under the said subsection (2) in respect of him,

the Secretary of State shall cause notice to that effect to be served on the respondent.

- (4) Where the tribunal finds—

Changes to legislation: There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Section 14. (See end of Document for details)

- (a) in the case of a reference relating to the giving of a direction under the said subsection (1), that there has been such a contravention as aforesaid by the respondent; or
 - (b) in the case of a reference relating to the giving of a direction under the said subsection (2), that there has been such conduct as aforesaid by the respondent,
- and considers that a direction under the subsection in question should be given in respect of him, the tribunal shall include in its report a recommendation to that effect indicating the controlled drugs which it considers should be specified in the direction or indicating that the direction should specify all controlled drugs.
- (5) Where the tribunal makes such a recommendation as aforesaid, the Secretary of State shall cause a notice to be served on the respondent stating whether or not he proposes to give a direction pursuant thereto, and where he does so propose the notice shall—
 - (a) set out the terms of the proposed direction; and
 - (b) inform the respondent that consideration will be given to any representations relating to the case which are made by him in writing to the Secretary of State within the period of twenty-eight days beginning with the date of service of the notice.
 - (6) If any such representations are received by the Secretary of State within the period aforesaid, he shall refer the case to an advisory body constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the advisory body to consider the case and to advise the Secretary of State as to the exercise of his powers under subsection (7) below.
 - (7) After the expiration of the said period of twenty-eight days and, in the case of a reference to an advisory body under subsection (6) above, after considering the advice of that body, the Secretary of State may either—
 - (a) give in respect of the respondent a direction under subsection (1) or, as the case may be, subsection (2) of section 13 of this Act specifying all or any of the controlled drugs indicated in the recommendation of the tribunal; or
 - (b) order that the case be referred back to the tribunal, or referred to another tribunal constituted as aforesaid; or
 - (c) order that no further proceedings under this section shall be taken in the case.
 - (8) Where a case is referred or referred back to a tribunal in pursuance of subsection (7) above, the provisions of subsections (2) to (7) above shall apply as if the case had been referred to the tribunal in pursuance of subsection (1) above, and any finding, recommendation or advice previously made or given in respect of the case in pursuance of those provisions shall be disregarded.

Textual Amendments

F1 S. 14(1A) inserted (31.10.2012) by [Scotland Act 2012 \(c. 11\)](#), ss. 19(4), 44(5); S.I. 2012/2516, art. 2(d)

Changes to legislation:

There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Section 14.