

SCHEDULES

SCHEDULE 17

TEMPORARY CLASS DRUG ORDERS

Amendments of the Misuse of Drugs Act 1971

8 After section 7 insert—

“7A Temporary class drug orders: power to make further provision

- (1) This section applies if a temporary class drug order specifies a substance or product as a drug subject to temporary control.
- (2) The order may—
 - (a) include provision for the exception of the drug from the application of section 3(1)(a) or (b) or 4(1)(a) or (b),
 - (b) make such other provision as the Secretary of State thinks fit for the purpose of making it lawful for persons to do things in respect of the drug which under section 4(1) it would otherwise be unlawful for them to do,
 - (c) provide for circumstances in which a person’s possession of the drug is to be treated as excepted possession for the purposes of this Act, and
 - (d) include any provision in relation to the drug of a kind that could be made in regulations under section 10 or 22 if the drug were a Class A drug, a Class B drug or a Class C drug (but ignoring section 31(3)).
- (3) Provision under subsection (2) may take the form of applying (with or without modifications) any provision made in regulations under section 7(1), 10 or 22.
- (4) Provision under subsection (2)(b) may (in particular) provide for the doing of something to be lawful if it is done—
 - (a) in circumstances mentioned in section 7(2)(a), or
 - (b) in compliance with such conditions as may be prescribed by virtue of section 7(2)(b).
- (5) Section 7(8) applies for the purposes of this section.
- (6) Section 31(1) (general provision as to regulations) applies in relation to a temporary class drug order that contains provision made by virtue of this section as it applies to regulations under this Act.”