



House of Commons

Tuesday 27 October 2015

PUBLIC BILL COMMITTEE PROCEEDINGS

PSYCHOACTIVE SUBSTANCES BILL [*LORDS*]

[*FIRST AND SECOND SITTINGS*]

Mike Penning

Agreed to

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 27 October) meet—
 - (a) at 2.00 pm on Tuesday 27 October;
 - (b) at 11.30am and 2.00 pm on Thursday 29 October,
 - (2) the proceedings shall be taken in the following order: Clauses 1 to 3; Schedule 1; Clauses 4 to 39; Schedule 2; Clauses 40 to 56; Schedule 3; Clauses 57 to 59; Schedule 4; Clauses 60 to 62; new Clauses; new Schedules; remaining proceedings on the Bill;
 - (3) the proceedings on the Bill shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 29 October.
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Mike Penning

That, subject to the discretion of the Chairman, any written evidence received by the Committee shall be reported to the House for publication.

Agreed to

Mike Penning

Clause 1, page 1, line 5, after “9”, insert “and (*Possession of a psychoactive substance in a custodial institution*)”

Agreed to 1

Mike Penning

Clause 1, page 1, line 7, leave out “Section 10” and insert “Section (*Exceptions to offences*)”

Agreed to 2

Psychoactive Substances Bill [Lords], *continued*

Clause, as amended, agreed to.

Stuart C. McDonald
Owen Thompson
Angela Crawley

Withdrawn 51

- Clause 2, page 1, line 14, leave out subsection (1) and insert—
“In this Act “psychoactive substance” means any substance which is capable of producing a psychoactive effect in a person who consumes it, and—
- (a) is not prohibited by the United Nations Drug Conventions of 1961 and 1971, or by the Misuse of Drugs Act 1971, but which may pose a public health threat comparable to that posed by substances listed in these conventions and
 - (b) is not an exempted substance (see section 3)”

Lyn Brown
Andrew Gwynne
Grahame Morris

Not moved 43

- Clause 2, page 1, line 15, leave out paragraph (a) insert—
“(a) is a compound capable of producing a pharmacological response on the central nervous system or which produces a chemical response in vitro, identical or pharmacologically similar to substances controlled under the Misuse of Drugs Act 1971, and”

Lyn Brown
Andrew Gwynne
Grahame Morris

Not moved 44

- Clause 2, page 1, line 18, leave out subsection (2) and insert—
“(2) For the purpose of this Act
“substance” means any compound, irrespective of chemical state, produced by synthesis, or metabolites of those compounds.
“synthesis” means the process of producing a compound by human instigation of at least one chemical reaction.
“compound” means any chemical species that is formed when two or more atoms join together chemically.”

Clause agreed to.

Lyn Brown
Andrew Gwynne
Grahame Morris

Withdrawn 45

- Clause 3, page 2, line 14, at end insert—

Psychoactive Substances Bill [Lords], continued

“(3A) The Home Secretary must consider making regulations under subsection (2) if she receives a recommendation from the Advisory Council of Misuse of Drugs to bring forward such a regulation in respect of a psychoactive substance.”

Clause agreed to.

Mike Penning

Schedule 1, page 38, line 7, leave out from “products” to end of line 12 and insert—
““Medicinal product” has the same meaning as in the Human Medicines Regulations 2012 (S.I. 2012/1916) (see regulation 2 of those Regulations).”

Agreed to 3

Mike Penning

Schedule 1, page 38, line 13, leave out paragraphs 3 to 5

Agreed to 4

Stuart C. McDonald
Owen Thompson
Angela Crawley

Schedule 1, page 39, line 23, at end insert—

Withdrawn 56

“Miscellaneous

11 —alkyl nitrates”

Schedule agreed to.

Mike Penning

Clause 4, page 2, line 32, leave out from “subject to” to end of line 33 and insert “section (*Exceptions to offences*) (exceptions to offences).”

Agreed to 5

Clause, as amended, agreed to.

Lyn Brown
Andrew Gwynne
Grahame Morris

Clause 5, page 2, line 36, at end insert “for personal gain”

Withdrawn 46

Psychoactive Substances Bill [Lords], continued

Mike Penning

Agreed to **6**

Clause 5, page 3, line 14, leave out from “subject to” to end of line 15 and insert “section (*Exceptions to offences*) (exceptions to offences).”

Stuart C. McDonald
Owen Thompson
Angela Crawley

Withdrawn **52**

Clause 5, page 3, line 15, at end insert—

“(5) It is not an offence under this section for a person (“A”) to supply a psychoactive substance to person (“B”), where A and B are known to each other and such supply is part of an agreement to obtain psychoactive substances for either As, Bs or both’s own consumption, and the supply does not profit person A.”

Clause, as amended, agreed to.

Lyn Brown
Andrew Gwynne
Grahame Morris

Withdrawn **47**

Clause 6, page 3, line 20, leave out “B or C” and insert “B, C or D”

Mr David Burrowes

Withdrawn **40**

Clause 6, page 3, line 20, leave out “or C” and insert “, C, D or E”

Mr David Burrowes

Not moved **41**

Clause 6, page 3, line 43, at end insert—

“(8A) Condition D is that the offence was committed on or in the vicinity of any premises intended to locate any vulnerable child;

(8B) In this section “vulnerable child” means any person aged under 18 who is not living with their family and is—

(a) accommodated in regulated residential care or unregulated accommodation under section 17, 20, 25 or 31 of The Children Act 1989, or,

(b) accommodated in accommodation under part 7 of the Housing Act 1996.

(8C) The Secretary of State may by order made by statutory instrument specify the circumstances in which paragraph (a) and/or (b) of subsection (7B) apply.

(8D) Condition E is that the offender supplies a psychoactive substance to any persons under the age 18.”

Lyn Brown
Andrew Gwynne
Grahame Morris

Not moved **48**

Clause 6, page 3, line 43, at end insert—

Psychoactive Substances Bill [Lords], continued

“(8A) Condition D is that the person who committed the offence knew, or had reason to believe, that the consumption of psychoactive substance would cause the person consuming the substance harm.”

Mike Penning

Clause 6, page 3, line 43, leave out “on prison premises.” and insert “in a custodial institution.” *Agreed to 7*

() In this section—

“custodial institution” means any of the following—

- (a) a prison;
- (b) a young offender institution, secure training centre, secure college, young offenders institution, young offenders centre, juvenile justice centre or remand centre;
- (c) a removal centre, a short-term holding facility or pre-departure accommodation;
- (d) service custody premises;

“removal centre”, “short-term holding facility” and “pre-departure accommodation” have the meaning given by section 147 of the Immigration and Asylum Act 1999;

“service custody premises” has the meaning given by section 300(7) of the Armed Forces Act 2006.”

Mike Penning

That subsection (9) of Clause 6 be transferred to the end of line 29 on page 3

Clause, as amended, agreed to.

Lyn Brown
Andrew Gwynne
Grahame Morris

Clause 7, page 4, line 17, at end insert—

“(d) the person intends to do this for personal gain”

Not moved 49

Mike Penning

Clause 7, page 4, line 18, leave out from “subject to” to end of line 19 and insert “section (*Exceptions to offences*) (exceptions to offences).” *Agreed to 8*

Clause, as amended, agreed to.

 Psychoactive Substances Bill [*Lords*], *continued*

Lyn Brown
 Andrew Gwynne
 Grahame Morris
 Stuart C. McDonald
 Owen Thompson
 Angela Crawley

Clause 8, page 4, line 27, leave out sub-paragraph (i)

Withdrawn 50

Stuart C. McDonald
 Owen Thompson
 Angela Crawley

Clause 8, page 4, line 38, leave out sub-paragraph (i)

Not moved 54

Mike Penning

Clause 8, page 5, line 6, leave out from “subject to” to end of line 7 and insert “section (*Exceptions to offences*) (exceptions to offences).”

Agreed to 9

Clause, as amended, agreed to.

Stuart C. McDonald
 Owen Thompson
 Angela Crawley

Clause 9, page 5, line 26, at end insert—

Not moved 55

“(2) In sentencing, account shall be taken of the relative harm associated with the psychoactive substance that was the subject matter of the offence”

Mike Penning

Clause 9, page 5, line 26, at end insert—

Agreed to 10

“() A person guilty of an offence under section (*Possession of a psychoactive substance in a custodial institution*) is liable—

(a) on summary conviction in England and Wales—

(i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003), or

(ii) to a fine,

or both;

(b) on summary conviction in Scotland—

(i) to imprisonment for a term not exceeding 12 months, or

(ii) to a fine not exceeding the statutory maximum,

or both;

(c) on summary conviction in Northern Ireland—

(i) to imprisonment for a term not exceeding 6 months, or

(ii) to a fine not exceeding the statutory maximum,

or both;

Psychoactive Substances Bill [Lords], continued

- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.”

Clause, as amended, agreed to.

Mike Penning

Not selected **11**

Page 5, line 27, leave out Clause 10

Clause negatived.

[Adjourned until Thursday at 11.30am