



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 22 October 2015

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 1-56, NC1-NC3, NS1

PUBLIC BILL COMMITTEE

PSYCHOACTIVE SUBSTANCES BILL [*LORDS*]

NOTE

This document includes all amendments tabled to date, arranged in the order to be proposed by Mike Penning.

Mike Penning

To move, That the Bill be considered in the following order, namely: 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.

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.

Mike Penning

★ Clause 1, page 1, line 5, after “9”, insert “and (*Possession of a psychoactive*

Psychoactive Substances Bill [Lords], continued

substance in a custodial institution)”

Member’s explanatory statement

This amendment is consequential on NC2.

Mike Penning

2

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

Member’s explanatory statement

This amendment is consequential on amendment 11 and NC3.

Stuart C. McDonald

Owen Thompson

Angela Crawley

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)”

Member’s explanatory statement

This new definition includes part of the alternative definition of psychoactive substances proposed by ACMD which clearly merits debate and clear reasons why it should be rejected - if it is to be rejected. This would also incorporate reference to harm.

Lyn Brown

Andrew Gwynne

Grahame Morris

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”

Member’s explanatory statement

Together with amendment 44 this would replace the definition of psychoactive substance within the Bill by the definition recommended by the Advisory Council for the Misuse of Drugs.

Lyn Brown

Andrew Gwynne

Grahame Morris

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.

Psychoactive Substances Bill [Lords], continued

“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.”

Member’s explanatory statement

Together with amendment 43 this would replace the definition of psychoactive substance within the Bill by the definition recommended by the Advisory Council for the Misuse of Drugs.

Lyn Brown
Andrew Gwynne
Grahame Morris

45

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

“(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.”

Member’s explanatory statement

This would enable the ACMD to proactively request that the Home Secretary consider regulations.

Mike Penning

3

★ 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).”

Member’s explanatory statement

This amendment replaces the definition of “medicinal product” in paragraph 2 of Schedule 1. The revised definition adopts that in regulation 2 of the Human Medicines Regulations 2012, which includes, but is wider than, medicinal products for which a marketing authorisation or an Article 126a authorisation is in force.

Mike Penning

4

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

Member’s explanatory statement

This amendment is consequential on amendment 3. It removes the entries in paragraphs 3 to 5 of Schedule 1 in respect of investigational medicinal products, homoeopathic medicinal products and traditional herbal medicinal products, as these products fall within the revised definition of medicinal product inserted by that amendment.

Stuart C. McDonald
Owen Thompson
Angela Crawley

56

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

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

“Miscellaneous

11 —alkyl nitrates”

Member’s explanatory statement

This amendment seeks to implement a recommendation by the Home Affairs Select Committee that “poppers” should not be banned.

Mike Penning

5

- ★ 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).”

Member’s explanatory statement

This amendment is consequential on amendment 11 and NC3.

Lyn Brown
Andrew Gwynne
Grahame Morris

46

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

Member’s explanatory statement

This would restrict the offence of supplying psychoactive substances to those who do it for personal gain, as opposed to those who supply them for other purposes.

Mike Penning

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).”

Member’s explanatory statement

This amendment is consequential on amendment 11 and NC3.

Stuart C. McDonald
Owen Thompson
Angela Crawley

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.”

Member’s explanatory statement

This amendment seeks to explore how to avoid one person being criminalised when as part of a group, he is responsible for obtaining psychoactive substances e.g. via the internet; when in reality each person in the group is purchasing for their own consumption.

Psychoactive Substances Bill [Lords], continued

Lyn Brown
Andrew Gwynne
Grahame Morris

47

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

Member’s explanatory statement

This amendment is consequential on amendment 48.

Mr David Burrowes

40

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

Mr David Burrowes

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

48

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

“(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.”

Member’s explanatory statement

Makes it an aggravating factor to sell a substance which the person knew or suspected to be harmful.

Mike Penning

7

- ★ Clause 6, page 3, line 43, leave out “on prison premises.” and insert “in a custodial institution.

() 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;

Psychoactive Substances Bill [Lords], continued

“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.”

Member’s explanatory statement

This amendment replaces the reference to “prison premises” in clause 6(8) with a reference to a “custodial institution”. It then defines a custodial institution; the definition includes adult and juvenile prisons, immigration detention accommodation and service custody premises.

Mike Penning

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

Member’s explanatory statement

This amendment is consequential on amendment 7.

Lyn Brown
Andrew Gwynne
Grahame Morris

49

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

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

Member’s explanatory statement

This amendment would mean possession with intent to supply would only be an offence if the person was supplying the product for gain.

Mike Penning

8

★ 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).”

Member’s explanatory statement

This amendment is consequential on amendment 11 and NC3.

Lyn Brown
Andrew Gwynne
Grahame Morris

50

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

Member’s explanatory statement

This means it would not be an offence to import a new psychoactive substance for personal consumption.

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

Stuart C. McDonald
Owen Thompson
Angela Crawley

53

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

Member's explanatory statement

This amendment seeks to explore how we can ensure that there is no criminalisation of those who order psychoactive substances over the internet for personal consumption.

Stuart C. McDonald
Owen Thompson
Angela Crawley

54

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

Member's explanatory statement

This amendment seeks to explore how we can ensure that there is no criminalisation of those who order psychoactive substances over the internet for personal consumption.

Mike Penning

9

- ★ 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).”

Member's explanatory statement

This amendment is consequential on amendment 11 and NC3.

Stuart C. McDonald
Owen Thompson
Angela Crawley

55

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

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

Member's explanatory statement

This amendment seeks to ensure sentencing is commensurate with the potential harm done by the substance involved.

Mike Penning

10

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

“() 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,

Psychoactive Substances Bill [Lords], continued

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

Member's explanatory statement

This amendment is consequential on NC2. It provides that the new offence of possession of a psychoactive substance in a custodial institution, as inserted by that new clause, attracts a maximum penalty on conviction on indictment of two years' imprisonment, a fine, or both.

Mike Penning

11

- ★ Page 5, line 27, leave out Clause 10

Member's explanatory statement

This amendment omits clause 10 of the Bill which confers power on the Secretary of State to specify by regulations exceptions to the offences in clauses 4 to 8. Such exceptions are now provided for in the new Schedule to be inserted by amendment NS1 and the regulation-making power provided for by amendment NC3.

Mike Penning

12

- ★ Clause 11, page 6, line 16, leave out “regulations under section 10.” and insert “section (*Exceptions to offences*).”

Member's explanatory statement

This amendment is consequential on amendment 11 and NC3.

Mike Penning

13

- ★ Clause 23, page 14, line 34, leave out from beginning to “except” in line 35 and insert “in a case where the prohibition order or the premises order imposing the access prohibition was made by a court in England and Wales or Northern Ireland, the court that made the order,”

Member's explanatory statement

This amendment is consequential on amendment 14.

Mike Penning

14

- ★ Clause 23, page 14, line 42, at end insert—

“() in a case where the prohibition order or the premises order imposing the access prohibition was made by a court in Scotland, the sheriff.”

Member's explanatory statement

Clause 23 enables a law enforcement agency to apply to the court for the reimbursement of costs

Psychoactive Substances Bill [Lords], continued

incurred in relation to premises subject to an access prohibition. This amendment provides that, in Scotland, the relevant court is the sheriff.

Mike Penning

15

★ Clause 27, page 17, line 3, leave out paragraph (b) and insert—

“(b) where—

- (i) the order was made under section 18 on an appeal in relation to a person’s conviction or sentence for an offence, or
- (ii) the order was made by a court under that section against a person committed or remitted to that court for sentencing for an offence, the court by or before which the person was convicted (but see subsection (6A));”

Member’s explanatory statement

This amendment provides that, where a prohibition order was made following conviction, an application to vary or discharge that order should be made to the court that convicted the offender rather than (if different) the court that sentenced the offender or heard the appeal against the conviction or sentence.

Mike Penning

16

★ Clause 27, page 17, line 8, at end insert—

“(6A) Where the person mentioned in subsection (6)(b)—

- (a) was convicted by a youth court, but
- (b) is aged 18 or over at the time of the application,

the reference in subsection (6)(b) to the court by or before which the person was convicted is to be read as a reference to a magistrates’ court or, in Northern Ireland, a court of summary jurisdiction.”

Member’s explanatory statement

This amendment provides that, where a prohibition order was made in the youth court following conviction and the offender has turned 18, an application to vary or discharge that order should be made, in England and Wales, to a magistrates’ court or, in Northern Ireland, to a court of summary jurisdiction.

Mike Penning

17

★ Clause 35, page 22, line 5, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Member’s explanatory statement

This amendment is consequential on NC2.

Mike Penning

18

★ Clause 35, page 22, line 21, leave out “8” and insert “(Possession of a psychoactive

Psychoactive Substances Bill [Lords], continued

substance in a custodial institution)”

Member’s explanatory statement

This amendment is consequential on NC2.

Mike Penning

19

★ Clause 38, page 24, leave out lines 1 to 4 and insert—

- “() a warrant that relates only to premises specified in the warrant (a “specific-premises warrant”), or
- () in the case of a warrant issued in England and Wales or Northern Ireland, a warrant that relates to any premises occupied or controlled by a person specified in the warrant (an “all-premises warrant”).”

Member’s explanatory statement

The effect of this amendment is that it will not be possible to apply under clause 38 for an all-premises warrant in Scotland.

Mike Penning

20

★ Clause 39, page 24, line 23, at end insert—

- “() An application for a search warrant may be made without notice being given to persons who might be affected by the warrant.
- () The application must be supported—
 - (a) in England and Wales, by an information in writing;
 - (b) in Scotland, by evidence on oath;
 - (c) in Northern Ireland, by a complaint on oath.
- () A person applying for a search warrant must answer on oath any question that the justice hearing the application asks the person.
In the case of an application made by a procurator fiscal, that requirement may be met by a relevant enforcement officer.”

Member’s explanatory statement

This amendment is consequential on amendment 21 and imports into clause 39 the provisions in paragraph 1 of Schedule 2 which relate to applications for search warrants.

Mike Penning

21

★ Clause 39, page 24, line 32, leave out “search warrants.” and insert “—

- (a) applications for search warrants made in England and Wales or Northern Ireland, and
- (b) search warrants issued in England and Wales or Northern Ireland.”

Member’s explanatory statement

This amendment limits the application of Schedule 2, which makes provision about applications for and the execution of search warrants, to England and Wales and Northern Ireland.

Mike Penning

22

★ Clause 39, page 24, line 33, after “warrant” insert “issued in England and Wales or

Psychoactive Substances Bill [Lords], continued

Northern Ireland”

Member’s explanatory statement

This amendment is consequential on amendment 21 and limits the application of clause 39(5), which provides that an entry on or search of premises under a search warrant is unlawful unless it complies with the provisions of Part 2 of Schedule 2, to England and Wales and Northern Ireland.

Mike Penning

23

★ Schedule 2, page 39, line 25, at end insert—

“PART A1

APPLICATION OF THIS SCHEDULE

This Schedule applies to—

- (a) applications for search warrants made in England and Wales or Northern Ireland, and
- (b) search warrants issued in England and Wales or Northern Ireland.”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Mike Penning

24

★ Schedule 2, page 39, line 29, leave out paragraph 1

Member’s explanatory statement

This amendment is consequential on amendments 20 and 21.

Mike Penning

25

★ Schedule 2, page 42, line 27, leave out “issued in England and Wales or Northern Ireland”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Mike Penning

26

★ Clause 42, page 26, line 9, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Member’s explanatory statement

This amendment is consequential on NC2.

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

Mike Penning

27

- ★ Clause 47, page 28, line 37, leave out subsection (5)

Member's explanatory statement

This amendment omits clause 47(5), which enables proceedings for an offence under clause 47 to be taken in any part of the UK.

Mike Penning

28

- ★ Clause 49, page 29, line 28, leave out “regulations under section 10” and insert “section (*Exceptions to offences*)”

Member's explanatory statement

This amendment is consequential on amendment 11 and NC3.

Mike Penning

29

- ★ Clause 50, page 31, line 12, leave out “regulations under section 10” and insert “section (*Exceptions to offences*)”

Member's explanatory statement

This amendment is consequential on amendment 11 and NC3.

Mike Penning

30

- ★ Clause 53, page 32, line 43, leave out “8” and insert “(*Possession of a psychoactive substance in a custodial institution*)”

Member's explanatory statement

This amendment is consequential on NC2.

Mike Penning

31

- ★ Clause 53, page 33, line 2, leave out second “or” and insert “except where paragraph (b) or (c) applies;”

Member's explanatory statement

This amendment is consequential on amendment 32.

Mike Penning

32

- ★ Clause 53, page 33, line 4, at end insert—

“(c) if the person is remitted to the High Court of Justiciary to be dealt with for that offence, the High Court of Justiciary.”

Member's explanatory statement

Clause 53 provides for the relevant court to make a forfeiture order following the conviction of a person for an offence under any of clauses 4 to 8 and 25. Where, in Scotland, a case is remitted to

Psychoactive Substances Bill [Lords], continued

the High Court of Justiciary for sentencing, this amendment provides for that court to make a forfeiture order.

Mike Penning

33

- ★ Clause 53, page 33, line 26, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”
Member’s explanatory statement
This amendment is consequential on NC2.

Mike Penning

34

- ★ Clause 53, page 33, line 28, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”
Member’s explanatory statement
This amendment is consequential on NC2.

Mike Penning

35

- ★ Clause 53, page 33, line 30, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”
Member’s explanatory statement
This amendment is consequential on NC2.

Mike Penning

36

- ★ Clause 53, page 33, line 32, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”
Member’s explanatory statement
This amendment is consequential on NC2.

Mike Penning

37

- ★ Clause 54, page 34, line 9, leave out “regulations under section 10.” and insert “section (Exceptions to offences).”
Member’s explanatory statement
This amendment is consequential on amendment 11 and NC2.

Mike Penning

38

- ★ Clause 58, page 36, line 23, after “Court” insert “, other than the reference in

Psychoactive Substances Bill [Lords], continued

section 30(1) in relation to a prohibition order made under section 18,”

Member’s explanatory statement

This amendment disapplies the transitional provision in clause 58(5) in relation to appeals under clause 30(1) about variation and discharge in relation to prohibition orders made under clause 18.

Mike Penning

39

★ Schedule 4, page 48, line 16, at end insert—

“Intoxicating Substances (Supply) Act 1985

- (1) The Intoxicating Substances (Supply) Act 1985 is repealed.
- (2) In consequence of the repeal made by sub-paragraph (1), in Schedules 3 and 6 to the Regulatory Enforcement and Sanctions Act 2008, omit the entry relating to the Intoxicating Substances (Supply) Act 1985.”

Member’s explanatory statement

This amendment repeals the Intoxicating Substances (Supply) Act 1985.

Mr David Burrowes

42

★ Schedule 4, page 48, line 16, at end insert—

“Misuse of Drugs Act 1971

- (1) The Misuse of Drugs Act 1971 is amended as follows—
 - (2) In section 4A (Aggravation of offence of supply of controlled drug) after subsection (4) insert—
 - “(4A) The third condition is that the offence was committed on any premises intended to locate any vulnerable child or in the vicinity of said premises;
 - (4B) in this section “vulnerable child” means any person aged under 18 who is not living with their parents or carers and is
 - (a) accommodated in residential care under section 17, section 20, section 25 or section 31 of The Children Act 1989, or,
 - (b) accommodated in a multi-occupant dwelling under part 7 of the Housing Act 1996.
 - (4C) The Secretary of State may by order made by statutory instrument specify the circumstances in which a court must take into account Condition C;
 - (4D) The fourth condition is that the offender supplies a controlled drug to any persons under the age of 18.””
-

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

Mike Penning

NC2

- ★ To move the following Clause—

“Possession of a psychoactive substance in a custodial institution

- (1) A person commits an offence if—
 - (a) the person is in possession of a psychoactive substance in a custodial institution,
 - (b) the person knows or suspects that the substance is a psychoactive substance, and
 - (c) the person intends to consume the psychoactive substance for its psychoactive effects.
- (2) In this section “custodial institution” has the same meaning as in section 6.
- (3) This section is subject to section (*Exceptions to offences*) (exceptions to offences).”

Member’s explanatory statement

This new clause provides for a new offence of possession of a psychoactive substance in a custodial institution.

Mike Penning

NC3

- ★ To move the following Clause—

“Exceptions to offences

- (1) It is not an offence under this Act for a person to carry on any activity listed in subsection (3) if, in the circumstances in which it is carried on by that person, the activity is an exempted activity.
- (2) In this section “exempted activity” means an activity listed in Schedule (*Exempted activities*).
- (3) The activities referred to in subsection (1) are—
 - (a) producing a psychoactive substance;
 - (b) supplying such a substance;
 - (c) offering to supply such a substance;
 - (d) possessing such a substance with intent to supply it;
 - (e) importing or exporting such a substance;
 - (f) possessing such a substance in a custodial institution (within the meaning of section (*Possession of a psychoactive substance in a custodial institution*)).
- (4) The Secretary of State may by regulations amend Schedule (*Exempted activities*) in order to—
 - (a) add or vary any description of activity;
 - (b) remove any description of activity added under paragraph (a).
- (5) Before making any regulations under this section the Secretary of State must consult—
 - (a) the Advisory Council on the Misuse of Drugs, and

Psychoactive Substances Bill [Lords], continued

- (b) such other persons as the Secretary of State considers appropriate.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

The new clause inserted by this amendment (which will replace clause 10) provides that it is not an offence under clauses 4 to 8, or the offence under the new clause inserted by NC2, for a person to carry on an “exempted activity” listed in the new Schedule inserted by NS1. The new clause also provides a power to add or vary any description of activity specified in the new Schedule.

John Woodcock

NC1

- ★ To move the following Clause—

“Breach of a premises notice

- (1) A senior officer or a local authority may issue a notice requiring a premise to cease trading if conditions A, B and C are met.
- (2) Condition A is that the premise has been issued a premises notice under section 13 of this Act.
- (3) Condition B is that in the view of the senior officer or a local authority that issued the premises notice, the terms of that notice are not being complied with.
- (4) Condition C is that the senior officer or local authority has made an application to an appropriate court for a premises order under section 19 of this Act.
- (5) A notice issued to a premise under subsection 1 shall cease to have effect when a court has considered an application for a premises order in respect of that premise.
- (6) In a case where a court has decided not to issue a premises order to a premise that has been subject to a notice under this section, the court may order the local authority or the senior officer’s organisation to pay compensation to the owner of the premises in respect of income lost due to the suspension in trading.
- (7) For the meaning of “senior officer”, see section 12(7).”

Member's explanatory statement

This new clause’s intention is to allow a senior officer or local authority to comply a premises to stop trading while it applies for a premises order.

NEW SCHEDULE

Mike Penning

NS1

- ★ To move the following Schedule—

Psychoactive Substances Bill [Lords], continued

“EXEMPTED ACTIVITIES”

Healthcare-related activities

- 1 Any activity carried on by a person who is a health care professional and is acting in the course of his or her profession.
In this paragraph “health care professional” has the same meaning as in the Human Medicines Regulations 2012 (S.I. 2012/1916) (see regulation 8 of those Regulations).
- 2 Any activity carried on for the purpose of, or in connection with—
- (a) the supply to, or the consumption by, any person of a substance prescribed for that person by a health care professional acting in the course of his or her profession, or
 - (b) the supply to, or the consumption by, any person of a substance in accordance with the directions of a health care professional acting in the course of his or her profession.
- In this paragraph “health care professional” has the same meaning as in the Human Medicines Regulations 2012 (see regulation 8 of those Regulations).
- 3 Any activity carried on in respect of an active substance by a person who—
- (a) is registered in accordance with regulation 45N of the Human Medicines Regulations 2012, or
 - (b) is exempt from any requirement to be so registered by virtue of regulation 45M(2) or (3) of those Regulations.
- In this paragraph “active substance” has the same meaning as in the Human Medicines Regulations 2012 (see regulation 8 of those Regulations).

Research

- 4 Any activity carried on in the course of, or in connection with, approved scientific research.
In this paragraph—
- “approved scientific research” means scientific research carried out by a person who has approval from a relevant ethics review body to carry out that research;
- “relevant ethics review body” means—
- (a) a research ethics committee recognised or established by the Health Research Authority under Chapter 2 of Part 3 of the Care Act 2014, or
 - (b) a body appointed by any of the following for the purpose of assessing the ethics of research involving individuals—
 - (i) the Secretary of State, the Scottish Ministers, the Welsh Ministers, or a Northern Ireland department;
 - (ii) a relevant NHS body;
 - (iii) a body that is a Research Council for the purposes of the Science and Technology Act 1965;
 - (iv) an institution that is a research institution for the purposes of Chapter 4A of Part 7 of the Income Tax (Earnings and Pensions) Act 2003 (see section 457 of that Act);
 - (v) a charity which has as its charitable purpose (or one of its charitable purposes) the advancement of health or the saving of lives;
- “charity” means—

Psychoactive Substances Bill [Lords], continued

- (a) a charity as defined by section 1(1) of the Charities Act 2011,
- (b) a body entered in the Scottish Charity Register, or
- (c) a charity as defined by section 1(1) of the Charities Act (Northern Ireland) 2008;

“relevant NHS body” means—

- (a) an NHS trust or NHS foundation trust in England,
- (b) an NHS trust or Local Health Board in Wales,
- (c) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978,
- (d) the Common Services Agency for the Scottish Health Service, or
- (e) any of the health and social care bodies in Northern Ireland, as defined by section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”

Member’s explanatory statement

The new Schedule inserted by this amendment lists exempted activities for the purpose of the Bill. These include activities carried out by health care professionals acting in that capacity and approved research activities.
