Mike Penning

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

Clause, as amended, agreed to.

Clauses 12 to 22 agreed to.

Mike Penning

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,”

Clause, as amended, agreed to.

Clauses 24 to 26 agreed to.
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));”

Clause, as amended, agreed to.

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.”

Clause, as amended, agreed to.

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

Clause, as amended, agreed to.

Clause 35, page 22, line 21, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Clause, as amended, agreed to.

Clauses 36 and 37 agreed to.

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").”
Clause agreed to.

Mike Penning

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.”

Mike Penning

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.”

Mike Penning

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

Clause, as amended, agreed to.

Mike Penning

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.”

Mike Penning

Schedule 2, page 39, line 29, leave out paragraph 1
Schedule 2, page 42, line 27, leave out “issued in England and Wales or Northern Ireland”

Schedule, as amended, agreed to.

Clauses 40 and 41 agreed to.

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

Clause, as amended, agreed to.

Clauses 45 to 46 agreed to.

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

Clause, as amended, agreed to.

Clause 48 agreed to.

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

Clause, as amended, agreed to.

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

Clause, as amended, agreed to.
Psychoactive Substances Bill [Lords], continued

Clauses 51 and 52 agreed to.

Mike Penning

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

Agreed to 30

Mike Penning

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

Agreed to 31

Mike Penning

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.”

Agreed to 32

Mike Penning

Clause 53, page 33, line 26, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Agreed to 33

Mike Penning

Clause 53, page 33, line 28, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Agreed to 34

Mike Penning

Clause 53, page 33, line 30, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Agreed to 35

Mike Penning

Clause 53, page 33, line 32, leave out “8” and insert “(Possession of a psychoactive substance in a custodial institution)”

Clause, as amended, agreed to.

Agreed to 36

Mike Penning

Clause 54, page 34, line 9, leave out “regulations under section 10.” and insert “section (Exceptions to offences).”

Clause, as amended, agreed to.

Agreed to 37
Psychoactive Substances Bill [Lords], continued

Clauses 55 and 56 agreed to.

Schedule 3 agreed to.

Lyn Brown
Andrew Gwynne
Grahame Morris

Clause 57, page 53, line 2, at end insert—

“(2A) The report must inform Parliament on progress made in improving the reach and quality of education about new psychoactive substances.”

Clause agreed to.

Mike Penning

Clause 58, page 36, line 23, after “Court” insert “, other than the reference in section 30(1) in relation to a prohibition order made under section 18,”

Clause, as amended, agreed to.

Mike Penning

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.”

Mr David Burrowes

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,
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(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.”

Schedule agreed to.
Clauses 60 to 64 agreed to.

NEW CLAUSES

Mike Penning

To move the following Clause—

“A person commits an offence if—

(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).”

Mike Penning

To move the following Clause—

“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;
Psychoactive Substances Bill [Lords], continued

(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
   (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.”

John Woodcock
Lyn Brown
Withdrawn 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).”
Lyn Brown  
Andrew Gwynne  
Grahame Morris

To move the following Clause—

“New Psychoactive Substances—Prevention and Education

(1) In section 84(3) of the Education Act 2002 (curriculum foundation subjects for the first, second and third key stages), after paragraph (g) there is inserted—

“(ga) personal, social and health education.”

(2) In section 85(4) of the Education Act 2002 (curriculum foundation subjects for the fourth key stage), at the end there is inserted “, and

(d) personal, social and health education.”

(3) In section 74(1) of the Education and Inspections Act 2006, which (when brought into force) will substitute a new section 85 in the Education Act 2002, in subsection (4) of that substituted section (foundation subjects for the fourth key stage), at the end there is inserted “, and

(d) personal, social and health education.”

(4) Before section 86 of the Education Act 2002 there is inserted—

“85B Personal, social and health education

(1) For the purposes of this Part, personal, social and health education (“PSHE”) must include, but shall not be limited to—

(a) education about alcohol and tobacco; illegal recreational drugs and new psychoactive substances;

(b) education about emotional health and well-being and how this can be impacted by psychoactive substances;

(c) education about individual safety, including risk taking behaviour.

(2) The National Curriculum for England is not required to specify attainment targets or assessment arrangements for PSHE (and section 84(1) has effect accordingly).

(3) The Secretary of State for Education shall set out guidance to schools and colleges to ensure that a coherent approach to personal, social, health and economic education is developed, including between primary and secondary schools.

(4) It is the duty of the governing body and head teacher of any school in which PSHE is provided in pursuance of this Part to secure that guidance issued under subsection (3) is followed and principles set out in subsections (5) to (6) are complied with.

(5) The first principle is that information presented in the course of providing PSHE should be accurate and balanced.

(6) The second principle is that PSHE should be taught in a way that—

(a) is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and also

(b) reflects a reasonable range of religious, cultural and other perspectives.

(7) The third principle is that PSHE should be taught in a way that—

(a) endeavours to promote equality,
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(b) encourages acceptance of diversity, and
(c) emphasises the importance of both rights and responsibilities.

(8) In the exercise of their functions under this Part so far as relating to PSHE, a local authority, governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State.””

NEW SCHEDULE

Mike Penning

Agreed to NS1

To move the following Schedule—

“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—
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(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—
(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.”

Bill, as amended, to be reported.