CONSIDERATION OF BILL (REPORT STAGE)

PSYCHOACTIVE SUBSTANCES BILL [LORDS], AS AMENDED

NOTE
This document includes all amendments tabled to date, arranged in the order they relate to the Bill

NEW CLAUSES

Lyn Brown
Andrew Gwynne

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—
“(gi) 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
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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, health education (“pshe”) shall comprise—
(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 headteacher 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,
(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 headteacher shall have regard to any guidance issued from time to time by the Secretary of State.”

member’s explanatory statement

this would amend the education act to make phse, with drugs education including new psychoactive substances, a foundation subject in the national curriculum.
“Breach of a premises notice
(1) A senior officer or a local authority may issue a notice requiring a premises to cease trading if conditions A, B and C are met.
(2) Condition A is that the premises 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 premises under sub section 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 compel a premises to stop trading while it applies for a premises order.

Dr Poulter
Mr Peter Lilley
★ To move the following Clause—

“Control of cannabis
(1) Within six months of the passing of this Act, the Secretary of State shall consult the Advisory Council on the Misuse of Drugs pursuant to the Misuse of Drugs Act 1971 with regard to the use of her powers to make regulations under sections 7, 10, 22 and 31 of that Act to—
(a) delete from Schedule 1 to the Misuse of Drugs Regulations 2001 the substances listed in subsection (2), and
(b) add those substances to Schedule 2 to the 2001 Regulations.
(2) The substances referred to in subsection (1) are—
(a) cannabis, and
(b) cannabis resin.”

Member’s explanatory statement
The intention of this amendment is to re-scheduling Cannabis from a Schedule 1 drug to a Schedule 2 drug for the purposes of promoting research into its medical use.
Clause 6, page 3, line 19, leave out “or C” and insert “, C, D or E”

Clause 6, page 4, line 7, at end insert—

“(9A) Condition D is that the offence was committed on or within 100 metres of a children’s home.

(9B) For the purposes of section (9A) “children’s home” has the same meaning as in section 1 of the Care Standards Act 2000.

(9C) Condition E is that the offender supplied a psychoactive substance to any persons who were under the age 18 when the offence was committed.”

Clause 32, page 21, line 3, leave out “arising by virtue of” and insert “under”

Member’s explanatory statement

This is a drafting amendment to ensure that the language in clause 32(1) mirrors that in clauses 33(5) and 34(5).
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(e) under section 31(7)."

Member's explanatory statement
This amendment enables the High Court of Justiciary in Scotland to make an Act of Adjournal (criminal procedure rules) in relation to specified civil proceedings under clauses 19, 28, 29, 30 and 31 before the High Court of Justiciary, the sheriff or the Sheriff Appeal Court.

Secretary Theresa May

Clause 32, page 21, line 23, leave out subsection (7)

Member's explanatory statement
This amendment deletes clause 32(7), which provides that the criminal procedure rules would apply to proceedings under clauses 19 and 29 in the Crown Court in England and Wales. Such rules would apply in any event; accordingly express provision to this end is not required.

Lyn Brown
Andrew Gwynne

Clause 58, page 36, line 25, at end insert—

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

Member’s explanatory statement
This amendment requires the Secretary of State to include a section on progress in NPS education in their statutory review.

Secretary Theresa May

Clause 62, page 38, line 33, at end insert—

“( ) The power under section 384(1) of the Armed Forces Act 2006 (“the 2006 Act”) may be exercised so as to extend to any of the Channel Islands (with or without modifications) any amendment or repeal made by or under this Act of any part of the 2006 Act.

( ) The power under section 384(2) of the 2006 Act may be exercised so as to modify any provision of that Act as amended by or under this Act as it extends to the Isle of Man or a British overseas territory.”

Member’s explanatory statement
This amendment enables the amendments to the Armed Forces Act 2006 made by paragraph 7 of Schedule 5 to the Bill to be extended, with or without modifications, to any of the Channel Islands and provides power to modify that Act, as amended by the Bill, as it extends to the Isle of Man or a British overseas territory.
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Mrs Cheryl Gillan

Schedule 1, page 41, line 12, at end insert—

“Racetams

8 Pramiracetam
9 Oxiracetam
10 N-phenylacetyl-L-prolylglycine ethyl ester
11 Phenylpiracetam
12 Nefiracetam

Cholinergics

13 L-Alpha glycerylphosphorylcholine
14 Citicoline
15 Meclofenoxate

Miscellaneous

16 L-Theanine
17 Oxitriptan
18 Tongkat Ali
19 Resveratol
20 Trans-resveratol
21 Sulbutiamine

Member’s explanatory statement

This amendment exempts a number of substances from scope of the regulation regime introduced in the Psychoactive Substances Bill. The substances in this amendment are commonly used to improve individuals’ cognitive performance and have been found to have positive effects in a number of academic studies.

Lyn Brown
Andrew Gwynne

Schedule 1, page 41, line 12, at end insert—

“Miscellaneous

8 Alkyl nitrites”

Member’s explanatory statement

This would exempt “poppers” from the Bill, as recommended by the Home Affairs Select Committee.

Secretary Theresa May

Schedule 2, page 42, line 36, leave out “as defined by” and insert “falling within paragraphs (a) to (d) of”

Member’s explanatory statement

This amendment amends the definition of a “relevant NHS body” in Northern Ireland for the purposes of the exemption for research activities provided for in Schedule 2. The amendment
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excludes special agencies, the Patient and Client Council and the Regulation and Quality Improvement Authority from the scope of the definition.

Secretary Theresa May

Schedule 5, page 57, line 2, at end insert—

“Regulatory Enforcement and Sanctions Act 2008

In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1 of that Act), at the appropriate place insert—

“Psychoactive Substances Act 2016”.”

Member’s explanatory statement

This amendment adds the Psychoactive Substances Act to the list of enactments in Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (which specifies enactments for the purpose of the Secretary of State’s and Welsh Ministers’ functions under Part 1 of that Act).

ORDER OF THE HOUSE [19 OCTOBER 2015]

That the following provisions shall apply to the Psychoactive Substances Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 29 October 2015.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of the proceedings.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings on Consideration.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.