

# Supply of Drugs to Children Under 16 (Aggravated Offence) Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Make the offence of supplying or offering to supply a controlled drug aggravated when the person to whom the drug is supplied or offered is under 16; and for connected purposes.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Amendment of the Sentencing Act 2020

- (1) The Sentencing Act 2020 is amended as follows.
- (2) After section 71 (supply of controlled drug near school premises or involving child) insert—

### **“71A Supply of controlled drug to person under 16**

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- (1) This section applies when a court is considering the seriousness of an offence under section 4(3) of the Misuse of Drugs Act 1971 (supplying controlled drug etc).
- (2) If the offence involved the supply or offering of a controlled drug to a person under the age of 16, the court—
  - (a) must treat the fact that the condition is met as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
  - (b) must state in open court that the offence is so aggravated.”

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## 2 Amendment of the Misuse of Drugs Act 1971

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- (1) The Misuse of Drugs Act 1971 is amended as follows.
- (2) After section 4A (aggravation of offence of supply of controlled drug) insert—

### **“4B Aggravation of offence of supply of controlled drug (supply to children under 16)**

- (1) This section applies when a court in Scotland or Northern Ireland is considering the seriousness of an offence under section 4(3) of this Act.

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- (2) If the offence involved the supply or offering of a controlled drug to a person under the age of 16, the court—
  - (a) must treat the fact that the condition is met as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
  - (b) must state in open court that the offence is so aggravated.
- (3) For the requirement for a court in England and Wales considering the seriousness of an offence under section 4(3) of this Act to treat certain matters as aggravating factors, see section 71A of the Sentencing Code.”

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### **3 Extent, commencement and short title**

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- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force at the end of the period of three months beginning with the day on which it was passed.
- (3) This Act may be cited as the Supply of Drugs to Children Under 16 (Aggravated Offence) Act 2022.

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