

Controlled Drugs (Procedure for Specification)

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office with the consent of Alex McIntyre, the Member in charge of the Bill, are published separately as Bill 20—EN.

Controlled Drugs (Procedure for Specification)

[AS INTRODUCED]

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[AS INTRODUCED]

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TO

change the procedure for amending Schedule 2 to the Misuse of Drugs Act 1971.

BE 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 Misuse of Drugs Act 1971

- (1) The Misuse of Drugs Act 1971 (“the 1971 Act”) is amended in accordance with subsections (2) to (4).
- (2) In section 2 (controlled drugs and their classification)—
 - (a) for subsection (2) substitute—

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“(2) The Secretary of State may by regulations made by statutory instrument amend Schedule 2.”;
 - (b) omit subsections (3) and (4);
 - (c) for subsection (5) substitute—

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“(5) A statutory instrument containing regulations under subsection (2) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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(6) The Secretary of State may lay a draft of such an instrument before Parliament only after consultation with, or on the recommendation of, the Advisory Council.”
- (3) In section 2A (temporary class drug orders), in subsection (6)(b), for “an Order in Council” substitute “regulations”.
- (4) In section 31 (general provisions as to regulations)—
 - (a) in subsection (1), after “Act”, in the first place it occurs, insert “other than section 2(2) (power to amend Schedule 2)”;
 - (b) in subsection (2), after “Act” insert “, other than the power under section 2(2),”;
 - (c) in subsection (3), for “under this Act” substitute “under any provision of this Act other than section 2(2)”.

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- (5) The amendments made by this section—
- (a) do not apply in relation to the making of an Order in Council under section 2 of the 1971 Act where a draft of the Order was laid before Parliament before the coming into force of this Act;
 - (b) do not affect any amendments to Schedule 2 to the 1971 Act made by an Order in Council under section 2 of that Act (at any time). 5

2 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Controlled Drugs (Procedure for Specification) Act 2024. 10

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Presented by Alex McIntyre

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