

Psychoactive Substances Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 16th June 2015, as follows –

Clauses 1 to 3	Schedule 3
Schedule 1	Clauses 53 and 54
Clauses 4 to 36	Schedule 4
Schedule 2	Clauses 55 to 57
Clauses 37 to 52	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD PADDICK
BARONESS HAMWEE
BARONESS MEACHER

- 1** Page 1, line 3, after “about” insert “reviewing the Misuse of Drugs Act 1971 and”
- 2** Page 1, line 7, at end insert –
“() Section (*Control of Cannabis*) provides for legal possession and supply of cannabis prescribed by a doctor.”

After Clause 1

BARONESS MEACHER
LORD NORTON OF LOUTH

- 3** Insert the following new Clause –
“Republic of Ireland: impact assessment
(1) The Secretary of State must conduct an impact assessment of the Republic of Ireland’s Criminal Justice (Psychoactive Substances) Act 2010.

Amendment
No.

After Clause 1 – continued

- (2) The Secretary of State must publish a report setting out whether or not the impact assessment under subsection (1) justifies the commencement of this Act in its current form.”

4 Insert the following new Clause –

“Monitoring

Following the commencement of this Act, the Secretary of State must publish a report annually setting out the impact of this Act, including on deaths and other harms caused by all controlled and banned substances.”

LORD PADDICK
BARONESS HAMWEE
BARONESS MEACHER

5 Insert the following new Clause –

“Review of the Misuse of Drugs Act 1971

- (1) The Secretary of State shall commission an independent evidence-based review of –
- (a) the effectiveness of the Misuse of Drugs Act 1971 in reducing the harm caused by the misuse of drugs, including social problems connected with their misuse, and
 - (b) the implementation of the Act.
- (2) The Secretary of State shall lay a copy of a report of the review before both Houses of Parliament within one year of the passing of this Act.”

BARONESS MEACHER

6★ Insert the following new Clause –

“Impact assessment

- (1) The Secretary of State must, following commencement of this Act, conduct an annual impact assessment of this Act, including deaths and other harms caused by all controlled substances and banned substances.
- (2) If it is deemed that the Misuse of Drugs Act 1971 or this Act (or both) has contributed to increased health and social harms, the government shall bring forward proposals for reform.

Clause 2

BARONESS MEACHER

7★ Page 1, line 14, after “Act” insert “synthetic”

8★ Page 1, line 16, after “it,” insert –
“() is produced by chemical synthesis, especially not of natural origin,”

**Amendment
No.**

Clause 2 – continued

LORD PADDICK
BARONESS HAMWEE

- 9 Page 2, line 1, leave out “affects the person’s mental functioning or emotional state” and insert “has the capacity to –
- (a) produce stimulation or depression of the central nervous system of the person, resulting in hallucinations or a significant disturbance in, or significant change to, motor function, thinking, behaviour, perception, awareness or mood, or
 - (b) cause a state of dependence, including physical or psychological addiction”
- 10 Page 2, line 4, leave out “or allows”

After Clause 2

LORD HOWARTH OF NEWPORT

- 11 Insert the following new Clause –

“Guidance

The Secretary of State must issue guidance, before this Act comes into force and regularly updated thereafter, as to how users, enforcement authorities and others can identify individual psychoactive substances, the degree of the psychoactivity, their safe uses and their relative harms.”

LORD HOWARTH OF NEWPORT
BARONESS MEACHER

- 12 Insert the following new Clause –

“Provision of information

Before this Act comes into force the Secretary of State must provide –

- (a) a publicly accessible website containing comprehensive information about all psychoactive substances, including controlled substances, which he has reason to believe are or may be available to consumers in the United Kingdom,
- (b) a network of testing centres, readily accessible at no charge to users and others, at which they can be informed about the identity, composition, toxicity and potential harms to human health of any substances brought in by them which there is reason to think may be psychoactive.”

Amendment
No.

After Clause 2 – continued

LORD HOWARTH OF NEWPORT
BARONESS MEACHER
LORD NORTON OF LOUTH

13 Insert the following new Clause –

“Education

- (1) The Secretary of State shall require that all children of secondary school age receive education designed to teach them about the realities of psychoactive substances (whether controlled or otherwise) and develop them as persons who are informed, risk-aware, resilient and responsible in relation to psychoactive substances.
- (2) Ofsted and equivalent agencies in Scotland, Wales and Northern Ireland shall, in the course of their normal inspections of secondary schools of all kinds, inspect the performance of individual schools in drug education and include their findings on this in the reports which they issue on those schools.
- (3) Ofsted and equivalent agencies in Scotland, Wales and Northern Ireland shall publish an annual report on the state of drug education in schools in each nation of the UK, together with recommendations.
- (4) The Secretary of State shall monitor the programmes and resources available to schools to support their teaching about psychoactive substances of all sorts (including both controlled and exempted substances).”

Clause 3

LORD PADDICK
BARONESS HAMWEE
BARONESS MEACHER

14 Page 2, line 8, at end insert –
“() add any substance;”

LORD NORTON OF LOUTH

15★ Page 2, line 9, leave out “or vary”

BARONESS MEACHER
LORD NORTON OF LOUTH

16 Page 2, line 10, at end insert –

- 2 “(2A) The Secretary of State must add a substance to Schedule 1 under subsection (2)(a) if it is deemed to pose low health, social and safety risks.
- (2B) A substance is deemed to pose low health, social and safety risks under subsection (2A) if it is so determined by an independent committee comprising experts nominated by the Royal College of Psychiatrists, the British Pharmacological Society and the Academy of Medical Sciences.”
- 7

Amendment
No.

Clause 3 – *continued*

LORD HOWARTH OF NEWPORT

[Amendments 17 and 18 are amendments to Amendment 16]

17 Line 2, leave out “a substance” and insert “certain substances”

18 Line 7, at end insert –

“(2C) These substances must included one stimulant, one depressant and one hallucinogenic.”

(2D) Before adding these substances, which may be substances at present controlled under the provisions of the Misuse of Drugs Act 1971, the Secretary of State must be satisfied that he has established a regime of appropriate regulation in relation to each of them.”

LORD PADDICK
BARONESS HAMWEE
BARONESS MEACHER

19 Page 2, line 10, at end insert –

“(2A) The Secretary of State must make regulations under subsection (2) to implement any recommendations of the Medicines and Healthcare Products Regulatory Agency to amend Schedule 1 in order to –

- (a) add any substance;
- (b) add or vary any description of any substance; or
- (c) remove any substance added under subsection (2).

(2B) The Secretary of State must make regulations under subsection (2) to provide for a substance to be included in Schedule 1 where –

- (a) the Medicines and Healthcare Products Regulatory Agency, or
- (b) the Advisory Council on the Misuse of Drugs,

determines that the substance poses a low overall risk.”

LORD PADDICK
BARONESS HAMWEE
LORD TUNNICLIFFE
LORD ROSSER

20 Page 2, line 12, leave out “such” and insert “the Advisory Council on the Misuse of Drugs and such other”

LORD PADDICK
BARONESS HAMWEE

21 Page 2, line 12, at end insert “and publish a report of the responses to the consultation”

22 Page 2, line 17, at end insert –

“() For the purposes of this section, “low overall risk” means that on balance the substance poses a low risk of having harmful effects sufficient to constitute a social problem.”

Amendment
No.

After Clause 3

LORD PADDICK
BARONESS HAMWEE
BARONESS MEACHER

23 Insert the following new Clause –

“Possession of controlled drugs

- (1) The Misuse of Drugs Act 1971 is amended as follows.
- (2) Omit section 5(1) and (2).
- (3) After section 5 insert –

“5A Measures in respect of possession of controlled drugs for personal use

- (1) Where a person is detained on suspicion of having committed an arrestable offence and is found to be in possession of a controlled drug falling within Schedule 2 (Class A drugs) in circumstances which do not constitute an offence under section 3 (restriction of importation and exportation of controlled drugs) or section 4 (restriction of production and supply of controlled drugs), a senior officer or a local authority may require the person to attend a drug treatment programme or drug awareness programme.
- (2) The Secretary of State shall by regulations define “drug treatment programme” and “drug awareness programme” for the purposes of this Act.
- (3) Regulations made under this section must be made by statutory instrument.
- (4) A statutory instrument under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, both Houses of Parliament.”

Schedule 1

LORD PADDICK
BARONESS HAMWEE

24 Page 34, line 5, at end insert “except to the extent necessary to give effect to section (*Possession of controlled drugs*)”

BARONESS MEACHER

25 Page 34, line 7, leave out paragraph 2 and insert –

“2 All medicinal products prescribed by a doctor or sold by a licensed pharmacist.”

26 Page 34, line 13, leave out paragraph 3 and insert –

“3 All research pharmaceuticals being used to develop new medicines or progress neuroscience research.”

**Amendment
No.**

Schedule 1 – continued

27 Page 34, line 16, at end insert –

“ Low non-psychoactive doses of psychoactive substances.”

LORD PADDICK
BARONESS HAMWEE

28 Page 34, line 22, at end insert –

“Substances subject to research and development

- (1) Any product which is in the process of being developed and the development of which is for medicinal or therapeutic purposes or non-recreational purposes.
- (2) “Non-recreational purposes” may include –
 - (a) reducing social harm,
 - (b) reducing long-term risks associated with another substance,
 - (c) a purpose which would not require the substance to be consumed, or
 - (d) any other purpose designated by the Secretary of State in regulations made by statutory instrument.
- (3) A statutory instrument containing regulations under sub-paragraph (2)(d) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD NORTON OF LOUTH

29★ Page 34, leave out lines 25 to 29

LORD PADDICK
BARONESS HAMWEE

30 Page 34, line 29, after “any” insert “other”

31 Page 35, line 7, after “any” insert “other”

32 Page 35, line 12, after “any” insert “other”

33 Page 35, line 20, after “substance” insert “other than a substance or product exempted under any other paragraph of this Schedule”

34 Page 35, line 22, at end insert “or other applicable”

Clause 4

LORD PADDICK
BARONESS HAMWEE

35 Page 2, line 22, leave out “suspects” and insert “thinks”

Amendment
No.

Clause 5

LORD PADDICK
BARONESS HAMWEE

- 36 Page 2, line 36, leave out “suspects” and insert “thinks”
37 Page 2, line 36, leave out “suspect” and insert “think”
38 Page 3, line 6, leave out subsection (3)

After Clause 5

LORD HOWARTH OF NEWPORT
BARONESS MEACHER

- 39 Insert the following new Clause –

“Possession for personal use

Possession for personal use of any psychoactive substances, including psychoactive substances hitherto controlled under the provisions of the Misuse of Drugs Act 1971, is not a criminal offence.”

Clause 6

LORD TUNNICLIFFE
LORD ROSSER

- 40 Page 3, line 16, leave out “or B” and insert “, B or C”

LORD KIRKWOOD OF KIRKHOPE
THE LORD BISHOP OF BRISTOL

- 41★ Page 3, line 16, leave out “or B” and insert “B, C or D”
42★ Page 3, line 28, at end insert –

- “() Condition C is that the offence was committed on or in the vicinity of any premises intended to locate any vulnerable child.
() 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 independent or semi-independent accommodation under Part 7 of the Housing Act 1996.
() Condition D is that the offender supplies a psychoactive substance to any persons under the age of 18.”

LORD BATES

- 43 Page 3, line 32, leave out “psychoactive”

Amendment
No.

Clause 6 – *continued*

LORD TUNNICLIFFE
LORD ROSSER

- 44 Page 3, line 38, at end insert –
“() Condition C is that the offence was committed on prison premises.”

Clause 8

LORD PADDICK
BARONESS HAMWEE

- 45 Page 4, line 17, at end insert “other than for the person’s own consumption”

BARONESS MEACHER

- 46★ Page 4, line 22, leave out sub-paragraph (i)

Clause 10

LORD PADDICK
BARONESS HAMWEE

- 47 Page 5, line 31, leave out “such” and insert “the Advisory Council on the Misuse of Drugs and such other”
48 Page 5, line 31, at end insert “and publish a report of the responses to the consultation”

LORD TUNNICLIFFE
LORD ROSSER

- 49 Page 5, line 35, at end insert –
“() Regulations providing for specified medical research activity to be excluded from the application of the offences under this Act shall be laid before each House of Parliament within one week of sections 4 to 10 coming into force.”

After Clause 10

LORD PADDICK
BARONESS HAMWEE

- 50 Insert the following new Clause –
“Control of cannabis
(1) Within six months of the passing of this Act, the Secretary of State shall make regulations to amend the Misuse of Drugs Regulations 2001 –
(a) to omit from Schedule 1 to the regulations the substances listed in subsection (2); and
(b) to add those substances to Schedule 2 to the regulations.

Amendment
No.

After Clause 10 – continued

- (2) The substances referred to in subsection (1) are –
- (a) cannabis; and
 - (b) cannabis resin.”

Before Clause 11

LORD PADDICK
BARONESS HAMWEE
BARONESS MEACHER

51 Insert the following new Clause –

“Licences for sale of psychoactive substances

- (1) The Secretary of State shall within one year after the passing of this Act make regulations for the licensing of –
 - (a) specified persons;
 - (b) specified premises;
 to sell psychoactive substances determined to pose low overall risk and exempted under Schedule 1 by regulations made under section 3.
- (2) Before making any regulations under this section, the Secretary of State must consult –
 - (a) representatives of chief officers of police, local authorities and small businesses, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (3) Regulations under this section may –
 - (a) make different provision for different purposes, and
 - (b) contain incidental, supplemental, consequential or transitional provision or savings.
- (4) The power to make regulations under this section is exercisable by statutory instrument.
- (5) 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.
- (6) In this section “specified” means specified in regulations.”

Clause 11

LORD PADDICK
BARONESS HAMWEE

52 Page 6, line 8, at end insert “other than for his own consumption”

53 Page 6, line 10, leave out paragraph (f)

54 Page 6, line 11, at end insert –

- “() For the purposes of this section, the provision of advice or information as to the reduction of harm shall not be a prohibited activity within paragraph (f)”

**Amendment
No.**

Clause 12

LORD PADDICK
BARONESS HAMWEE

- 55 Page 6, line 23, at end insert—
“() In the case of reasonable belief under subsection (3) that the person is likely to carry on the activity, the prohibition notice must set out the reasons for that belief.”

LORD BATES

- 56 Page 6, line 35, leave out “police officer (or, in Scotland, a constable)” and insert “constable”

Clause 13

BARONESS MEACHER

- 57★ Page 6, line 41, leave out “and B” and insert “, B and C”

LORD PADDICK
BARONESS HAMWEE

- 58 Page 7, line 10, at end insert—
“() In the case of reasonable belief under subsection (3) that the person is likely to carry on the activity, the premises notice must set out the reasons for that belief.”

LORD BATES

- 59 Page 7, line 12, leave out “prohibition” and insert “premises”

BARONESS MEACHER

- 60★ Page 7, line 14, at end insert—
“() Condition C is that the person to whom the notice is given is informed that failure to comply with the notice may result in court proceedings.”

Clause 14

LORD BATES

- 61 Page 7, line 31, at end insert “acting on behalf of the same person as that officer”

Clause 15

LORD BATES

- 62 Page 7, line 41, at end insert “, or
() subject to subsection (8), sending it to the person by electronic means.”

**Amendment
No.**

Clause 15 – continued

63 Page 8, line 9, after second “the” insert “address of the”

64 Page 8, line 20, at end insert –

- “(8) A notice may be sent to a person by electronic means only if –
- (a) the person has indicated that notices of the same description as a notice under section 12, 13 or 14 (as the case may be) may be given to the person by being sent to an electronic address and in an electronic form specified for that purpose, and
 - (b) the notice is sent to that address in that form.
- (9) In subsection (8) “electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means.”

Clause 17

LORD PADDICK
BARONESS HAMWEE

65 Page 8, line 35, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

LORD BATES

66 Page 9, line 19, at end insert “an individual who is”

67 Page 9, line 24, at end insert “an individual who is”

Clause 19

LORD PADDICK
BARONESS HAMWEE

68 Page 10, line 18, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

Clause 20

LORD BATES

69 Page 11, line 18, leave out “police officer” and insert “constable”

70 Page 11, line 20, leave out “police officer” and insert “constable”

**Amendment
No.**

Clause 21

LORD BATES

- 71 Page 11, line 32, leave out from beginning to “the” in line 33 and insert “A court making a prohibition order or a premises order, or a court varying such an order under or by virtue of any of sections 24 to 27, may by the order impose any prohibitions, restrictions or requirements that”
- 72 Page 12, line 2, at end insert—
- “() An item that is handed over in compliance with a requirement imposed by virtue of subsection (4) may not be disposed of—
- (a) before the end of the period within which an appeal may be made against the imposition of the requirement (ignoring any power to appeal out of time), or
 - (b) if such an appeal is made, before it is determined or otherwise dealt with.”
- 73 Page 12, line 19, at end insert—
- “() Subsection (6) of section 13 (when a person “owns” premises) applies for the purposes of subsection (5) of this section as it applies for the purposes of that section.”

Clause 22

LORD BATES

- 74 Page 12, line 46, at end insert “, a designated NCA officer, a general customs official or a person authorised by a person listed in subsection (2A).
- (2A) Those persons are—
- (a) the chief officer of police for a police area, in the case of an order made in England and Wales;
 - (b) the chief constable of the Police Service of Scotland, in the case of an order made in Scotland;
 - (c) the chief constable of the Police Service of Northern Ireland, in the case of an order made in Northern Ireland;
 - (d) the chief constable of the British Transport Police Force, in the case of an order made in England and Wales or Scotland;
 - (e) the Director General of the National Crime Agency;
 - (f) the Secretary of State by whom general customs functions are exercisable.”

Amendment
No.

After Clause 22

LORD BATES

75 Insert the following new Clause –

“Access prohibitions: reimbursement of costs

- (1) A person listed in subsection (2) that incurs expenditure for the purpose of clearing, securing or maintaining premises in respect of which an access prohibition is in effect (see section 21(5)) may apply to the court for an order under this section.
- (2) Those persons are –
 - (a) a local policing body;
 - (b) the Scottish Police Authority;
 - (c) the chief constable of the Police Service of Northern Ireland;
 - (d) the British Transport Police Authority;
 - (e) the Director General of the National Crime Agency;
 - (f) the Secretary of State by whom general customs functions are exercisable;
 - (g) a local authority.
- (3) On an application under this section the court may make whatever order it considers appropriate for the reimbursement (in full or in part) by the person against whom the order imposing the access prohibition was made of the expenditure mentioned in subsection (1).
- (4) An application for an order under this section may not be heard unless it is made before the end of the period of 3 months starting with the day on which the access prohibition ceases to have effect.
- (5) An application under this section must be served on the person against whom the order imposing the access prohibition was made.
- (6) In this section “the court” means –
 - (a) the court that made the prohibition order or the premises order imposing the access prohibition, except where paragraph (b) or (c) applies;
 - (b) where the court that made the order was the Court of Appeal, the Crown Court;
 - (c) where the court that made the order was a youth court but the person against whom the order was made is aged 18 or over at the time of the application, a magistrates’ court or, in Northern Ireland, a court of summary jurisdiction.”

76 Insert the following new Clause –

“Access prohibitions: exemption from liability

- (1) Neither an authorised person, nor the person under whose direction or control the authorised person acts, is to be liable in damages for anything done, or omitted to be done, by the authorised person in the exercise or purported exercise of a power under section 22.
- (2) Subsection (1) does not apply to an act or omission shown to have been in bad faith.

Amendment
No.

After Clause 22 – *continued*

- (3) Subsection (1) does not apply so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.
- (4) This section does not affect any other exemption from liability (whether at common law or otherwise).
- (5) In this section “authorised person” has the same meaning as in section 22.”

After Clause 23

LORD BATES

77 Insert the following new Clause –

“Offence of failing to comply with an access prohibition, etc

- (1) This section applies where a prohibition order or a premises order imposes an access prohibition (see section 21(5)).
- (2) A person, other than the person against whom the order was made, who without reasonable excuse remains on or enters premises in contravention of the access prohibition commits an offence.
- (3) A person who without reasonable excuse obstructs a person acting under section 22(1) commits an offence.
- (4) A person guilty of an offence under subsection (2) or (3) is liable –
 - (a) on summary conviction in England and Wales, to either or both of the following –
 - (i) imprisonment for a term not exceeding 51 weeks (or 6 months, if the offence was committed before the commencement of section 281(5) of the Criminal Justice Act 2003);
 - (ii) a fine;
 - (b) on summary conviction in Scotland, to either or both of the following –
 - (i) imprisonment for a term not exceeding 12 months;
 - (ii) a fine not exceeding level 5 on the standard scale;
 - (c) on summary conviction in Northern Ireland, to either or both of the following –
 - (i) imprisonment for a term not exceeding 6 months;
 - (ii) a fine not exceeding level 5 on the standard scale.”

Clause 24

LORD BATES

78 Page 14, line 28, at end insert –

- () An order that has been varied under this section remains an order of the court that first made it for the purposes of –
 - (a) section (*Access prohibitions: reimbursement of costs*);
 - (b) any further application under this section.”

Amendment
No.

Clause 25

LORD BATES

- 79 Page 14, line 40, leave out “section” and insert “sections (*Access prohibitions: reimbursement of costs*) and”

Clause 26

LORD BATES

- 80 Page 15, line 15, at end insert—
“() An appeal under subsection (1) against the making of an order must be made before the end of the period of 28 days starting with the date of the order.”
- 81 Page 15, line 17, at end insert “, and may also make such incidental or consequential orders as appear to it to be just.”
- 82 Page 15, line 19, leave out “section” and insert “sections (*Access prohibitions: reimbursement of costs*) and”

Clause 27

LORD BATES

- 83 Page 16, line 16, at end insert—
“() An appeal under subsection (1) against the making of a decision must be made before the end of the period of 28 days starting with the date of the decision.”
- 84 Page 16, line 17, leave out “Crown Court may” and insert “court hearing the appeal may (to the extent it would not otherwise have power to do so)”
- 85 Page 16, line 19, at end insert—
“() A prohibition order or a premises order that has been varied by virtue of subsection (4) remains an order of the court that first made it for the purposes of sections (*Access prohibitions: reimbursement of costs*) and 24.”

Clause 28

LORD BATES

- 86 Page 17, line 11, after “18” insert “, (*Access prohibitions: reimbursement of costs*)”

Amendment
No.

Clause 31

LORD BATES

- 87 Page 18, line 31, at end insert –
 “() an individual against whom a prohibition order imposing an access prohibition has been made reaches the age of 18 whilst proceedings before a youth court under section (*Access prohibitions: reimbursement of costs*) are ongoing.”

Clause 35

LORD BATES

- 88 Page 20, line 33, after “a” insert “relevant enforcement officer or a”

After Clause 35

LORD HOWARTH OF NEWPORT

- 89 Insert the following new Clause –
“Report on use of stop and search powers
 (1) The Secretary of State shall make a report to Parliament each year on the use of powers to stop and search persons and vehicles and of other search warrants under the powers created in this Act.
 (2) The report shall include statistical and other information which it appears appropriate to the Secretary of State to include as to the numbers of individuals stopped and searched under these powers, their ethnicity and other socio-economic characteristics, the grounds upon which these powers have been used, and the numbers of people subsequently made subject to the various enforcement measures provided for in this Act.”

Schedule 2

LORD BATES

- 90 Page 35, line 36, at end insert –
 “() In the case of an application made by a procurator fiscal, any requirement imposed on a person applying for a search warrant by this paragraph or paragraph 2 may be met by a relevant enforcement officer.”
- 91 Page 36, leave out lines 20 and 21
- 92 Page 36, line 27, at end insert –
 “() In this paragraph “specific-premises warrant” and “all-premises warrant” have the meaning given by section 35(3).”
- 93 Page 38, line 23, after “warrant” insert “issued in England and Wales or Northern Ireland”
- 94 Page 38, line 35, leave out paragraph (b)

**Amendment
No.**

Clause 47

LORD BATES

- 95** Page 26, line 35, leave out from beginning to first “the” in line 44 and insert –
- “(3) If the court is satisfied that –
- (a) the item is a psychoactive substance, and
 - (b) at the time of its seizure, the item was not being used for the purposes of, or in connection with, an exempted activity (see subsection (12)) carried on by a person entitled to the item,
- the court must order the forfeiture of the item.
- (4) If the item is not a psychoactive substance,”
- 96** Page 27, line 3, leave out “body” and insert “person”
- 97** Page 27, line 34, at end insert “an individual who is”
- 98** Page 27, line 39, at end insert “an individual who is”
- 99** Page 27, line 42, leave out subsection (12) and insert –
- “(12) For the purposes of this section –
- (a) an activity is an “exempted activity” in relation to a person if the carrying on of the activity by that person would not be an offence under this Act by virtue of regulations under section 10;
 - (b) the persons “entitled” to an item are –
 - (i) the person from whom it was seized;
 - (ii) (if different) any person to whom it belongs.”

Clause 49

LORD BATES

- 100** Page 29, line 16, after “is” insert “an individual who is”
- 101** Page 29, line 21, after “is” insert “an individual who is”

Clause 50

LORD BATES

- 102** Page 29, line 30, at end insert –
- “() In this section “the court” means –
- (a) the court by or before which the person is convicted of the offence,
or
 - (b) if the person is committed to the Crown Court to be dealt with for that offence, the Crown Court.”
- 103** Page 29, line 31, leave out “by which the person is convicted”

Amendment
No.

Before Clause 51

LORD TUNNICLIFFE
LORD ROSSER

104

Insert the following new Clause –

“Secretary of State’s duty to increase public awareness of new psychoactive substances

- (1) The Secretary of State must establish a scheme to promote public awareness of new psychoactive substances, including the dangers these substances may pose.
- (2) The duty referred to in subsection (1) includes, but is not limited to, the requirement to introduce measures to –
 - (a) increase public awareness of new psychoactive substances; and
 - (b) assist schools in educating pupils about the dangers associated with new psychoactive substances.
- (3) The Secretary of State must publish, and lay before each House of Parliament, a report on the actions undertaken in pursuance of this section, within six months of the passing of this Act and annually thereafter.
- (4) The report shall include, but not be limited to –
 - (a) measures that have been taken to increase public awareness, including the cost of such measures;
 - (b) measures that have been taken to assist schools in educating their pupils;
 - (c) a subsequent review of the effectiveness of the measures taken; and
 - (d) any further measures that the Secretary of State plans to undertake in the future.”

105

Insert the following new Clause –

“Annual reporting

- (1) The Secretary of State must publish an annual report on new psychoactive substances, subject to subsections (2) and (3).
- (2) The report must be published, and a copy laid before each House of Parliament, within six months of the passing of this Act and annually thereafter.
- (3) The report shall include –
 - (a) the number of prosecutions, convictions and sentences for offences under sections 4 to 8 of this Act;
 - (b) the operation of powers created under sections 12, 13 and 32 to 35;
 - (c) the number of new psychoactive substances identified in the UK;
 - (d) the number of hospital admissions linked to new psychoactive substances which were –
 - (i) poisonings;
 - (ii) mental health related; and
 - (iii) other;
 - (e) the number of new psychoactive substances controlled under the Misuse of Drugs Act 1971; and

Amendment
No.

Before Clause 51 – continued

- (f) the number of exemptions for psychoactive substances granted under section 3.”

Schedule 4

LORD BATES

106 Page 45, line 36, at end insert –

“Police (Northern Ireland) Act 2003

- 2A In Schedule 2A to the Police (Northern Ireland) Act 2003 (powers and duties of community support officer), after paragraph 9 insert –

“Powers to seize and retain: psychoactive substances

9A (1) If a CSO –

- (a) finds a psychoactive substance in a person’s possession (whether or not the CSO finds it in the course of searching the person by virtue of any other paragraph of this Schedule), and

- (b) reasonably believes that it is unlawful for the person to be in possession of it,

the CSO may seize it and retain it.

(2) If a CSO –

- (a) finds a psychoactive substance in a person’s possession (as mentioned in sub-paragraph (1)), or

- (b) reasonably believes that a person is in possession of a psychoactive substance,

and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require the person to give the CSO his name and address.

(3) If in exercise of the power conferred by sub-paragraph (1) the CSO seizes and retains a psychoactive substance, the CSO must –

- (a) if the person from whom it was seized maintains that he was lawfully in possession of it –

- (i) tell the person where inquiries about its recovery may be made, and

- (ii) explain the effect of sections 45 to 47 and 49 of the Psychoactive Substances Act 2015 (retention and disposal of items), and

- (b) comply with a constable’s instructions about what to do with it.

(4) Any substance seized in exercise of the power conferred by sub-paragraph (1) is to be treated for the purposes of sections 45 to 49 of the Psychoactive Substances Act 2015 as if it had been seized by a police or customs officer under section 32 of that Act.

**Amendment
No.**

Schedule 4 – continued

Section 46 of that Act applies in relation to any such substance as if the reference in subsection (1)(b) to the police or customs officer who seized it were a reference to the CSO who seized it.

- (5) A person who fails to comply with a requirement under sub-paragraph (2) is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) Paragraph 4 applies in the case of a requirement imposed by virtue of sub-paragraph (2) as it applies in the case of a requirement under paragraph 2(1).
- (7) In this paragraph “police or customs officer” and “psychoactive substance” have the same meaning as in the Psychoactive Substances Act 2015.”

107 Page 47, line 11, leave out from beginning to “or” in line 12

LORD KIRKWOOD OF KIRKHOPE
THE LORD BISHOP OF BRISTOL

108★ Page 48, line 23, 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 or in the vicinity of any premises intended to locate any person aged under 18 who is accommodated under section 17, 20, 25 or 31 of the Children Act 1989 or Part 7 of the Housing Act 2004.
- (4B) The fourth condition is that the offender supplies a controlled drug to any person under the age of 18.””

Clause 57

BARONESS MEACHER
LORD NORTON OF LOUTH

109 Page 33, line 7, leave out subsection (1) and insert –

“(1) This section comes into force on the day on which this Act is passed.”

LORD PADDICK
BARONESS HAMWEE

110 Page 33, line 9, after “sections” insert “(*Control of cannabis*),”

111 Page 33, line 9, leave out “53, 55” and insert “(*Review of the Misuse of Drugs Act 1971*), 53”

Amendment
No.

Clause 57 – continued

112 Page 33, line 10, leave out paragraph (b)

LORD HOWARTH OF NEWPORT

113 Page 33, line 12, at end insert “but not before both Houses of Parliament have debated the conclusions of the United Nations General Assembly Special Session on Drugs in 2016”

BARONESS MEACHER
LORD NORTON OF LOUTH

114 Page 33, line 12, at end insert –

“() The Secretary of State may not make regulations under subsection (2) until she has published a report under section (*Republic of Ireland: impact assessment*).”

LORD PADDICK
BARONESS HAMWEE

115 Page 33, line 13, at end insert –

“() not be made within six months after the Secretary of State has laid a copy of the report of the review under section (*Review of the Misuse of Drugs Act 1971*)(2)”

Psychoactive Substances Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

19th June 2015

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