MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 8th July 2015, as follows—

<table>
<thead>
<tr>
<th>Amendment No.</th>
<th>Clause 1</th>
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<tbody>
<tr>
<td></td>
<td>Page 1, line 3, after “about” insert “synthetic”</td>
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</tbody>
</table>

BARONESS MEACHER  
LORD HOWARTH OF NEWPORT  
LORD NORTON OF LOUTH  
LORD REES OF LUDLOW

2 Page 1, line 4, leave out “what is meant by a “psychoactive substance”” and insert ““psychoactive substance” as being any drug which is, or appears to the Advisory Council on the Misuse of Drugs to be, misused and of which the misuse is having, or appears to the Advisory Council on the Misuse of Drugs to be capable of having, harmful effects sufficient to constitute a social problem”

BARONESS MEACHER  
LORD HOWARTH OF NEWPORT  
LORD NORTON OF LOUTH  
LORD REES OF LUDLOW
Amendment
No.

Clause 2

BARONESS MEACHER
LORD HOWARTH OF NEWPORT
BARONESS HAMWEE
LORD REES OF LUDLOW

3 Page 1, line 14, after “any” insert “synthetic”

LORD PADDICK
BARONESS HAMWEE

4 Page 1, line 14, after “any” insert “novel”

5★ Page 1, line 15, leave out paragraph (a) and insert—
“(a) in the opinion of the Advisory Council on the Misuse of Drugs is capable of producing a psychoactive effect in a person who consumes it, and
(aa) is, or appears to the Advisory Council on the Misuse of Drugs likely to be, misused and of which the misuse is having, or appears to them capable of having, harmful effects sufficient to constitute a social problem, and”

BARONESS MEACHER
LORD HOWARTH OF NEWPORT
LORD NORTON OF LOUTH
LORD REES OF LUDLOW

6 Page 1, line 15, leave out from “is” to “, and” in line 16 and insert “a drug which is, or appears to the Advisory Council on the Misuse of Drugs to be, misused and of which the misuse is having, or appears to the Advisory Council on the Misuse of Drugs to be capable of having, harmful effects sufficient to constitute a social problem”

BARONESS MEACHER
LORD HOWARTH OF NEWPORT

7 Page 2, line 1, leave out subsection (2)

After Clause 2

LORD PADDICK
BARONESS HAMWEE

8 Insert the following new Clause—

“Referral to Advisory Council on the Misuse of Drugs

(1) The Ministers shall refer to the Advisory Council on the Misuse of Drugs (ACMD) any substance which is, or may be, a psychoactive substance.

(2) The ACMD shall advise the Ministers whether the substance is, or appears to the ACMD likely to be, misused and of which the misuse is having, or appears to the ACMD to be capable of having, harmful effects sufficient to constitute a social problem.”
Amendment
No.

9

Page 2, line 12, at end insert—

“( ) The Advisory Council on the Misuse of Drugs shall propose to the Secretary of State the amendment of Schedule 1 for the purposes of subsection (2)(a) if they consider that a substance does not have, or is not capable of having, harmful effects sufficient to constitute a social problem.”

BARONESS MEACHER
LORD HOWARTH OF NEWPORT

10

Page 2, line 14, leave out “such” and insert “—

(a) the Advisory Council on the Misuse of Drugs, and
(b) such other”

Schedule 1

BARONESS MEACHER
LORD HOWARTH OF NEWPORT

11

Page 37, line 7, leave out paragraph 2 and insert—

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

12

Page 37, line 13, leave out paragraph 3 and insert—

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

Clause 5

LORD HOWARTH OF NEWPORT
BARONESS MEACHER

13
Page 2, line 36, at end insert “for the purpose of financial gain”

14
Page 3, line 5, at end insert “for the purpose of financial gain”

LORD LUCAS

15
Page 3, line 7, leave out “is reckless as to” and insert “should know”
Amendment No.

Clause 5 — continued

LORD PADDICK
BARONESS HAMWEE

16 Page 3, line 9, at end insert—

“( ) It shall be a defence that the person did not supply the substance for gain (whether direct or indirect).”

Clause 6

LORD ROSSER
LORD TUNNICLIFFE
LORD PADDICK

17 Page 3, line 20, leave out “or B” and insert “, B or C”

LORD KIRKWOOD OF KIRKHOPE
THE LORD BISHOP OF BRISTOL

18★ Page 3, line 20, leave out “or B” and insert “, B, C or D”

LORD ROSSER
LORD TUNNICLIFFE
LORD PADDICK

19 Page 3, line 42, at end insert—

“( ) Condition C is that the offence was committed on prison premises.”

LORD KIRKWOOD OF KIRKHOPE
THE LORD BISHOP OF BRISTOL

20★ Page 3, line 42, at end insert—

“(7A) Condition C is that the offence was committed on or in the vicinity of any premises intended to locate any vulnerable child.

(7B) 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 accommodation under Part 7 of the Housing Act 1996.

(7C) The Secretary of State may by order made by statutory instrument specify the circumstances in which either or both of paragraph (a) and (b) of subsection (7B) apply.

(7D) Condition D is that the offender supplies a psychoactive substance to any person under the age of 18.”
Amendment No. 21

Clause 8

LORD PADDICK  
BARONESS HAMWEE  
LORD HOWARTH OF NEWPORT

Page 5, line 2, at end insert—

“( ) It shall be a defence that the person imported the substance for his own consumption.”

Clause 10

LORD BATES  
LORD PADDICK  
BARONESS HAMWEE

Amendment No. 22

Page 5, line 33, leave out “such” and insert “—

(a) the Advisory Council on the Misuse of Drugs, and
(b) such other”

LORD ROSSER  
LORD TUNNICLIFFE

Amendment No. 23

Page 5, line 37, at end insert—

“( ) Regulations under this section providing for 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 effect.”

LORD PADDICK  
BARONESS HAMWEE  
BARONESS MEACHER

Amendment No. 24

Page 5, line 37, at end insert—

“( ) The Secretary of State shall within six months of the day on which this Act is passed lay before Parliament regulations under this section with regard to medical or scientific research.”
After Clause 10

LORD PADDICK
BARONESS HAMWEE
LORD HOWARTH OF NEWPORT

Insert the following new 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—

(a) to delete from Schedule 1 to the Misuse of Drugs Regulations 2001 the substances listed in subsection (2), and

(b) to 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.”

Clause 11

LORD BATES

Page 6, line 10, leave out “an” and insert “a prohibited”

Page 6, line 12, after “in” insert “any of paragraphs (a) to (e) of”

Clause 15

LORD BATES

Page 7, line 37, at end insert—

“( ) A notice takes effect when it is given.”

Page 8, line 27, at end insert—

“( ) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given at 9 am on the working day immediately following the day on which it was sent.”

Page 8, line 28, leave out “subsection (8)” and insert “this section—”

Page 8, line 30, at end insert—

““working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”
Amendment No. Clause 27

LORD BATES

32 Page 16, line 11, at end insert “or the chief constable of the British Transport Police Force”

33 Page 16, line 12, leave out from “Scotland,” to end of line 13 and insert “the Lord Advocate or a procurator fiscal;”

34 Page 16, line 16, leave out paragraph (d)

35 Page 16, line 18, at beginning insert “in the case of an order made in England and Wales or Northern Ireland,”

36 Page 16, line 19, at beginning insert “in the case of an order made in England and Wales or Northern Ireland,”

Clause 29

LORD BATES

37 Page 18, line 2, leave out from “18” to “may” in line 3

38 Page 18, line 5, at end insert “(to the extent it would not otherwise be so appealable).”

39 Page 18, leave out lines 6 and 7

Clause 30

LORD BATES

40 Page 18, line 18, column 2, at beginning insert “High Court of Justiciary sitting as the Court of Criminal Appeal, in a case where the relevant order was made under section 18 and the person against whom it was made had been convicted in proceedings on indictment”

41 Page 18, line 18, column 2, at end insert “, in any other case”

42 Page 18, line 30, leave out “subsection (2)” and insert “subsections (1) and (2)”

43 Page 19, line 6, leave out from “28” to “as” in line 7

44 Page 19, line 8, at end insert “(to the extent it would not otherwise be so appealable).”

45 Page 19, leave out lines 9 and 10

Clause 49

LORD BATES

46 Page 28, line 34, leave out “is a psychoactive substance but” and insert “—

(i) is a psychoactive substance which, if it had not been seized, was likely to be consumed by an individual for its psychoactive effects, but

(ii) ”
Amendment No.  

Clause 50

LORD BATES

47 Page 29, line 21, after “substance” insert “which, if it had not been seized, was likely to be consumed by an individual for its psychoactive effects”

48 Page 30, line 3, after “that” insert “—

(i) if the item had not been seized, it was not likely to be consumed by any individual for its psychoactive effects, or

(ii) ”

Clause 51

LORD BATES

49 Page 31, line 2, leave out “30” and insert “28”

Before Clause 54

LORD BATES

50 Insert the following new Clause—

“Application of Customs and Excise Management Act 1979

(1) Section 164 of the Customs and Excise Management Act 1979 (power to search persons) applies in relation to a psychoactive substance as it applies in relation to an article with respect to the importation or exportation of which any prohibition or restriction is for the time being in force under or by virtue of any enactment.

(2) A psychoactive substance is liable to forfeiture under the Customs and Excise Management Act 1979 if—

(a) the psychoactive substance—

(i) is imported or exported, or

(ii) is entered for exportation or brought to any place in the United Kingdom for exportation,

(b) the psychoactive substance is likely to be consumed by any individual for its psychoactive effects, and

(c) the importation or (as the case may be) exportation of the psychoactive substance is not an exempted activity.

(3) For the purposes of subsection (2) the importation or exportation of a psychoactive substance is an “exempted activity” if it would not be an offence under this Act by virtue of regulations under section 10.

(4) Section 5 of the Customs and Excise Management Act 1979 (time of importation, exportation, etc) applies for the purposes of subsection (2) as it applies for the purposes of that Act.”
Before Clause 54—continued

LORD ROSSER
LORD TUNNICLIFFE
LORD PADDICK
BARONESS HAMWEE

51★ 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 sections 4 and 5 of this Act coming into effect, and annually thereafter.

(4) The report shall include, but need 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.”

LORD ROSSER
LORD TUNNICLIFFE

52 Insert the following new Clause—

“Annual reporting

(1) The Secretary of State must publish an annual report on new psychoactive substances.

(2) The report under subsection (1) 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 under subsection (1) shall include—
   (a) the number of prosecutions, and convictions for 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 of this Act;
   (c) the number of new psychoactive substances identified in the UK;
Before Clause 54—continued

(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

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

LORD HOWARTH OF NEWPORT
BARONESS MEACHER

53

Insert the following new Clause—

“Education

(1) The Secretary of State shall require that all secondary schools report annually on their drug education programmes.

(2) Ofsted, and school inspection agencies in Scotland, Wales and Northern Ireland, shall, when reporting on the performance of secondary schools, include an assessment of the extent and quality of drug education provided by the school.

(3) The Secretary of State shall request that each further and higher education institution publish annually a report on its programme to reduce harms caused by the use of drugs by its students.”

LORD HOWARTH OF NEWPORT

54

Insert the following new Clause—

“Annual report

(1) The Secretary of State must, each year, lay before Parliament a report assessing the impact of this Act and the progress of the Government’s overall strategy on drugs, including reducing demand, restricting supply and building recovery.

(2) For the purposes of this report “drugs” shall cover new psychoactive substances as defined in this Act, drugs controlled under the provisions of the Misuse of Drugs Act 1971, prescription drugs which are subject to abuse and harmful substances exempted under Schedule 1 to this Act.”

(3) Each report shall cover in particular—
   (a) scale and patterns of drug usage in the United Kingdom, including information by region, age group and socio-economic profile;
   (b) identification of new psychoactive substances obtainable in the UK, their chemical composition, purity and toxicity;
   (c) sources of supply to consumers in the UK and any significant changes thereto;
   (d) the developing situation in regard to drugs in prisons and among individuals released from prison;
Before Clause 54 — continued

(e) the relationship between the operation of the regime created by this Act, the regime created by the Misuse of Drugs Act 1971 and the regimes concerning harmful substances exempted under Schedule 1 to this Act;

(f) advice sought by the Government from the Advisory Council on the Misuse of Drugs (ACMD), advice offered by the ACMD, advice accepted and advice rejected, together with reasons for the Government’s rejection of any such advice;

(g) how the Government, in the pursuit of its drugs strategy, works with other agencies and partners, including United Nations agencies, non-governmental organisations and the voluntary sector, academia, industry and the retail sector;

(h) enforcement, including interceptions of drugs, the use of intelligence, activities of the National Crime Agency, Her Majesty’s Revenue and Customs, the Financial Conduct Authority, the police, and trading standards officers, prohibition and premises notices and orders, stop and search arrests, and prosecutions and their outcomes;

(i) the extent, quality and use of drugs forensic testing facilities across the UK;

(j) the availability and quality of information, education and training in relation to drugs and the Government’s objectives in relation to these;

(k) assessment of the impact of drugs on the health of the nation and of the availability and effectiveness of drug treatment programmes;

(l) engagement strategies with different groups of drug users;

(m) drug-related money laundering;

(n) links between drugs and terrorism;

(o) international liaison regarding drugs policies and coordination by the Government;

(p) cost-benefit analysis of the Government’s drugs strategy;

(q) further actions intended by the Government in relation to drugs policies; and

(r) any other matter which it appears appropriate to the Secretary of State to cover in the report.”

After Clause 55

LORD BATES

Insert the following new Clause—

“Review

(1) Before the end of the period mentioned in subsection (2), the Secretary of State must—

(a) review the operation of this Act,

(b) prepare a report of the review, and

(c) lay a copy of the report before Parliament.

(2) The period referred to in subsection (1) is the period of 30 months beginning with the day on which sections 4 to 8 come into force.”
Clause 56

BARONESS MEACHER

56  Page 34, line 37, at end insert “other than preparing it (for human consumption) by the person who intends to consume it”

Schedule 4

LORD KIRKWOOD OF KIRKHOPE
THE LORD BISHOP OF BRISTOL

57  Page 47, 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 drugs), 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 vulnerable child.

(4B) 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 accommodation 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 either or both of paragraph (a) and (b) of subsection (7) apply.

(4D) The fourth condition is that the offender supplies a controlled drug to any person under the age of 18.”"
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

10th July 2015