



**15- DRUGS AND THE LAW**

<b>Outcome</b>	<ul style="list-style-type: none"> <li>To state the law relating to purchasing and consuming drugs, alcohol, tobacco and other substances</li> </ul>
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<b>Preparation:</b>	<ul style="list-style-type: none"> <li>Photocopy 'control of drugs' worksheet for every pair.</li> <li>Photocopy the 'drugs and the law' handout for every participant.</li> </ul> <p>Note for trainer: Ensure that you have up to date information from reputable sources, as drug laws can change fairly frequently. Suggested sources of information: Police, FRANK, Release, Drugscope.</p>
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<b>Can be used with</b>	√ Parents	√ Staff	√ Young people
<b>Total Time</b>	35 mins		

METHOD	TIME	TOOLS
1. Explain the purpose of the exercise is to improve knowledge of the Law relating to the purchase and consumption of substances..	1 min	
2. Split the group into pairs and give each pair a copy of the worksheet. Explain that there will be a handout to take away.	2 mins	Worksheets
3. Ask each pair to discuss each drug (listed at the top of the sheet) and decide which class of drug they think it is and then to write it in the relevant column on the worksheet.	15 mins	
4. Ask the whole group for their answers. Points can be scored for correct answers - each group and give them the correct answer.	15 mins	
5. Summarise the key learning points and give each participant a copy of the handout.	2 mins	Handout the Drugs and Law sheet

*Information is given in good faith in terms of its accuracy. It is not an exhaustive list of controlled drugs. Always obtain up to date legal information / advice if required. The law can change and case law can alter interpretation of the laws and controls surrounding substances.*



HERTFORDSHIRE DRUG EDUCATION FORUM



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## Drugs and the Law Handout

### The Misuse of Drugs Act

The Misuse of Drugs Act legislation places restrictions on ‘controlled drugs.’ These are drugs government consider harmful and therefore subject to control under the act. The act categories controlled rugs under classes A, B, and C according to perceived harms to the individual or wider society.

Main drug offences include possession of drugs, and the supply of drugs. Law is complicated and for further details on supply and possession go to [www.release.org.uk](http://www.release.org.uk).

Class A	Class B	Class C
<b>MAXIMUM PENALTIES</b> Under the Misuse of Drugs Act Possession 7 years + fine Supplying Life + fine	<b>MAXIMUM PENALTIES</b> Under the Misuse of Drugs Act Possession 5 years + fine Supplying 14 years + fine	<b>MAXIMUM PENALTIES</b> Under the Misuse of Drugs Act Possession 2 years + fine Supplying 14 years + fine
Heroin, Methadone	Amphetamine Sulphate (Speed)	Other Amphetamines
Opium, Cocaine, Crack	Methylphenidate (Ritalin)	Tranquillisers, Rohypnol
L.S.D, ‘Magic’ Mushrooms	Barbiturates	Ketamine
Ecstasy, Methamphetamine	Mephedrone, NRG1	GHB (GammaHydroxyButyrate)
Any Class B Drug which is injected	Cannabis (Skunk/Resin / Herbal / Oil)	Anabolic Steroids

### **Medicines Act 1968**

This law governs the manufacture and supply of medicine. There are three categories:

- Prescription Only drugs can be sold by a pharmacist if prescribed by a doctor or other recognised prescriber.
- Pharmacy medicines may be sold by a pharmacist without prescription.
- General sales list medicines may be sold without a prescription in any shop. However, even here advertising, labelling and production restrictions apply.

Possession of Prescription Only medicines without a prescription is a serious offence. Drugs such as amyl nitrite, GHB and ketamine are regulated under the Medicines Act.

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### **Misuse of Drugs Act : Further Information**

**'Magic' Mushrooms.** The law changed on 18<sup>th</sup> July 2005. Any mushrooms or fungus containing psilocin are now Class A drugs. (Whether they are processed or unprocessed.)

**Benzodiazepines. (Diazepam, Chlordiazepoxide, etc)** Police can arrest an individual in possession of any benzodiazepine who cannot show a legitimate prescription for them. **Rohypnol.** Legal if obtained through private prescription in the UK. **Temazepam, Diazepam** are legal and available on prescription through the NHS. Otherwise, these 3 particular benzodiazepines are Class C illegal drugs.

**GHB.** Made illegal in July 2003.

**Ketamine.** Legal to prescribe, made illegal in January 2006 to possess outside of a veterinary or medical setting

**Cannabis.** Reclassified as a Class B drug January 2009.

**Mephedrone:** Classified as a Class B drug April 2010

**Anabolic Steroids.** Complicated legal situation. In most situations the possession offence is waived meaning that people who possess or use steroids without a prescription are unlikely to be prosecuted. However, in some areas of the UK police have successfully prosecuted people for possession of steroids when the steroids have not been in the form of a medicinal product. but is always illegal to supply

### **Section 5(4) of the Misuse of Drugs Act 1971 – defence to possession**

This section outlines that if a person knows or suspects a substance to be a controlled drug they can legally take possession of it. This applies only if it is for the purpose of preventing another person from committing an offence, or continuing to commit an offence in connection with that drug. They must then deliver the substance into the custody of a person who is legally entitled to take custody of it (such as a police officer), as soon as possible after initially taking possession. This enables a legal defence for a person to be in possession of a controlled substance in certain stipulated circumstances, to take it for legal disposal.

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### **Section 8**

The amendment to section 8 was made by the government in 2001. It is now a criminal offence for people to knowingly allow premises they own or manage to permit the use, supply, production or cultivation of controlled drugs (e.g. growing cannabis). This applies both to businesses and homeowners. The law requires that if staff become aware of the use or supply of controlled drugs on their premises, they must take reasonable action to prevent this from continuing. This relates to all illegal substances, including potential prosecution for allowing the smoking of cannabis or preparation and smoking of opium.

### **These drugs are not covered by the Misuse of Drugs Act.**

**Alcohol.** Licensing/driving laws apply. It is illegal to be drunk & disorderly in a public place. It is not an offence for an under 18 year old to drink away from licensed premises – but the Police may confiscate alcohol from them on the street. Licensees who knowingly sell to under 18's in a Public House can be fined – unless the young person is 16yrs+ and having a meal. In which case they may be bought beer, wine, cider and port by over 18s if they are eating.

**Solvents.** They are not illegal to use but a shopkeeper can be prosecuted if they knowingly sell solvents to under 18's that they know are going to sniff. They cannot sell butane gas lighter refills to under 18's.

**Tobacco.** From 1<sup>st</sup> October 2007 it became illegal to sell tobacco products to anyone under 18. There is a ban on smoking in enclosed public places (including schools).

**Poppers (Amyl Nitrite).** It is not illegal to sell or to use them, the law is however complex. Poppers can be sold as 'room odourisers' but not inhalants, as this would classify them as a medicine and require a pharmacy to dispense them. It is a civil offence selling poppers as inhalants and would be subject to prosecution by the Medicines Control Agency

**Khat.** The plant itself is not illegal, but the active ingredient Cathinone / Cathine is a Class C drug without prescription.

There are various controls on chemicals that can be used in the production of various drugs.



### Control of Drugs Worksheet

Here's a list of drugs which are covered by various laws and restrictions. Which header do they go under? Some can be under more than 1 – Use the table below:

Amphetamine Sulphate , Anabolic Steroids, Alcohol, Cannabis Resin, Cocaine, , Crack, Diazepam, DF118, Ecstasy, Glue, GHB, Heroin, Ketamine, Khat, Lighter Gas, LSD, 'Magic' Mushrooms, Methadone, Mephedrone, Methamphetamine, Paracetamol, Poppers, Ritalin, Rohypnol, Skunk, Temazepam,

Class A	Class B	Class C	Other Controls

**MAXIMUM PENALTIES**

(The most someone can be prosecuted)

**Possession** 7 Years + fine

**Trafficking** Life + fine

**MAXIMUM PENALTIES**

(The most someone can be prosecuted)

**Possession** 5 Years + fine

**Trafficking** 14 Years + fine

**MAXIMUM PENALTIES**

(The most someone can be prosecuted)

**Possession** 2 Years + fine

**Trafficking** 14 Years + fine

**Various Penalties**

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