

- Import or export of controlled drugs.
- Allowing premises you occupy or manage to be used for the consumption of certain controlled drugs (smoking of cannabis or opium but not use of other controlled drugs) or supply or production of any controlled drug.
- Certain controlled drugs such as amphetamines, barbiturates, methadone, minor tranquillisers and occasionally heroin can be obtained through a legitimate doctor's prescription. In such cases their possession is not illegal.

Exceptions

The law is even more complicated by the fact that some drugs are covered by other legislation, are not covered at all, or are treated in an exceptional way under the Misuse of Drugs Act.

Temporary Class Drug Orders

On 15th November 2011, The Misuse of Drugs Act 1971 was amended to allow the Home Secretary to place a new psychoactive substance not already controlled as a Class A, B or C drug but causing concerns, under temporary control by invoking a temporary class drug order.

Temporary class drug orders (TCDO) come into immediate effect and last for up to 12 months. This period allows the Advisory Council on the Misuse of Drugs (ACMD) time to provide expert advice on the temporary class drug and its potential harms. During or at the end of the 12 month period the TCDO is subject to Parliamentary review. The review considers the independent report given by the ACMD.

After 12 months the TCDO will expire unless it is brought under permanent control of the Misuse of Drugs Act 1971 or extended.

Offences committed under the 1971 Act in relation to a temporary class drug are subject to the following maximum penalties –

- 14 years' imprisonment and an unlimited fine on indictment
- and 6 months' imprisonment and a £5,000 fine on summary conviction.

Simple possession of a temporary class drug is not an offence under the 1971 Act.

Read more about TCDOs [here](#)

Alcohol is not illegal for an over 5 year old to consume away from licensed premises. It is an offence for a vendor to knowingly sell to an under 18 year old. A 14 year old can go into a pub alone but not consume alcohol. A 16 year old can buy and consume beer, port, cider or perry (but not spirits) in a pub if having a meal in an area set aside for this purpose. In some areas there are by laws restricting drinking of alcohol on the streets at any age. Police also have powers to confiscate alcohol from under 18s who drink in public places.

Poppers (liquid gold, amyl or butyl nitrite) are not covered by the MDA and are not illegal to possess or buy. They are often sold in joke and sex shops but also in some pubs, clubs, tobacconists and sometimes music or clothes shops used by young people. Though not fully tested in court, the Medicines Control Agency has stated that poppers

is regarded by them as a medicine and so falls under the Medicines Act 1968. This allows only licensed outlets, such as chemists, to sell the drug. Poppers are also not controlled under the Psychoactive Substances Act 2016.

Solvents (aerosols, gases, glues etc.) are not illegal to possess, use or buy at any age. In England and Wales it is an offence for a shopkeeper to sell them to an under 18 year old if they know they are to be used for intoxicating purposes. The Government has extended this legislation to make it illegal for shopkeepers to sell lighter fuel (butane) to under 18s whether or not they know it will be used for intoxicating purposes.

Anabolic Steroids are controlled under the Misuse of Drugs Act as class C drugs but their legal status is complicated. 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. It is always an offence to sell or supply steroids to another person. People can also be prosecuted for possession with intent to supply if they have large quantities of steroids without a prescription for them.

Tobacco It is not an offence for people of any age to use cigarettes or other tobacco products but it is an offence for a vendor to sell tobacco products to someone they know to be under 18 years old. Since 1st July 2007 smoking in public places has been banned in the UK.

Minor Tranquillisers are controlled under the Misuse of Drugs Act as Class C drugs. Possession – Maximum sentence – 2 years/fine/both. It is an offence to sell or supply them to another person.

A history of changes in drug classification

July 2003 – GHB classified as a Class C drug.

January 2004 – Reclassification of cannabis from a Class B to a Class C drug under the Criminal Justice Act 2003.

July 2005 – Raw magic mushrooms classified as a Class A drug. Previously, only prepared (such as dried or stewed) magic mushrooms were classified as Class A drugs.

January 2006 – Ketamine classified as a Class C drug.

January 2007 – Methamphetamine (commonly known as “Crystal Meth”) reclassified from a Class B to a Class A drug.

January 2009 – Reclassification of cannabis from a Class C to a Class B drug.

December 2009 – GBL classified as a Class C drug.

December 2009 – Spice, a synthetic cannabinoid, classified as a Class B drug.

April 2010 – Mephedrone and other cathinone derivatives classified as Class B drugs.

July 2010 – Naphyrone, a stimulant drug closely related to the cathinone family, and often marketed as NRG-1, classified as a Class B drug.

April 2012 – Methoxetamine, a ketamine substitute, is given the first of a new kind of drug control, a Temporary Class Drug Order (TCDO), which bans its sale, but not possession, for up to 12 months while further classification is considered.

August 2012 – repeal of Section 10(7) of the Medicines Act 1968

November 2012 – Methoxetamine, as well as a new group of synthetic cannabinoids including ‘Black Mamba’, are classified as Class B drugs.

June 2013 – NBOMe, a related drug to the hallucinogen 2CI, and ‘Benzo Fury’, a related drug to ecstasy, given TCDOs.

July 2013 – Classification of khat, a herbal stimulant, as a Class C drug announced.

June 2014 – Ketamine reclassified from Class C to Class B in response to concerns about damage to the bladder from long term use. A number of substances are classified, including NBOMe and related compounds which are now Class A, and ‘Benzo Fury’ and related Benzofuran compounds which are Class B. Lisdexamphetamine, a medicine which converts into amphetamine in the body, is classified as Class B. Tramadol, an opioid painkiller, is classified as Class C, as are Zaleplon and Zopiclone, which are sedatives similar to the already-classified Zolpidem.

March 2015 – New driving offence created which sets blood concentration limits for legal and illegal drugs

March 2016 – ACMD recommend that poppers (Alkyl nitrites) should not be covered by the new Psychoactive Substances Act.

May 2016 – Psychoactive Substances Act comes into force.

January 2017 – Some synthetic cannabinoids like Spice added to Class B of the Misuse of Drugs Act. Possession of these drugs is now a crime.

July 2017 – [Psychoactive Substances Bill: evaluation review](#)

Penalties

Maximum penalties under the Misuse of Drugs Act:

Drug class	Possession	Supply
Class A	7 years + fine	Life + fine
Class B	5 years + fine	14 years + fine
Class C	2 years + fine	14 years + fine

Maximum sentences differ according to the nature of the offence – less for possession; more for trafficking, production, or for allowing premises to be used for producing or supplying drugs. They also vary according to how harmful the drug is thought to be.

Less serious offences are usually dealt with by magistrates’ courts, where sentences can’t exceed six months and/or a £5,000 fine, or three months and/or a fine. Most drug offenders are convicted of unlawful possession. Although maximum penalties are severe, only around one in five people convicted of possession receive a custodial sentence and even fewer actually go to prison, with the majority of fines £50 or less.

Regulations

Most controlled drugs have medical uses, others may be of scientific interest, so the Act allows the government to authorise possession, supply, production and import or export of drugs to meet medical or scientific needs. These exemptions to the general prohibitions are in the form of ‘regulations’ made under the Act.

The most restricted drugs can only be supplied or possessed for research or other special purposes by people licensed by the Home Office; these drugs are not available for normal medical uses and can’t be prescribed by doctors who don’t have a licence (eg, LSD). All the other drugs are available for normal medical uses. Most are Prescription Only, so they can only be obtained if they’ve been prescribed by a doctor and supplied by a pharmacy (eg, strong analgesics like morphine, stimulants like

amphetamines or cocaine, tranquillisers and most sedatives). Some very dilute, non-injectable preparations of controlled drugs – because they are so unlikely to be misused – can be bought over the counter without a prescription, but only from a pharmacy (eg, some cough medicines and anti-diarrhoea mixtures containing opiates). Medicines available in this way can also legally be possessed by anyone. The same also applies to benzodiazepine tranquillisers and hypnotics (except temazepam and Rohypnol) even though these drugs can only be legally obtained on prescription. Additional regulations effectively restrict the ability to prescribe heroin, dipipanone and cocaine for the treatment of addiction to a few specially licensed doctors.

Schedule 1

These drugs are the most stringently controlled. They are not authorised for medical use and can only be supplied, possessed or administered in exceptional circumstances under a special Home Office licence, usually only for research purposes. Examples include cannabis, coca leaf, ecstasy, LSD, raw opium and psilocin (when extracted from magic mushrooms).

Schedules 2 and 3

These drugs are available for medical use and can be prescribed by doctors. It is illegal for people to be in possession of these drugs without having been prescribed them by a doctor. It is not an offence to be in possession of these drugs if a doctor has prescribed them to you. Schedule 2 drugs include amphetamines, cocaine, dihydrocodeine (DF 118s), Diconal, heroin, methadone, morphine, opium in medicinal form, pethidine and Ritalin. They are subject to strict record keeping and storage in pharmacies. Schedule 3 drugs include barbiturates, flunitrazepam (Rohypnol) and temazepam tranquillisers and are subject to restrictions on prescription writing.

Schedule 4

These drugs have recently been divided into two parts. Part 1 comprises most minor tranquillisers (other than Rohypnol and temazepam) and eight other substances. This new scheduling means that it is now illegal to be in possession of all minor tranquillisers without a prescription. Part 2 drugs comprise anabolic steroids, which can be legally possessed in medicinal form without a prescription but are illegal to supply to other people.

Schedule 5

At the other end of the scale is schedule 5, listing preparations of drugs considered to pose minimal risk of abuse. Some of these dilute, small-dose, non-injectable preparations are allowed to be sold over-the-counter at a pharmacy without a prescription, and all may be possessed by anyone with impunity. But once bought they cannot legally be supplied to another person, a restriction that is probably ignored more often than it is enforced. Among these schedule 5 preparations are some well-known cough medicines, anti-diarrhoea agents and mild painkillers.

Psychoactive Substances Act 2016

The Psychoactive Substances Act received Royal Assent on 28 January 2016. The act applies across the UK and came into force on 26 May 2016. Possession for personal use is not an offence, unless in prison.

The act:

- makes it an offence to produce, supply, offer to supply, possess with intent to supply, possess on custodial premises, import or export psychoactive substances; that is, any substance intended for human consumption that is capable of producing a psychoactive effect. The maximum sentence will be 7 years' imprisonment
- excludes legitimate substances, such as food, alcohol, tobacco, nicotine, caffeine and medical products from the scope of the offence, as well as controlled drugs, which continue to be regulated by the Misuse of Drugs Act 1971
- exempts healthcare activities and approved scientific research from the offences under the act on the basis that persons engaged in such activities have a legitimate need to use psychoactive substances in their work
- includes provision for civil sanctions – prohibition notices, premises notices, prohibition orders and premises orders (breach of the 2 orders will be a criminal offence) – to enable the police and local authorities to adopt a graded response to the supply of psychoactive substances in appropriate cases
- provides powers to stop and search persons, vehicles and vessels, enter and search premises in accordance with a warrant, and to seize and destroy psychoactive substances

Producers and suppliers may be given a Notice or Order as follows:

- Prohibition Notice: a warning to stop doing prohibited activity
- Premises Notice: a warning to a property owner, landlord etc. to take steps to stop prohibited activity
- Prohibition Order: a Court Order to stop doing prohibited activity
- Premises Order: a Court Order to a property owner, landlord etc. to take steps to stop prohibited activity

Orders can last for up to three years and being in breach of an Order is a criminal offence punishable by a prison sentence of up to two years, an unlimited fine, or both.

See the Home Office guidance documentation on the Act, including guidance for retailers [here](#).

Psychoactive Substances Bill: evaluation review

An evaluation review of the Psychoactive Substances Bill by the Advisory Council on the Misuse of Drugs (ACMD) | ACMD, UK

The Medicines Act 1968

This law governs the manufacture and supply of medicine. It divides medical drugs into three categories.

- **Prescription only medicines** are the most restricted. They can only be sold or supplied by a pharmacist if supplied by a doctor.
- **Pharmacy medicines** can be sold without a prescription but only by a pharmacist.
- **General Sales List medicines** can be sold by any shop, not just a pharmacy. However, even here advertising, labelling and production restrictions apply.

The enforcement of the Medicines Act rarely affects the general public.

On 14 August 2012, Section 10(7) of the Medicines Act 1968 was repealed. Section 10(7) provided an exemption in UK law from the requirement for a pharmacist to hold a Wholesale Dealer's Licence if they trade in medicines in certain circumstances. Its repeal was necessary in order to comply with EU legislation. The Medicines and Healthcare Products Regulatory Agency (MHRA) issued guidance for pharmacies on this matter [here](#).

Other relevant legislation

Customs and Excise Management Act 1979

Together with the Misuses of Drugs Act, the Customs and Excise Act penalises unauthorised import or export of controlled drugs. The maximum penalties are the same as for other trafficking offences except that in a magistrates court fines can reach up to three times the value of the drugs seized.

The importation or exportation of any controlled drug is prohibited unless it is done in accordance with the terms of a licence granted by the Secretary of State (Home Office) and in compliance with any conditions attached to the licence.

Road Traffic Act 1972

It is an offence to be in charge of a motor vehicle while 'unfit to drive through drink or drugs'. The drugs can include illegal drugs, prescribed medicines or solvents.

In March 2015 a new offence was created which sets the blood concentration limits for certain drugs. This does not replace any existing offences of driving whilst impaired by drugs, including licensed medicines. See more on our [Drugs and Driving page](#).

Drug Trafficking Act 1994

It is an offence to sell articles for the preparation or administration of controlled drugs – such as cocaine snorting kits. The Act also allows for the seizure of assets and income of someone who is found guilty of drug trafficking, even if the assets and income cannot be shown to have come from the proceeds of drug trafficking.

Crime and Disorder Act 1998

This Act introduces, for the first time, enforceable drug treatment and testing orders, for people convicted of crimes committed in order to maintain their drug use.