



# Misuse of Drugs Act 1971

## 1971 CHAPTER 38

### *Controlled drugs and their classification*

#### **[<sup>F1</sup>2B Orders under section 2A: role of Advisory Council etc**

- (1) Before making an order under section 2A the Secretary of State—
  - (a) must consult as mentioned in subsection (2), or
  - (b) must have received a recommendation from the Advisory Council to make the order.
- (2) The Secretary of State must consult—
  - (a) the Advisory Council, or
  - (b) if the order is to be made under section 2A(1) and the urgency condition applies, the person mentioned in subsection (3).
- (3) The person referred to in subsection (2)(b) is—
  - (a) the person who is for the time being the chairman of the Advisory Council appointed under paragraph 1(3) of Schedule 1, or
  - (b) if that person has delegated the function of responding to consultation under subsection (1)(a) to another member of the Advisory Council, that other member.
- (4) The “urgency condition” applies if it appears to the Secretary of State that the misuse of the substance or product to be specified in the order as a drug subject to temporary control, or the likelihood of its misuse, poses an urgent and significant threat to public safety or health.
- (5) The duty of the Advisory Council or any other person consulted under subsection (1)
  - (a) is limited to giving to the Secretary of State that person's opinion as to whether the order in question should be made.
- (6) A recommendation under subsection (1)(b) that a temporary class drug order should be made may be given by the Advisory Council only if it appears to the Council that—
  - (a) the substance or product is a drug that is being, or is likely to be, misused, and
  - (b) that misuse is having, or is capable of having, harmful effects.]

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**Changes to legislation:** There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Section 2B. (See end of Document for details)

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### Textual Amendments

- F1** Ss. 2A, 2B inserted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 17 para. 3**; S.I. 2011/2515, art. 3(g)

**Changes to legislation:**

There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Section 2B.