

Drugs (Prevention of Misuse) Act 1964

1964 CHAPTER 64

An Act to penalize the possession, and restrict the importation, of drugs of certain kinds.

[31st July 1964]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Penalization of unauthorised possession of scheduled substances.

1.—(1) Subject to any exemptions for which provision may be made by regulations made by the Secretary of State and to the following provisions of this section, it shall not be lawful for a person to have in his possession a substance for the time being specified in the Schedule to this Act unless—

(*a*) it is in his possession by virtue of the issue of a prescription by a duly qualified medical practitioner or a registered dental practitioner for its administration by way of treatment to him, or to a person under his care; or

(*b*) it is in his possession by virtue of the issue of a prescription by a registered veterinary surgeon or a registered veterinary practitioner for its administration by way of treatment to an animal under his care; or

(*c*) he is registered in a register kept for the purposes of this paragraph by the Secretary of State as a manufacturer of, or a dealer in bulk in, substances for the time being specified in that Schedule,

and a person who has a substance in his possession in contravention of the foregoing provision shall be liable—

(i) on summary conviction, to a fine not exceeding £200 or to imprisonment for a term not exceeding six months, or to both;

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

(2) Subsection (1) above shall not be taken to prohibit the possession by a person of any of the following kinds, namely,—

(*a*) a duly qualified medical practitioner;

(*b*) a registered dental practitioner;

(*c*) a registered veterinary surgeon;

(*d*) a registered veterinary practitioner;

(*e*) a registered pharmaceutical chemist;

(*f*) an authorised seller of poisons;

(*g*) a person acting in accordance with the directions of a person of a kind specified in any of paragraphs (*a*) to (*e*) above;

(*h*) a person appointed by the person in control of a hospital, clinic, nursing home or other institution providing medical, surgical, dental or veterinary treatment to be in charge of drugs kept there for the purpose of the administration thereof to patients by way of treatment;

(*i*) a person in charge of a laboratory the recognised activities of which consist in, or include, the conduct of scientific education or research;

(*j*) a public analyst appointed under section 89 of the Food and Drugs Act 1955;

(*k*) a sampling officer within the meaning of the said Act of 1955;

(*l*) a person employed or engaged in connection with a scheme for testing the quality or amount of the drugs and appliances supplied under the National Health Service Act 1946 and the regulations thereunder;

of a substance for the time being specified in the Schedule to this Act provided that it is in his possession for the purpose of his acting in the capacity of a person of that kind.

(3) Subsection (1) above shall not be taken to prohibit the possession, by the owner of a medical store-carrying ship, of a substance for the time being specified in the Schedule to this Act for the purpose of the administration thereof, by way of treatment, to persons on board of the ship, or to prohibit the possession, by the master of such a ship which does not carry on board as part of her complement a duly qualified medical practitioner, of such a substance for that purpose.

(4) Subsection (1) above shall not be taken to prohibit the possession of a substance by any servant of Her Majesty or constable acting in the course of his duty as such.

(5) The Secretary of State shall have power, in his discretion, to refuse to register a person in a register kept for the purposes of subsection (1)(*c*) above if, in the Secretary of State's opinion,

he is not a proper person to be registered, and to cancel the registration of a person who, in the Secretary of State's opinion, has ceased to be a person proper to be registered.

(6) This section shall, in its application to Scotland, have effect subject to the following modifications, namely,—

(*a*) for references, in paragraphs (*j*) and (*k*) of subsection (2), to the Food and Drugs Act 1955 and for the reference in the said paragraph (*j*) to section 89 thereof there shall be substituted respectively references to the Food and Drugs (Scotland) Act 1956 and to section 27 thereof;

(*b*) for the reference, in paragraph (*l*) of that subsection, to the National Health Service Act 1946 there shall be substituted a reference to the National Health Service (Scotland) Act 1947.

(7) This section shall, in its application to Northern Ireland, have effect subject to the following modifications, namely,—

(*a*) for references to the Secretary of State there shall be substituted references to the Minister of Home Affairs for Northern Ireland;

(*b*) for paragraphs (*j*), (*k*) and (*l*) of subsection (2) there shall be substituted the following paragraphs, namely,—

" (*j*) a public analyst appointed under section 31 of the Food and Drugs Act (Northern Ireland) 1958;

(*k*) a sampling officer within the meaning of the said Act of 1958;

(*l*) a person appointed under section 8 of the Pharmacy and Poisons Act (Northern Ireland) 1925 as extended by section 13 of the Pharmacy and Poisons Act (Northern Ireland) 1955 by the Minister of Home Affairs for Northern Ireland as an inspector or additional inspector;

(*m*) a person employed or engaged in connection with a scheme for testing the quality or amount of the drugs and appliances supplied under the Health Services Act (Northern Ireland) 1948 and the regulations thereunder ".

Power of arrest.

2. A constable may arrest without warrant a person who is found committing, or is reasonably suspected by the constable of having committed, an offence under section 1 of this Act if—

(*a*) the constable has reasonable ground for believing that that person will abscond unless arrested; or

(*b*) the name and address of that person are unknown to, and cannot be ascertained by, the constable; or

(*c*) the constable is not satisfied that a name and address furnished by that person as his name and address are true.

Power to search for scheduled substances.

3.—(1) If a justice of the peace is satisfied by written information substantiated on oath that there is reasonable ground for suspecting that a substance for the time being specified in the Schedule to this Act is, in contravention of section 1 of this Act, in the possession of a person in any premises, he may grant a search warrant authorising any constable named in the warrant, at any time or times within one month from the date of the warrant, to enter, if need be by force, the premises named in the warrant, and to search the premises and any persons found therein and, if there is reasonable ground for suspecting that an offence under the said section 1 has been committed in relation to any such substance as aforesaid which may be found in the premises or in the possession of any such persons, to seize it.

(2) This section shall, in its application to any premises in Scotland, have effect subject to the following modifications, namely,—

(*a*) for the reference to a justice of the peace there shall be substituted a reference to the sheriff, or a magistrate or justice of the peace, having jurisdiction in the place where the premises are situated;

(*b*) for the reference to written information substantiated on oath there shall be substituted a reference to evidence on oath.

Disposal of substances in respect of possession of which offences have been committed.

4.—(1) The court by or before which a person is convicted of an offence under section 1 of this Act with respect to a substance may order any quantity of it which has been found in his possession to be forfeited.

(2) An order made under this section by a magistrates' court or, on appeal from a magistrates' court, by a court of quarter sessions, shall not take effect until the expiration of the ordinary time within which an appeal in the matter of the proceedings in which the order was made may be lodged (whether by giving notice of appeal or by applying for a case to be stated for the opinion of the High Court) or, where such an appeal is duly lodged, until the appeal is finally decided or abandoned.

(3) This section shall, in its application to Scotland, have effect with the substitution, for subsection (2), of the following subsection:—

"(2) An order made under this section shall not take effect until the expiration of the time within which an appeal under section 62 of the Summary Jurisdiction (Scotland)

Act 1954 may be taken in respect of the proceedings in which the order was made or, where such an appeal is taken, until the appeal is finally disposed of or abandoned ".

(4) This section shall, in its application to Northern Ireland, have effect with the substitution, for references to a magistrates' court, of references to a court of summary jurisdiction and, for the reference to a court of quarter sessions, of a reference to a county court.

Restriction of importation of scheduled substances.

5.—(1) The importation, save under the authority, and in accordance with the terms, of a licence granted by the Secretary of State, of a substance for the time being specified in the Schedule to this Act is hereby prohibited.

(2) A licence under this section may be, to any degree, general or specific, and may be modified or revoked by the Secretary of State at any time.

(3) Without prejudice to liability to a penalty which he may have incurred under the Customs and Excise Act 1952, a person who contravenes, or fails to comply with, a term of a licence granted under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200 or to imprisonment for a term not exceeding six months, or to both.

(4) A person commissioned by the Commissioners of Customs and Excise may require any person possessing or having control of a substance for the time being specified in the Schedule to this Act which is being or has been imported to furnish proof that the importation of the substance is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of the said Commissioners the substance shall be liable to forfeiture under the Customs and Excise Act 1952.

(5) A substance imported by a person under the authority, and in accordance with the terms, of a licence granted under this section shall be deemed not to be in his possession in contravention of section 1 of this Act.

(6) For the purposes of the application of this section to Northern Ireland with respect to importation, for references to the Secretary of State there shall be substituted references to the Minister of Home Affairs for Northern Ireland.

Power to amend Schedule.

6. If it appears to the Secretary of State, after consultation with the Poisons Board, that a substance should be added to, or removed from, the Schedule to this Act, he may by order make the requisite modifications in that Schedule.

Regulations and orders.

7.—(1) Any power conferred by this Act on the Secretary of State to make regulations or an order shall be exercisable by statutory instrument.

(2) A statutory instrument made under this Act by the Secretary of State (other than one containing an order providing for the addition of a substance to the Schedule to this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing such an order as aforesaid shall not be made unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.

(4) Every regulation made under this Act by the Minister of Home Affairs for Northern Ireland shall be laid forthwith before each House of the Parliament of Northern Ireland, and if an Address is presented to the Governor of Northern Ireland within the period hereinafter mentioned praying that the regulation may be annulled, the Governor of Northern Ireland in Council may annul the regulation and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

The period referred to in the foregoing provisions of this subsection is, in relation to either House of the Parliament of Northern Ireland, a period beginning with the day following that on which the regulation is laid before it and comprising ten days at least on which that House has sat, but not being in any case shorter in duration than twenty days; and days comprised in more than one Session of the Parliament of Northern Ireland may be reckoned for the purposes of this provision.

Offences by corporations.

8. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Interpretation.

9. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" authorised seller of poisons " has, for the purposes of the application of this Act to Great Britain, the meaning assigned to it by the Pharmacy and Poisons Act 1933 and, for the purposes of the application of this Act to Northern Ireland, the meaning assigned to it by the Pharmacy and Poisons Act (Northern Ireland) 1945;

" master " has the same meaning as in the Merchant Shipping Act 1894;

" medical store-carrying ship " means a ship on board of which a supply of medicine and medical stores is required to be kept under section 200 of the Merchant Shipping Act 1894;

" registered dental practitioner " means a person registered in the dentists register under the Dentists Act 1957;

" registered pharmaceutical chemist " means, for the purposes of the application of this Act to Great Britain, a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of section 2(1) of the Pharmacy Act 1954 and, for the purposes of the application of this Act to Northern Ireland, a person registered in the register of pharmaceutical chemists in pursuance of the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1955;

" registered veterinary practitioner " means a person registered in the supplementary veterinary register in pursuance of the Veterinary Surgeons Act 1948;

" registered veterinary surgeon " means a person registered in the register of veterinary surgeons in pursuance of the Veterinary Surgeons Act 1881.

Special provisions relating to Northern Ireland.

10.—(1) The provisions of this Act, so far as they relate to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall, for the purposes of section 6 of the Government of Ireland Act 1920, be deemed to be provisions of an Act passed before the day appointed for the purposes of that section.

(2) Any reference in this Act to an enactment of the Parliament of the United Kingdom which extends to Northern Ireland shall be construed, in relation to Northern Ireland, as referring to that enactment as it applies in Northern Ireland.

(3) Any reference in this Act to an enactment of the Parliament of Northern Ireland shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

Short title and commencement.

11.—(1) This Act may be cited as the Drugs (Prevention of Misuse) Act 1964.

(2) This Act, so far as relating to the registration of persons for the purposes of section 1(1)(*c*) thereof and to the licensing of the importation of substances, shall come into operation at the date of its passing, but save as aforesaid shall not come into operation until the expiration of the period of three months beginning with that date.

Sections 1, 3, 4, 5, 6.

SCHEDULE

SUBSTANCES REFERRED TO IN THIS ACT

1. β-aminopropylbenzene.

2. β-aminoisopropylbenzene.

3. Any synthetic compound structurally derived from either of the substances aforesaid by substitution in the side chain or by ring closure therein (or by both such substitution and such closure), except ephedrine, N-ethylephedrine, N-methylephedrine, N-diethylaminoethylephedrine, oxethazaine, phenylpropanolamine, prenylamine and tropic acid N-ethyl-N-(γ-picolyl) amide.

4. Chlorphentermine.

5. Pemoline.

6. Any salt of either of the substances specified in paragraphs 1 and 2 above, of a compound falling within paragraph 3 above or of either of the substances specified in paragraphs 4 and 5 above.

7. Any substance containing any proportion of either of the substances specified in paragraphs 1 and 2 above, of a compound falling within paragraph 3 above, of either of the substances specified in paragraphs 4 and 5 above or of such a salt as is mentioned in paragraph 6 above.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Pharmacy Act 1852	15 & 16 Vict. c. 56.
Veterinary Surgeons Act 1881	44 & 45 Vict. c. 62.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Government of Ireland Act 1920	10 & 11 Geo. 5. c. 67.
Pharmacy and Poisons Act 1933	23 & 24 Geo. 5. c. 25.
National Health Service Act 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act 1947...	10 & 11 Geo. 6. c. 27.
Veterinary Surgeons Act 1948	11 & 12 Geo. 6. c. 52.
Customs and Excise Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Summary Jurisdiction (Scotland) Act 1954 ...	2 & 3 Eliz. 2. c. 48.
Pharmacy Act 1954	2 & 3 Eliz. 2. c. 61.
Food and Drugs Act 1955	4 & 5 Eliz. 2. c. 16.
Food and Drugs (Scotland) Act 1956	4 & 5 Eliz. 2. c. 30.
Dentists Act 1957	5 & 6 Eliz. 2. c. 28.