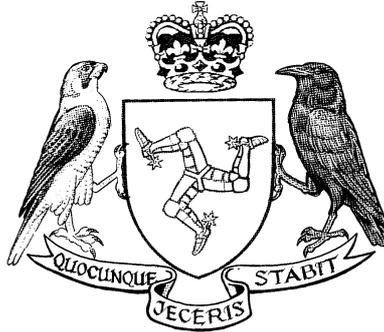


MISUSE OF DRUGS (AMENDMENT) ACT 2010

Arrangement of Sections

Section

1. Short title
2. Amendment of the Misuse of Drugs Act 1976
3. Section 1 amended (the Advisory Council on the Misuse of Drugs)
4. Section 2 substituted (controlled drugs and their classification)
5. Section 38 amended (interpretation)



Isle of Man } Signed in Tynwald: 19th October 2010
 to Wit } Received Royal Assent: 19th October 2010
 Announced to Tynwald: 19th October 2010

AN ACT

to amend the Misuse of Drugs
 Act 1976.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1. The short title of this Act is the Misuse of Drugs (Amendment) Act 2010. Short title

2. The Misuse of Drugs Act 1976 is amended as follows.

Amendment
 of the Misuse
 of Drugs Act
 1976
 [c.21]

3. After section 1(4) add —

Section 1
 amended (the
 Advisory
 Council on
 the Misuse
 of Drugs)

“(5) The Advisory Council must —

(a) prepare an annual report about the discharge of its duties under this Act; and

(b) lay a copy of the report before Tynwald.

(6) Without limiting the generality of subsection 5(a), the annual report must set out the views of the Advisory Council in respect of the measures which ought to be taken in relation to each of the matters mentioned in subsection (2)(a) to (e).”

4. For section 2 substitute —

Section 2
 substituted
 (controlled
 drugs and their
 classification)

“Controlled drugs and their classification for purposes of this Act
 2. (1) In this Act —

(a) “controlled drug” means any substance or product —

(i) for the time being specified in Part I, II or III of Schedule 2 to the UK Act; or

(ii) that is specified in an order under subsection (3);

(b) “Class A drug”, “Class B drug” and “Class C drug” mean any of the substances and products for the time being specified respectively in Part I, II or III of Schedule 2 to the UK Act.

(2) The provisions of Part IV of Schedule 2 to the UK Act have effect with respect to the meanings of expressions used in that Schedule.

(3) After consulting the Advisory Council, the Department may by order specify a substance or product, which is not for the time being specified in Part I, II or III of Schedule 2 to the UK Act, as a controlled drug.

(4) An order under subsection (3) (if not previously revoked) ceases to have effect at the end of —

(a) the period of 12 months beginning with the day on which it came into operation; or

(b) any shorter period specified in it.

(5) Subsection (4) does not limit the power to make a further order.

(6) If a substance or product which is specified in an order under subsection (3) is subsequently specified in Part I, II or III of Schedule 2 to the UK Act, that substance or product ceases to be specified in the order.

(7) For the purposes of this Act, a substance or product specified in an order under subsection (3) is to be treated as if it were a Class C drug.

(8) An order under subsection (3) must not come into operation unless it is approved by Tynwald.”.

(a) in the definition of “the Department” for “Department of Health and Social Security” substitute “Department of Health”;

(b) after the definition of “supplying” insert —

“ “UK Act” means the Misuse of Drugs Act 1971 [c.38]
(an Act of Parliament);”.

(2) Consequent on subsection (1)(b), in section 33(3) for “Misuse of Drugs Act 1971 (an Act of Parliament)” substitute “UK Act”.

