

Trading in Controlled Drugs - the law

The Misuse of Drugs Act 1971 provides the basis for outlawing illegal drugs and the regulatory framework for the legitimate manufacture and use of pharmaceutical controlled drugs. The framework is expressed through the Misuse of Drugs Regulations 2001 and the Safe Custody Regulations 1973.

Importation or exportation of a controlled drug may only take place lawfully under licence issued in accordance with Section 3(2)(b) of the **Misuse of Drugs Act 1971**.

Section 7 of the **Misuse of Drugs Act 1971** gives the Secretary of State the power to authorise activities with controlled drugs that would otherwise be unlawful under and in accordance with the terms of a licence or other authority and in compliance with any conditions attached thereto.

Section 10 of the **Misuse of Drugs Act 1971** gives the Secretary of State power to make regulations to prevent the misuse of controlled drugs.

They are expressed in the **Misuse of Drugs Regulations 2001**.

Licences to produce, supply, offer to supply and possess controlled drugs are issued under Regulation 5.

Persons engaged in their **business of a carrier** may possess and supply controlled drugs under Regulation 6(7)(b).

Documents to be obtained by a supplier of controlled drugs are detailed under Regulation 14.

Record keeping requirements for Schedule 1 and 2 drugs are detailed under Regulations 19 and 20.

Record keeping requirements for Schedule 3 and 4 drugs are detailed under Regulation 22.

Preservation of records is dealt with under Regulations 23 and 24.

Destruction of controlled drugs is dealt with under Regulation 27.

Section 18 of the **Misuse of Drugs Act 1971** makes it a **criminal offence** to contravene any regulation made under the Act, to contravene a condition or other term of a licence, to give false information and/or to incite another to commit such an offence.

Safe Custody of controlled drugs is required by the **Misuse of Drugs (Safe Custody) Regulations 1973** (see also general guidance for controlled drug suppliers). This is to be achieved by keeping controlled drugs under lock and key. The extent of the security for such purpose is determined by circumstances and amount. For medical practitioners, Regulation 5 applies. For small amounts e.g. reference standards, testing laboratories &c a secure cabinet or small safe is sufficient, but commercial amounts need to be kept in safe custody stores such as Demountable Strong Rooms.