

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

MISUSE OF DRUGS ACT 1971 (TEMPORARY
CLASS DRUG) ORDER 2016

Wednesday 20 July 2016

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The Committee consisted of the following Members:

Chair: SIR ALAN MEALE

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|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| † Ansell, Caroline (<i>Eastbourne</i>) (Con) | † Monaghan, Dr Paul (<i>Caithness, Sutherland and Easter Ross</i>) (SNP) |
| Blomfield, Paul (<i>Sheffield Central</i>) (Lab) | † Newton, Sarah (<i>Parliamentary Under-Secretary of State for the Home Department</i>) |
| † Burden, Richard (<i>Birmingham, Northfield</i>) (Lab) | Paterson, Mr Owen (<i>North Shropshire</i>) (Con) |
| † David, Wayne (<i>Caerphilly</i>) (Lab) | † Quin, Jeremy (<i>Horsham</i>) (Con) |
| † Dowden, Oliver (<i>Hertsmere</i>) (Con) | † Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| Drax, Richard (<i>South Dorset</i>) (Con) | † Whittaker, Craig (<i>Calder Valley</i>) (Con) |
| † Griffiths, Andrew (<i>Lord Commissioner of Her Majesty's Treasury</i>) | |
| † Harris, Carolyn (<i>Swansea East</i>) (Lab) | Gail Bartlett, <i>Committee Clerk</i> |
| † Hayman, Sue (<i>Workington</i>) (Lab) | |
| † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) | |
| † Mathias, Dr Tania (<i>Twickenham</i>) (Con) | † attended the Committee |

Seventh Delegated Legislation Committee

Wednesday 20 July 2016

[SIR ALAN MEALE *in the Chair*]

Misuse of Drugs Act 1971 (Temporary Class Drug) Order 2016

2.30 pm

The Chair: Before I call the Minister, may I say to the gentlemen present that if they wish to remove their jackets, it is okay to do so?

The Parliamentary Under-Secretary of State for the Home Department (Sarah Newton): I beg to move,

That the Committee has considered the Misuse of Drugs Act 1971 (Temporary Class Drug) Order 2016 (S.I., 2016, No. 650).

It is a pleasure to serve under your chairmanship, Sir Alan. The order was laid before Parliament on 15 June. I am grateful to the Advisory Council on the Misuse of Drugs for its expert advice, which informed the order. If the order is agreed, seven methylphenidate-based compounds, as well as their simple derivatives, will be subject to a temporary control order under section 2A of the Misuse of Drugs Act 1971 for a further 12 months. Those compounds have been controlled for 12 months under the previous temporary class drug order, which expired on 26 June. The new TCDO came into effect on 27 June and will remain in effect for 12 months, subject to Parliament's approval today. The order will therefore maintain the controls we have had in place over the past year.

We seek to extend the temporary control following a request from the Advisory Council on the Misuse of Drugs for additional time to strengthen its evidence base. That will give it the opportunity to consider the newest sources of information, including data from festivals, drug-related deaths and information from the drugs early warning system. The ACMD then will be in a position to consider whether these drugs should be made subject to a full control under the 1971 Act.

I thought Members might be interested in some information about the substances we are discussing. The compounds named in the order are similar to methylphenidate, a class B drug also known as Ritalin. They are believed to be highly potent stimulants. Harms include anxiety, paranoia, visual disturbance, chest pains and a strong urge to redose. Indeed, prior to the previous order being made, Police Scotland reported to the ACMD that one branded formulation commonly known as Burst caused acute harm in Edinburgh among injecting drug users, who reported re-injecting repeatedly. An outbreak of infections in the area related to injecting followed, which was a key driver for the order. I am pleased to report that during the 12 months the temporary order was in place, the picture really improved in Edinburgh. According to Police Scotland, there have been many fewer infections associated with drug injecting, a decrease in admissions to accident and emergency and toxicology

services, fewer admissions to rehabilitation services for acute mental health issues, and a reduction in needle discards in public places.

The order will maintain the restrictions in place for these compounds and give the police the powers they need to continue to tackle the supply and trafficking of these temporary class drugs while the ACMD gathers further evidence. As we can see, these drugs carry serious health risks. The order provides a deterrent to the public, especially young people who might otherwise have been unaware of the risks. As we have seen over the past year and with previous TCDOs, such orders can restrict availability and in turn reduce the damage from these drugs.

Beyond legislating, we of course are committed to continuing action across education, prevention, treatment and recovery in order to reduce harmful drug use. The Government recognise that drugs are a complex and evolving issue, and we will continue to develop our approaches to help us to respond to emerging threats and challenges posed by new psychoactive substances. I commend the order to the Committee.

2.35 pm

Carolyn Harris (Swansea East) (Lab): It is a pleasure to serve under your very wise chairmanship, Sir Alan. I congratulated the Minister earlier in the week, but it is a delight to see her again today and I congratulate her again. I will not talk for very long, unless people want to stay in this lovely cool room, in which case I am sure that I could accommodate a couple of hours.

The Committee is being asked to affirm the Government's decision to renew the temporary class drug order on methylphenidate-based new psychoactive substances. Having carefully considered the health risks identified by the Advisory Council on the Misuse of Drugs, I confirm that the Opposition support the renewal of the temporary order.

There are serious health harms associated with these drugs, which the ACMD has stated present similar risks to other banned stimulants. The drugs are highly addictive and they appear temporarily to boost dopamine levels, creating a temporary sense of elation. Use of the drugs has led to violent and bizarre behaviour. Many users choose to inject, which increases the potential for infection and the spread of HIV. The consequences of taking the drugs can ultimately be fatal. Ethylphenidate, the most commonly used of the drugs, was found to be present in five post-mortem toxicology tests between 2013 and 2014.

As a result of those health harms, the Government last year received a recommendation from the ACMD that methylphenidate should be placed under a temporary class drug order. Parliament accepted that recommendation, as did the Opposition. That temporary class drug order has already led to positive outcomes. For example, as the Minister mentioned, Police Scotland has observed a significant reduction in both the physical and mental health issues associated with these substances. Given the risk to public health posed by these drugs and the evidence that the temporary ban is working, we believe that it is only appropriate that we support the Government's request to extend the order. However, we have some questions to which the Minister might like to provide answers.

Ethylphenidate has been on the market for five years, but it took four years for the Government to obtain a temporary class drug order and we now find ourselves having to renew that temporary order as the ACMD has not finished its investigations. That process is incredibly slow and there is frankly no sign of it speeding up. I worry that, despite the passing of the Psychoactive Substances Act 2016, the ACMD appears unable to keep up with its workload. In a letter to the then Home Secretary in April, it commented:

“The speed at which advice has been required over the past year has meant that the ACMD has had to reprioritise its work programme”.

We believe that all the work done by the ACMD is vital and a priority, so it is clear that it is reprioritising work purely because of a lack of funding. We are concerned that the reason behind the slow implementation of the Psychoactive Substances Act is that the ACMD is underfunded. It is obviously unable to keep up with its workload, so is it not appropriate for the Government to consider temporarily boosting its funding until the 2016 Act is fully implemented?

Labour was clear during the passing of the 2016 Act that the Government should not allow it to be used as an excuse for not placing dangerous substances under the stricter controls in the Misuse of Drugs Act. Temporary class drug orders are a stepping stone to substances being permanently controlled by the Misuse of Drugs Act. They are issued only when the ACMD has identified substances as dangerous and potentially harmful. Can the Minister confirm that the order is not an exceptional case and the Government intend to continue using temporary class drug orders to deal with the most harmful new psychoactive substances that we see appearing every day?

In conclusion, the Opposition support the order. The ACMD has previously made a clear recommendation, based upon evidence, about the real harm being brought about by these extremely dangerous new psychoactive substances. In addition, the temporary order placed on the drug last year has already had success. We cannot allow that work to be jeopardised.

2.40 pm

Sarah Newton: I thank the hon. Lady for her thoughtful contribution and her kind words. I look forward to working closely with her.

Drugs policy is clearly incredibly important and it is important that we get it right in what is a dynamic and fast-moving environment. Even as we speak, there are many people coming up with ever more horrendous cocktails of substances that are going to harm many people in our society. We have sought to maintain the powers within the Misuse of Drugs Act—the temporary controls remain an important part of that—while enhancing the tools in our toolkit through the Psychoactive Substances Act. We want to ensure we have as many tools as possible to help those on the frontline in all of the communities we represent to detect new substances as they are developing and to prevent people from accessing them and all of the harm and misery we know they cause.

The second part of the hon. Lady’s question was whether we are going to carry on with the tools we have

and not rely on the new measures in the Psychoactive Substances Act. I can give her that assurance; we are expressing that today.

We are exceptionally extending a notice today for the simple purposes I described: to make sure the advisory board has the opportunity to gather all the emerging information and data that it needs. The hon. Lady asked me whether the board has enough resources. I heard her very clearly and I will go back to the advisory board and seek assurances that that is the case and then write to the hon. Lady. It has not been brought to my attention that there is a lack of resource. It is probably far more the case that this is such a dynamic area, with new substances rapidly becoming available and increasingly being imported into our country that it has to consider more applications and more substances than perhaps it did in the past. It is important that we ensure it has the tools and resources it needs at its disposal. I will clarify that and write to the hon. Lady.

Nick Smith (Blaenau Gwent) (Lab): My colleague on the Front Bench, my hon. Friend the Member for Swansea East, said the ACMD is not keeping up with its workload and suggested a temporary funding boost to make sure it does that work as quickly as possible, given the difficulties we see across the country with this dangerous cocktail of drugs. Will the Minister seek extra resources from the Treasury to deal with this problem?

Sarah Newton: I thank the hon. Gentleman for giving me an opportunity to clarify. At this point in time we do not know that that is the case. I will seek those assurances and I will share those responses with the hon. Gentleman.

As we have seen, the ACMD has the tools to ensure those substances are not on the street and the tools within the Psychoactive Substances Act ensure it can act swiftly. We have temporary banning orders so that, when we fear there is enough of a feeling that there will be harm, we can take action before all of the data and evidence are available. I do not believe there is a concern that the organisations involved cannot get on quickly after identifying a problem and take the necessary steps to prevent those substances from becoming available.

In concluding, I restate my personal commitment to this incredibly important part of our prevention of harm and prevention of crime strategies. We will make a full range of flexible tools available to the people in all our communities who are doing this harm prevention work and we will continue to develop our misuse of drugs strategy. It has been shown to be working well since 2010, with a significant reduction in harm from drug use, but we are not complacent and we will be looking to refresh the strategy. I will reach out to all colleagues who have got an interest in this area to make sure I reflect their experience and that of the organisations and individuals working on the frontline right across the country. Without any more ado, I commend the order to the Committee.

Question put and agreed to.

2.45 pm

Committee rose.

