

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Tenth Delegated Legislation Committee

DRAFT MISUSE OF DRUGS ACT 1971  
(AMENDMENT) ORDER 2018

*Monday 12 November 2018*

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**Friday 16 November 2018**

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**The Committee consisted of the following Members:**

*Chair:* IAN AUSTIN

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|--|--|
| † Aldous, Peter ( <i>Waveney</i> ) (Con)   | † Masterton, Paul ( <i>East Renfrewshire</i> ) (Con)                   |
| † Atkins, Victoria ( <i>Parliamentary Under-Secretary of State for the Home Department</i> ) | † Maynard, Paul ( <i>Lord Commissioner of Her Majesty's Treasury</i> ) |
| † Baron, Mr John ( <i>Basildon and Billericay</i> ) (Con)                                    | † Newlands, Gavin ( <i>Paisley and Renfrewshire North</i> ) (SNP)      |
| † Beresford, Sir Paul ( <i>Mole Valley</i> ) (Con)   | Perkins, Toby ( <i>Chesterfield</i> ) (Lab)                            |
| † Bradley, Ben ( <i>Mansfield</i> ) (Con)  | † Prentis, Victoria ( <i>Banbury</i> ) (Con)                           |
| Burden, Richard ( <i>Birmingham, Northfield</i> ) (Lab)                                      | † Smith, Eleanor ( <i>Wolverhampton South West</i> ) (Lab)             |
| † Daby, Janet ( <i>Lewisham East</i> ) (Lab)   | Yohanna Sallberg, Medha Bhasin, <i>Committee Clerks</i>                |
| Dakin, Nic ( <i>Scunthorpe</i> ) (Lab)   |  |
| Duffield, Rosie ( <i>Canterbury</i> ) (Lab)  |  |
| † Goldsmith, Zac ( <i>Richmond Park</i> ) (Con)  |  |
| † Harris, Carolyn ( <i>Swansea East</i> ) (Lab)  | † <b>attended the Committee</b>  |

# Tenth Delegated Legislation Committee

Monday 12 November 2018

[IAN AUSTIN *in the Chair*]

## Draft Misuse of Drugs Act 1971 (Amendment) Order 2018

6 pm

**The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins):** I beg to move,

That the Committee has considered the draft Misuse of Drugs Act 1971 (Amendment) Order 2018.

It is a pleasure to serve under your chairmanship, Mr Austin. Before I start, I ought to declare an interest in my husband's business concerns. The business produces an ingredient for another type of epilepsy medication, so I am being very cautious, as we will discover. The order relates to pregabalin and gabapentin, two substances used to manage a number of disabling long-term conditions including epilepsy and general anxiety disorders.

The draft order was laid before Parliament on 17 October, and it will control the two substances as class C drugs under the Misuse of Drugs Act 1971. I should like to thank the Advisory Council on the Misuse of Drugs for its advice, which has informed the draft order. If the order is agreed, pregabalin and gabapentin will be subject to permanent control under schedule 2 to the 1971 Act, through an amendment to part III, which specifies the drugs that are subject to control under the Act as class C drugs. The advisory council recommended that the two substances should be controlled in that way, as their harms are commensurate with those of other substances controlled as class C drugs.

We want to ensure that those with a legitimate medical need can get access to these drugs. Therefore, subject to Parliament's approval, we shall schedule both drugs under schedule 3 to the Misuse of Drugs Regulations 2001 through further regulations. While they have legitimate medical uses, these substances can lead to serious harms when used in combination with other central nervous system depressants. They can, for example, cause drowsiness, sedation, respiratory failure and even death. The ACMD also concluded that pregabalin and gabapentin present a risk of addiction and a potential for illegal diversion and medicinal misuse. It highlighted concerns of health staff in prisons, who reported a high number of prisoners being prescribed the drugs without a thorough assessment of their needs.

To give the Committee a sense of the prescription rates, pregabalin prescriptions increased from 2.7 million in 2012 to 6.25 million in 2017, while gabapentin prescriptions rose from 3.5 million in 2012 to more than 7 million in 2017. Sadly, there has also been an increase in the number of deaths related to pregabalin and gabapentin since 2009. In the last five years there have been 408 deaths where pregabalin was mentioned on the death certificate, and 203 in the case of gabapentin. In controlling the two drugs we will restrict the potential for misuse by reducing diversion and their illicit supply, while ensuring that they are available to healthcare professionals for genuine healthcare needs.

I reassure hon. Members that, because we are conscious of the need to ensure that the medical community is aware of the changes, the measure to control the drugs is scheduled to come into force in April 2019. The healthcare sector will thus have the opportunity to plan to implement the stricter requirements over the period. There is a strong plan for communications to the health sector and the wider public. The Home Office will issue a circular with legislative guidance for the police and the courts. Guidance will also be published following engagement with interested parties about the effect of the legislation in preparation for its coming into force in April. We shall of course continue to update our messages on the harms of the substances in question. I hope that I have made the case to control these harmful drugs, and I commend the order to the Committee.

6.4 pm

**Carolyn Harris (Swansea East) (Lab):** It is a pleasure to serve under your wonderful chairmanship, Mr Austin. The Opposition support the order. The misuse of these two substances has become an increasing issue, with many tragic fatalities. However, while we believe the correct steps have been taken in this instance, overall the Government's approach to drugs since they took office in 2010 has been ideological. Their most recent drugs strategy has simply not addressed the problems.

Labour supports the use of cannabis oil for medical purposes and, although we have currently made no commitment on the decriminalisation of cannabis or other drugs for recreational use, we will always consider the latest independent expert advice. There is nothing more important than preserving the lives of our citizens, but our current approach to drugs does not do that. Does the Minister believe it is time to consider all the options, based on what is most effective in reducing harm? Finally, does she have any plans to present a review of the current drugs strategy to the House, so that hon. Members can raise any concerns they may have?

6.5 pm

**Victoria Atkins:** I thank the hon. Lady for her constructive engagement on this order, which I am pleased the Opposition support. We keep the drugs strategy under review—so much so that, on illegal or illicit drugs, we recently announced an independent review of the misuse of drugs in the 21st century. I know that she and other colleagues will take an interest in the results of that. We look at the drugs strategy and prevention in the context of not only the harms that these substances can do, but the wider societal effects that they can have, for example through county lines and the exploitation of children. I am grateful to the Opposition for their support for this order. I hope that the Committee will see it as part of the Government's continuing work to ensure that these harmful substances are controlled as much as possible and that the message is sent out that they must not be misused.

*Question put and agreed to.*

6.7 pm

*Committee rose.*