



Home Office

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Office of Chief
Aberdeen City

14 APR 2014

Ms Valerie Watts
Chief Executive, Aberdeen City Council
2nd Floor, Town Hall, Broad Street
Aberdeen
AB10 1FY

Reference: M4120/14
Your Reference: VW/CM

10 April 2014

Dear Ms Watts,

Thank you for your letter dated 17 March regarding the sale of chemical highs, sometimes inaccurately and unhelpfully termed 'legal highs'.

The Government shares your concerns about the deaths caused by new psychoactive substances and their open sale in 'head-shops'. Whilst I am also concerned regarding the deaths caused by these substances, it is important to note that even though some of the deaths are reported to be due to a 'legal high' we have found that they have actually been caused by new psychoactive substances that are already banned under the Misuse of Drugs Act 1971. In addition, retailers of these types of products may not always be certain of what they contain.

I can assure you that the Government is taking this matter seriously and this is an area that I have made my priority. On 12 December 2013 I announced that the Home Office is leading a review to look at how the UK's legislative response can be enhanced beyond the existing measures of the Misuse of Drugs Act 1971 to maximise its impact and improve the operational response to this market. At the heart of this is an expert panel drawn from law enforcement, local authorities, academia, and science. The expert panel consists of members with key expertise in new psychoactive substances and those that can provide a fresh look at this issue and solutions. The expertise covers the primary focus of the review, to look at the enhancement of the current legislative framework, as well as health and educational aspects where further recommendations can be sought from the panel. We are

working closely with the Scottish Government and both Home Office Officials and a representative from the expert panel plan to attend a summit that the Scottish Government is organising at the end of April to provide evidence for the review. I anticipate that the review will be completed by the end of Spring. The terms of reference can be found on the Home Office web-site

I wish to assure you that the Coalition Government has been far from inactive in tackling the challenges posed by new psychoactive substances. Our drug control legislation, the Misuse of Drugs Act 1971, including the new power to place a substance of concern under temporary control for up to 12 months, is key to our ability to disrupt the activities of those supplying harmful substances. So far, over 250 new psychoactive substances identified in the EU are already controlled drugs in the United Kingdom. I would also like to acknowledge the work already undertaken in Scotland to tackle the trade in new psychoactive substances. This includes the work of the Scottish Police Authority on the Home Office led forensic early warning system project to promptly identify new psychoactive substances being encountered in the UK and that of Police Scotland who contribute to the National Policing New Psychoactive Substance Working Group

I note that Aberdeen City Council is investigating the powers that are available under consumer protection and trading standards legislation. We are also committed to supporting enforcement partners in making full use of existing drug, consumer protection, intoxicating substances and medicines legislation to disrupt the activities of those involved in the new psychoactive substance trade. In December 2013, we published guidance for local authorities and other public bodies to help tackle 'head shops' in their area through the use of these laws.

You may be interested to know, that enforcement partners and trading standards have had recent success with using the full range of legislation available to them. There has been a recent successful prosecution in February 2014 in Belfast using the General Product Safety Regulations 2005. Under this, a head shop was forced to forfeit its stock of new psychoactive substances. This follows a similar case in Norfolk last year under the same regulations, when new psychoactive substances were forfeited and the traders fined for failing to mark their products with appropriate safety warnings. If Council Officers would like to discuss these powers further please contact my Officials within the Home Office Drugs and Alcohol Unit.

I hope this reply is helpful.

Yours sincerely

Norman Baker MP
Minister of State