

# LIFE LESSON PLAN: Drugs and the law

## Learning objectives

- To help students understand the basic details of the law relating to controlled drugs.
- To encourage students to investigate and reflect on the suitability of the current law controlling the use of drugs.

## Learning outcomes

**All** students should know that the possession, supply and production of certain drugs are forbidden by law.

**Most** students should have some understanding of the way in which the drugs laws might apply in a number of everyday situations.

**Some** students will be aware of a number of criticisms of UK drug policy, and will be able to put forward arguments in response to this.

## Resources

- **YCP** – pages 10–13
- **Starter 1** (p.4) – What's the crime?
- **Starter 2** (pages 5–6) – What's the crime? Answers
- **Main** (pages 7–8) – Sorting out the arguments
- **Plenary** (p.9) – A choice for the future

## Curriculum references

**England:** Citizenship: **KS3**, the political, legal and human rights and responsibilities of citizens; the role of law and the justice system; **KS4**, political, legal and human rights and freedoms in a range of contexts from local to global; the roles and operation of civil and criminal law and the justice system; **Post 16**, demonstrate knowledge and understanding about citizenship issues; show an understanding of key citizenship concepts.

**Wales:** PSE Framework, 7 to 19-year-olds: **KS3** to understand the effects of and risks from the use of a range of legal and illegal substances and the laws governing their use; **KS4**, to understand the personal, social and legal consequences of the use of legal and illegal substances.

## Activities

### Starter

- This first activity provides students with a number of relatively common scenarios,

designed to show how legislation surrounding the control of drugs can work in practice.

- You may like to open the lesson by asking students what they know about drugs and the law in Britain.

A wide range of responses is likely to be provided, but answers may include that:

- certain drugs are unlawful
- penalties for supplying or trafficking drugs can be severe
- a lot of other crimes are committed by addicts needing money to feed their habit
- the law in England and Wales controlling the use of cannabis was changed relatively recently
- aspects of the law are widely flouted

Make a note of the various issues raised and focus first on those points covered on pages 10–13 of the *YCP*, using the text on these pages for clarification.

- If it has not already been discussed, draw students' attention to the question of possession, supply and production of controlled drugs (described in the *YCP* on pages 12–13), ensuring that students understand the key differences between each of these terms.
- Now move on to the set of six cases provided on page 4 of this lesson plan.

With students working in twos or threes, ask them to identify the charges that may be brought against each person described. Again they will find it helpful to consult the information on pages 10–13 of the *YCP*.

- When students have had enough time to work on the cases, give them, or go through, the answers on pages 5–6 of this lesson plan, explaining each one in turn.

Ask students if they have any comments or observations from these cases about the law relating to unlawful drugs. One important conclusion is that offences may be committed by people not directly involved in the consumption or supply of illegal drugs.

### Main

- This section provides students with the opportunity to discuss the strengths and weaknesses of changing the law covering the control of drugs.

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As a preliminary to this exercise, it would be helpful to explain to students that the control of drugs in the UK was handled rather differently in the past, compared with today.

As students will have seen from page 10 of the YCP, the main legislation controlling the use of drugs in England and Wales dates from 1971.

Prior to this date – and particularly up to the mid 1960s – Britain had a relatively liberal drugs policy.

Until the early part of the twentieth century, heroin and cocaine were widely used as ingredients in over-the-counter medicines and, until 1916, it was possible to buy cocaine and heroin from Harrods as a gift for troops fighting overseas.

In 1924, the government set up the Rolleston Committee to advise on the treatment of addiction. In its report, two years later, the Committee stressed that addiction was a disease (rather than a 'vicious indulgence'), and recommended that the treatment of addicts should largely lie in the hands of the medical profession, rather than the judiciary.

For almost 40 years, a 'treatment' model predominated in Britain. Doctors either placed patients on withdrawal drug programmes, or prescribed heroin directly, at their own discretion, subject to a number of controls by the Home Office. This, known as the 'British system', was in sharp contrast to US practice, where the authorities were more closely concerned with prohibition.

By the mid-1960s, however, it was recognised that the British system was open to abuse. The number of addicts was sharply rising and drugs were becoming illegally traded on the black market. There were also concerns about the impact of new drugs that were being developed, and these factors together brought the introduction of more prohibitive legislation, culminating in the 1971 *Misuse of Drugs Act*.

- In recent years, an increasingly large number of public figures have called for changes in UK drug laws and a move towards decriminalising or legalising drugs – believing that the current approach is not working.

In 2010, Sir Ian Gilmore, formerly President of the Royal College of Physicians, called for the legalisation of drugs in the UK.

'Every day in our [hospital] wards we see drug addicts with infections from dirty needles, we see heroin addicts with complications from contaminated drugs; very rarely do we see problems from the heroin itself.

We've been trying for 40 years to make this a drug-free society ... and really have failed in that.'

'There have been some very encouraging trials in the UK where heroin has been made available to [addicts], they've been given clean heroin, they've been given clean facilities ... not only have some of them reintegrated into society, some have actually stopped using heroin completely, and, equally importantly, they've not been going out and stealing to feed their habit, and the crime has gone down.'

Other public figures, including former ministers, police chiefs, and leading members of the business and arts community have made similar appeals.

Members of the government, however, have always rejected such claims, believing that legalisation or decriminalisation is not the right approach.

This, they argue, will lead to more people taking more drugs and suffering the negative effects, leading to greater societal costs in terms of healthcare and lost work.

- Explain to students that there are an increasing number of calls to decriminalise, or legalise drugs.

*Decriminalisation* refers to a partial or complete abolition of criminal penalties for certain categories of unlawful drugs, whilst still leaving the prohibitive laws in place. Decriminalisation was introduced in Portugal in 2001, where today the purchase, possession and use of small amounts of formerly illicit substances is no longer a criminal offence.

The *legalisation of drugs* generally refers to a situation in which the purchase, possession and use of drugs is no longer against the law, with production and sale regulated through

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prescriptions and licensed outlets, under clearly defined conditions.

- ❑ With students working in twos or threes, give each pair or small group pages 7–8, **Sorting out the arguments**, cut into slips and shuffled.

Explain that each one contains an argument that has been advanced either for or against the legalisation of drugs. Their first task is to sort the arguments into two groups – those for, and those against legalisation.

Broadly speaking, the first six slips are pro-legalisation, and the second six slips are against.

The final two slips have been left blank deliberately for students to add further arguments of their own.

Go through students' selections, and then ask them to dispense with any arguments (on either side) that they feel to be weak or insubstantial.

Ask them to explain why they jettisoned these points, and then tell them to select three or four of the *strongest* arguments on either side.

Go through and record their choices and discuss any patterns of answers that appear to be developing. Feed back to the class for confirmation and clarification '*What you seem to be saying is that ...*'

## Plenary

- ❑ Now move on the question of changing the law.

Explain to students that if ever such a change was considered by the government, there would almost certainly be a high degree of consultation prior to any significant amendment to the law.

As part of this process a government quite often sets out a number of proposals for consideration. Four of these are given in **A choice for the future**, page 9, with additional space for students to add two further ideas.

- ❑ Again in pairs or small groups, ask students to go through the options and to select their preferred course of action. Ask them to prepare a short statement giving two reasons in support of their choice.

Conclude with a short whole group discussion on the class's preferences.

- ❑ If time is available this activity can be run over a number of lessons.

As part of the **Main** activity, students can conduct their own research, either online or by questioning local legal-related and health professionals about their experiences in this area.

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## Starter 1

What's the crime?

<p><b>A</b> Neil is stopped and searched by the police, who discover a small amount of cannabis in his pocket. Neil says that he hasn't done anything wrong as he hasn't smoked any.</p>	<p><b>B</b> When Jo comes round to Amanda's house he usually has some cannabis with him, and often lights up. Amanda never joins him.</p>
<p><b>Offence(s)</b> _____ _____</p>	<p><b>Offence(s)</b> _____ _____</p>
<p><b>C</b> Dima's brother asked him if he could deliver a few packages for him. Dima did not ask, and was never told, what the packages contained.  One evening, the police followed Dima on his way to a delivery. When he reached his destination he was stopped and searched. The parcel Dima had been carrying contained 500 grams of cocaine.</p>	<p><b>D</b> Carole confiscates some speed from a student at school. It has been a busy, difficult day, and when she gets home at 7pm she realises that she still has the drugs with her.</p>
<p><b>Offence(s)</b> _____ _____</p>	<p><b>Offence(s)</b> _____ _____</p>
<p><b>E</b> The police discover four cannabis plants in Jamie's house. He claims that they are only for his use and that he has neither given nor sold the leaves to anyone else.</p>	<p><b>F</b> Chris is found with Class A drugs in his car. He explains that they are not his, but belong to Ross, to whom he had given a lift the previous day. As soon as he found the drugs, he gave Ross a call, who said that he would come round and pick them up.</p>
<p><b>Offence(s)</b> _____ _____</p>	<p><b>Offence(s)</b> _____ _____</p>

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## Starter 2

### What's the crime? Answers

<p><b>A</b> <i>Neil is stopped and searched by the police, who discover a small amount of cannabis in his pocket. Neil says that he hasn't done anything wrong as he hasn't actually smoked any.</i></p> <p>Although Neil has not smoked or taken the cannabis, the drug is nevertheless in his <b>possession</b> – and this is an offence.</p> <p>If Neil is over 18, and it is his first offence, the police are likely to give him what is known as a <i>cannabis warning</i>. If it is his second offence, he may receive a penalty notice (an on-the-spot fine of £80). Someone caught in possession of cannabis three or more times can expect to be charged and convicted.</p>	<p><b>B</b> <i>When Jo comes round to Amanda's house he usually has some cannabis with him, and often lights up. Amanda never joins him.</i></p> <p>Jo is clearly breaking the law by being in <b>possession</b> of an unlawful Class B drug. However Amanda is also committing an offence by <b>allowing her house to be used for the consumption of cannabis</b>.</p>
<p><b>C</b> <i>Dima's brother asked him if he could deliver a few packages for him. Dima did not ask, and was never told, what the packages contained.</i></p> <p><i>One evening, the police followed Dima on his way to a delivery. When he reached his destination he was stopped and searched. The parcel Dima had been carrying contained 500 grams of cocaine.</i></p> <p>Dima will almost certainly be charged with <b>supplying</b> an unlawful (Class A) drug. It is likely that Dima will find it very difficult to prove that he was an 'innocent bystander' in his brother's illegal drugs operation and didn't know, or reasonably suspect, what was going on.</p>	<p><b>D</b> <i>Carole confiscates some speed from a student at school. It has been a busy and difficult day; when Carole gets home at 7pm she realises that she still has the drugs with her.</i></p> <p>Teachers have a duty to confiscate drugs they find in a students' possession and to hand them to the police as soon as possible – unless there is a good reason not to do so. If transfer cannot be immediately arranged, the drugs should be stored safely at school. However, the law does not require teachers to inform the police of the name of the student from whom the drug was taken.</p> <p>By taking the drugs home with her, Carole is leaving herself open to a charge of unlawful <b>possession</b> and if, by any chance, Carole decided not to hand the drugs to the police or to a senior member of staff at school, she would be committing an offence of possession, and supply (if she shared them with someone else).</p>

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## E

*The police discover four cannabis plants in Jamie's house. He claims that they are only for his use and that he has neither given nor sold the leaves of the plants to anyone else.*

Jamie has committed an offence by unlawfully **producing** a controlled drug – even in relatively small amounts, and for his own consumption.

## F

*Chris is found with Class A drugs in his car. He explains that they are not his, but belong to Ross, to whom he had given a lift the previous day. Chris says that he is expecting Ross to call round and pick them up.*

Ross is likely to be charged with and found guilty of **supply**.

Chris too is likely to be charged with **possession of a controlled drug, with intent to supply**.

This example is based on the case of *R v Maginnis* in which the trial judge ruled that the defendant's intention to return the drugs to their owner was an action of supply. The case was taken to Appeal, and the conviction quashed, but then moved on to the House of Lords (now called the Supreme Court) where the guilty verdict was reinstated.

The case hinged on the judge's interpretation of the word 'supply'. Four of the Law Lords (now called Supreme Court Judges) decided that, in returning the drugs, the defendant was supplying them back to the original owner. However, a fifth judge believed that the word did not apply to those situations where an item had been temporarily left in a person's care; but, as he was in a minority, his view was not accepted.

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## Main

### Sorting out the arguments

<p><i>Legalising the sale of drugs would ...</i></p> <p><b>take the supply and sale of drugs out of the hands of criminals, making them safer for users.</b></p>	<p><i>Legalising the sale of drugs would ...</i></p> <p><b>free-up police resources to deal with other crimes.</b></p>
<p><i>Legalising the sale of drugs would ...</i></p> <p><b>reduce drug-related crime.</b></p>	<p><i>Legalising the sale of drugs would ...</i></p> <p><b>help drug addicts come off drugs for good.</b></p>
<p><i>Legalising the sale of drugs would ...</i></p> <p><b>control the use of drugs much more effectively than at present.</b></p>	<p><i>Legalising the sale of drugs would ...</i></p> <p><b>increase government revenue.</b></p>
<p><i>Legalising the sale of drugs would ...</i></p> <p><b>expose more people to harm.</b></p>	<p><i>Legalising the sale of drugs would ...</i></p> <p><b>suggest that the government supports their use.</b></p>
<p><i>Legalising the sale of drugs would ...</i></p> <p><b>be a step into the unknown.</b></p>	<p><i>Legalising the sale of drugs would ...</i></p> <p><b>increase their availability, and lead more people to use them.</b></p>
<p><i>Legalising the sale of drugs would ...</i></p> <p><b>encourage people to come to Britain to obtain drugs.</b></p>	<p><i>Legalising the sale of drugs would ...</i></p> <p><b>imply that drugs are not harmful.</b></p>

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<i>Legalising the sale of drugs would ...</i>	<i>Legalising the sale of drugs would ...</i>
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# LIFE LESSON PLAN: Drugs and the law

## Plenary

### A choice for the future

Which of the following strategies do you think Parliament should adopt over the next 5–10 years?

	Strategy	Your preference
A	Leave the law as it is, without any significant changes.	
B	Increase penalties for all drug offences.	
C	Decrease penalties for certain drug offences.	
D	Decriminalise the possession of unlawful drugs, replacing fines and prison sentences with treatment or support.	
E	Begin moves towards the legalisation of certain drugs, making them available through controlled outlets.	
F		
G		