

Alcohol, drugs and the law

The law

While some drugs are legal – caffeine, nicotine and alcohol are all drugs in common usage – there are rules in place to keep people safe, such as age restrictions on selling alcohol, vapes and tobacco products. That doesn't mean that the legal situation is straightforward however, as [this information](#) on alcohol and the law illustrates.

Many of the drugs used recreationally are illegal, and there are two laws in particular that are relevant:

The Misuse of Drugs Act (1971) categorises substances as Class A, B or C according to the degree of risk they are regarded as having. The legal penalties for possessing, producing, importing and supplying these drugs depend on a range of factors, including whether they are Class A, B or C, how much is found, and what is being done with them. [More information on this](#), including which drugs fall into which class, is published by the government.

The Psychoactive Substances Act (2016) covers substances that fall outside the Misuse of Drugs Act but still have a psychoactive effect. They are sometimes known as “legal highs” and often mimic drugs such as cannabis, cocaine, amfetamines and MDMA (ecstasy). While some substances under this law are legal to possess in most settings, it is against the law to produce, supply, import or export them, and to have the intent to do any of these things. There is a [brief guide](#) on this legislation available from DrugWise.

Not a lot of people know that...

- **Supply** doesn't have to involve money; simply passing a drug to someone else is classed as supply in the eyes of the law. News stories involving someone who inadvertently fell foul of this come up every now and then, including [this one](#) about a teenager who gave some ecstasy to his friend who died as a result.
- **Possession** is not only about drugs on someone's person, it can involve them storing them in other places, such as their locker, bedroom or car. It is also regarded as possession if somebody is looking after drugs for someone else, even if the holder doesn't regard the drugs as belonging to them.

- **Criminal records** have consequences, with most college, university and job application forms asking applicants to declare any criminal convictions. Travel that involves a visa – for example to the USA or Australia – may become impossible, and any job that requires a Disclosure Barring Service (DBS) check or similar (for example, roles in healthcare, education or the law) may move out of reach.
- **Drugs abroad** catches some people out, as what is regarded as legal in one country may be illegal in another. Anyone caught with drugs abroad or while travelling may face severe consequences. This can include confiscation of their passport upon return to the UK, a jail sentence or even the death penalty as [this report](#) from Amnesty International shows.
- **Drink driving** is something that most people are aware of, but it can be difficult to gauge whether someone who has been drinking isn't over the limit. [Information](#) on this topic, including statistics, has been published by the road safety charity Brake.
- **Drug driving** is also an offence, and the police have roadside testing kits for some of the more common substances such as cocaine and cannabis (though if taken to the police station, checks for many more can be carried out). Unlike alcohol, the amount that can be in someone's system in order for them to be considered fit to drive is zero; this means that incidental drug use such as breathing in someone else's cannabis smoke in a car would put someone over the limit. [Information](#) on this is also available from Brake.
- **Other legal risks** include committing offences such as drunk and disorderly, drunk and incapable, breach of the peace, public order offences and sexual offences, including consent issues if the other person was under the influence of alcohol or drugs.
- **Cannabis** might be legal in some parts of the world, whether for medicinal purposes and/or for recreational use, but it is illegal in the UK as it is covered by the Misuse of Drugs Act.
- **Nitrous oxide** used to sit under the Psychoactive Substances Act but moved in 2023 to the Misuse of Drugs Act. This meant that it became illegal to possess to get high, and the penalty for supply went up to a 14 year prison sentence and/or an unlimited fine.