



# Psychoactive Substances Act 2016

## CHAPTER 2

### PSYCHOACTIVE SUBSTANCES ACT 2016

#### *Introductory*

- 1 Overview

#### *Psychoactive substances*

- 2 Meaning of “psychoactive substance” etc
- 3 Exempted substances

#### *Offences*

- 4 Producing a psychoactive substance
- 5 Supplying, or offering to supply, a psychoactive substance
- 6 Aggravation of offence under section 5
- 7 Possession of psychoactive substance with intent to supply
- 8 Importing or exporting a psychoactive substance
- 9 Possession of a psychoactive substance in a custodial institution
- 10 Penalties
- 11 Exceptions to offences

#### *Powers for dealing with prohibited activities*

- 12 Meaning of “prohibited activity”
- 13 Prohibition notices
- 14 Premises notices
- 15 Prohibition notices and premises notices: supplementary
- 16 Further provision about giving notices under sections 13 to 15
- 17 Meaning of “prohibition order”
- 18 Prohibition orders on application
- 19 Prohibition orders following conviction

- 20 Premises orders
- 21 Applications for prohibition orders and premises orders
- 22 Provision that may be made by prohibition orders and premises orders
- 23 Enforcement of access prohibitions
- 24 Access prohibitions: reimbursement of costs
- 25 Access prohibitions: exemption from liability
- 26 Offence of failing to comply with a prohibition order or premises order
- 27 Offence of failing to comply with an access prohibition, etc
- 28 Variation and discharge on application
- 29 Variation following conviction
- 30 Appeals against making of prohibition orders and premises orders
- 31 Appeals about variation and discharge
- 32 Nature of proceedings under sections 19 and 29, etc
- 33 Special measures for witnesses: England and Wales
- 34 Special measures for witnesses: Northern Ireland
- 35 Transfer of proceedings from youth court

*Powers of entry, search and seizure*

- 36 Power to stop and search persons
- 37 Power to enter and search vehicles
- 38 Power to board and search vessels or aircraft
- 39 Power to enter and search premises
- 40 Further provision about search warrants
- 41 Powers of examination, etc
- 42 Power to require production of documents, etc
- 43 Powers of seizure, etc
- 44 Excluded items
- 45 Further provision about seizure under section 43
- 46 Notices and records in relation to seized items
- 47 Powers of entry, search and seizure: supplementary provision
- 48 Offences in relation to enforcement officers

*Retention and disposal of items*

- 49 Retention of seized items
- 50 Power of police, etc to dispose of seized psychoactive substances
- 51 Forfeiture of seized items by court on application
- 52 Appeal against decision under section 51
- 53 Return of item to person entitled to it, or disposal if return impracticable
- 54 Forfeiture by court following conviction

*Supplementary and final provisions*

- 55 Application of Customs and Excise Management Act 1979
- 56 Offences by directors, partners, etc
- 57 Providers of information society services
- 58 Review
- 59 Interpretation
- 60 Consequential amendments
- 61 Power to make further consequential amendments
- 62 Extent
- 63 Commencement and short title

## SCHEDULES

### SCHEDULE 1 — EXEMPTED SUBSTANCES

- 1 Controlled drugs
- 2 Medicinal products
- 3 Alcohol
- 4 Nicotine and tobacco products
- 5 Tobacco products. In this paragraph “tobacco product” means—
- 6 Caffeine
- 7 Food

### SCHEDULE 2 — EXEMPTED ACTIVITIES

- 1 Healthcare-related activities
- 2 Any activity carried on for the purpose of, or in...
- 3 Any activity carried on in respect of an active substance...
- 4 Research

### SCHEDULE 3 — SEARCH WARRANTS: ENGLAND AND WALES AND NORTHERN IRELAND

#### PART 1 — APPLICATION OF THIS SCHEDULE

- 1 This Schedule applies to— (a) applications for search warrants made...

#### PART 2 — SEARCH WARRANTS: APPLICATIONS AND SAFEGUARDS

- 2 Applications for warrants
  - 3 Safeguards in connection with power of entry conferred by warrant
  - 4 (1) A search warrant must— (a) specify the name of...
  - 5 (1) Two copies must be made of a search warrant...
- #### PART 3 — EXECUTION OF SEARCH WARRANTS
- 6 Warrant to be executed within one month
  - 7 All-premises warrants
  - 8 Search of premises more than once
  - 9 Time of search
  - 10 Evidence of authority etc
  - 11 Extent of search
  - 12 Securing premises after entry
  - 13 Return and retention of warrant

### SCHEDULE 4 — PROVIDERS OF INFORMATION SOCIETY SERVICES

#### PART 1 — OFFERING TO SUPPLY A PSYCHOACTIVE SUBSTANCE

- 1 Domestic service providers: extension of liability
- 2 Non-UK service providers: restriction on institution of proceedings
- 3 Exceptions for mere conduits
- 4 Exception for caching
- 5 Exception for hosting

#### PART 2 — PROHIBITION NOTICES AND PROHIBITION ORDERS

- 6 Domestic service providers: extension of liability
- 7 Non-UK service providers: restriction on including terms in prohibition notice or order
- 8 Protections for service providers of intermediary services
- 9 (1) In paragraph 8 “intermediary services” means an information society...

#### PART 3 — INTERPRETATION

- 10 In this Schedule— “established”, in relation to a service provider,...
- 11 (1) A service provider is “established” in a particular part...

#### SCHEDULE 5 — CONSEQUENTIAL AMENDMENTS

- 1 Intoxicating Substances (Supply) Act 1985
- 2 Proceeds of Crime Act 2002
- 3 Police Reform Act 2002
- 4 Police (Northern Ireland) Act 2003
- 5 Licensing Act 2003
- 6 Gambling Act 2005
- 7 Armed Forces Act 2006
- 8 Serious Crime Act 2007
- 9 Regulatory Enforcement and Sanctions Act 2008
- 10 Policing and Crime Act 2009