



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Psychoactive substances*

#### **2 Meaning of “psychoactive substance” etc**

- (1) In this Act “psychoactive substance” means any substance which—
  - (a) is capable of producing a psychoactive effect in a person who consumes it, and
  - (b) is not an exempted substance (see section 3).
- (2) For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.
- (3) For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.

#### **Commencement Information**

**II** [S. 2](#) in force at 26.5.2016 by [S.I. 2016/553](#), [reg. 2](#)

#### **3 Exempted substances**

- (1) In this Act “exempted substance” means a substance listed in Schedule 1.
- (2) The Secretary of State may by regulations amend Schedule 1 in order to—
  - (a) add or vary any description of substance;
  - (b) remove any description of substance added under paragraph (a).
- (3) Before making any regulations under this section the Secretary of State must consult—
  - (a) the Advisory Council on the Misuse of Drugs, and
  - (b) such other persons as the Secretary of State considers appropriate.

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**Changes to legislation:** There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Cross Heading: Psychoactive substances. (See end of Document for details)

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- (4) The power to make regulations under this section is exercisable by statutory instrument.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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**Commencement Information**

**I2** S. 3 in force at Royal Assent for specified purposes, see s. 63(1)(b)

**I3** S. 3 in force at 26.5.2016 in so far as not already in force by S.I. 2016/553, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Psychoactive Substances Act 2016,  
Cross Heading: Psychoactive substances.