



# 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

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- 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

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## SCHEDULES

### SCHEDULE 1 — EXEMPTED SUBSTANCES

#### *Controlled drugs*

- 1 Controlled drugs (within the meaning of the Misuse of Drugs...

#### *Medicinal products*

- 2 Medicinal products. In this paragraph “medicinal product” has the same...

#### *Alcohol*

- 3 Alcohol or alcoholic products. In this paragraph— “alcohol” means ethyl...

#### *Nicotine and tobacco products*

- 4 Nicotine.
- 5 Tobacco products. In this paragraph “tobacco product” means—

#### *Caffeine*

- 6 Caffeine or caffeine products. In this paragraph “caffeine product” means...

#### *Food*

- 7 Any substance which— (a) is ordinarily consumed as food, and...

### SCHEDULE 2 — EXEMPTED ACTIVITIES

#### *Healthcare-related activities*

- 1 Any activity carried on by a person who is a...
- 2 Any activity carried on for the purpose of, or in...
- 3 Any activity carried on in respect of an active substance...

#### *Research*

- 4 Any activity carried on in the course of, or in...

### 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

#### *Applications for warrants*

- 2 (1) A person applying for a search warrant must—

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*Safeguards in connection with power of entry conferred by warrant*

- 3 A search warrant authorises entry on one occasion only, unless...  
 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

*Warrant to be executed within one month*

- 6 Entry and search under a search warrant must be within...

*All-premises warrants*

- 7 (1) In the case of an all-premises warrant, premises that...

*Search of premises more than once*

- 8 (1) Premises may be entered or searched for the second...

*Time of search*

- 9 Entry and search under a search warrant must be at...

*Evidence of authority etc*

- 10 (1) Where the occupier of premises to be entered and...

*Extent of search*

- 11 A search under a search warrant may only be a...

*Securing premises after entry*

- 12 A relevant enforcement officer who enters premises under a search...

*Return and retention of warrant*

- 13 (1) A search warrant must be returned to the appropriate...

SCHEDULE 4 — PROVIDERS OF INFORMATION SOCIETY SERVICES

PART 1 — OFFERING TO SUPPLY A PSYCHOACTIVE SUBSTANCE

*Domestic service providers: extension of liability*

- 1 (1) If— (a) a service provider established in a particular...

*Non-UK service providers: restriction on institution of proceedings*

- 2 (1) Proceedings for an offence under section 5(2) may not...

*Exceptions for mere conduits*

- 3 (1) A service provider does not commit an offence under...

*Exception for caching*

- 4 (1) A service provider does not commit an offence under...

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*Exception for hosting*

- 5 (1) A service provider does not commit an offence under...  
PART 2 — PROHIBITION NOTICES AND PROHIBITION ORDERS

*Domestic service providers: extension of liability*

- 6 (1) If— (a) a service provider established in a particular...

*Non-UK service providers: restriction on including terms in prohibition notice or order*

- 7 (1) This paragraph applies where— (a) a person proposes to...

*Protections for service providers of intermediary services*

- 8 (1) A prohibition notice or prohibition order may not include...

- 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 EEA...

SCHEDULE 5 — CONSEQUENTIAL AMENDMENTS

*Intoxicating Substances (Supply) Act 1985*

- 1 (1) The Intoxicating Substances (Supply) Act 1985 is repealed.

*Proceeds of Crime Act 2002*

- 2 (1) The Proceeds of Crime Act 2002 is amended as...

*Police Reform Act 2002*

- 3 In Part 1 of Schedule 4 to the Police Reform...

*Police (Northern Ireland) Act 2003*

- 4 In Schedule 2A to the Police (Northern Ireland) Act 2003...

*Licensing Act 2003*

- 5 (1) The Licensing Act 2003 is amended as follows.

*Gambling Act 2005*

- 6 In Part 1 of Schedule 7 to the Gambling Act...

*Armed Forces Act 2006*

- 7 (1) The Armed Forces Act 2006 is amended as follows....

*Serious Crime Act 2007*

- 8 (1) Schedule 1 to the Serious Crime Act 2007 (serious...

*Regulatory Enforcement and Sanctions Act 2008*

- 9 In Schedule 3 to the Regulatory Enforcement and Sanctions Act...

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*Policing and Crime Act 2009*

10 In section 34 of the Policing and Crime Act 2009...

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