

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 3

EXEMPTED SUBSTANCES

Controlled drugs

- 1 Controlled drugs (within the meaning of the Misuse of Drugs Act 1971).

Commencement Information

I1 Sch. 1 para. 1 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Medicinal products

- 2 Medicinal products.

In this paragraph “medicinal product” has the same meaning as in the Human Medicines Regulations 2012 (S.I. 2012/1916) (see regulation 2 of those Regulations).

Commencement Information

I2 Sch. 1 para. 2 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Alcohol

- 3 Alcohol or alcoholic products.

In this paragraph—

“alcohol” means ethyl alcohol, and

“alcoholic product” means any product which—

(a) contains alcohol, and

(b) does not contain any psychoactive substance.

Commencement Information

I3 Sch. 1 para. 3 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Nicotine and tobacco products

- 4 Nicotine.

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Commencement Information

I4 Sch. 1 para. 4 in force at 26.5.2016 by S.I. 2016/553, reg. 2

5 Tobacco products.

In this paragraph “tobacco product” means—

- (a) anything which is a tobacco product within the meaning of the Tobacco Products Duty Act 1979 (see section 1 of that Act), and
- (b) any other product which—
 - (i) contains nicotine, and
 - (ii) does not contain any psychoactive substance.

Commencement Information

I5 Sch. 1 para. 5 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Caffeine

6 Caffeine or caffeine products.

In this paragraph “caffeine product” means any product which—

- (a) contains caffeine, and
- (b) does not contain any psychoactive substance.

Commencement Information

I6 Sch. 1 para. 6 in force at 26.5.2016 by S.I. 2016/553, reg. 2

Food

7 Any substance which—

- (a) is ordinarily consumed as food, and
- (b) does not contain a prohibited ingredient.

In this paragraph—

[^{F1}“enactment” includes—

- (a) an enactment contained in subordinate legislation;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;]

“food” includes drink;

“prohibited ingredient”, in relation to a substance, means any psychoactive substance—

- (a) which is not naturally occurring in the substance, and

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(b) the use of which in or on food is not authorised [^{F2}by an enactment].

Textual Amendments

- F1** Words in Sch. 1 para. 7 inserted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **17(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 1 para. 7 substituted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **17(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
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Commencement Information

- I7** Sch. 1 para. 7 in force at 26.5.2016 by S.I. 2016/553, **reg. 2**

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