



Psychoactive Substances Act 2016

2016 CHAPTER 2

Powers of entry, search and seizure

45 Further provision about seizure under section 43

- (1) Where—
- (a) any items which a relevant enforcement officer wishes to seize and remove are in a container, and
 - (b) the officer reasonably considers that it would facilitate the seizure and removal of the items if they remained in the container for that purpose,
- any power to seize and remove the items conferred by section 43 includes power to seize and remove the container.
- (2) If a container is seized under this section, reasonable efforts must be made to return it to—
- (a) the person from whom it was seized, or
 - (b) (if different) a person to whom it belongs.
- (3) Subsection (2) does not apply—
- (a) if the container appears to be of negligible value,
 - (b) if it is not practicable for the container to be returned, or
 - (c) while the container is or may be needed for use as evidence at a trial for an offence.
- (4) If, in the opinion of a relevant enforcement officer, it is not for the time being practicable for the officer to seize and remove any item, the officer may require—
- (a) the person from whom the item is being seized, or
 - (b) where the officer is exercising a power of search conferred by section 37, 38 or 39 in relation to any premises, any person in or on the premises,
- to secure that the item is not removed or otherwise interfered with until such time as the officer may seize and remove it.

Status: Point in time view as at 26/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Section 45. (See end of Document for details)

Commencement Information

II S. 45 in force at 26.5.2016 by S.I. 2016/553, reg. 2

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