
STATUTORY INSTRUMENTS

2019 No. 742

**The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

PART 5

Drug Precursors and Psychoactive Substances

CHAPTER 2

Psychoactive substances

Amendment of the Psychoactive Substances Act 2016

17.—(1) The Psychoactive Substances Act 2016⁽¹⁾ is amended as follows.

(2) In Schedule 1 (exempted substances), in paragraph 7 (food)—

(a) before the definition of “food” insert—

““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;”;

(b) in paragraph (b) of the definition of “prohibited ingredient”, for “by an EU instrument” substitute “by an enactment”.

(3) In Schedule 4 (providers of information society services)—

- (a) omit paragraph 1 (domestic service providers: extension of liability);
- (b) in paragraph 2(3) (non-UK service providers: restriction on institution of proceedings), in the definition of “non-UK service provider” omit “other than the United Kingdom”;
- (c) omit paragraph 6 (domestic service providers: extension of liability);
- (d) in paragraph 7 (non-UK service providers: restriction on including terms in prohibition notice or order)—
 - (i) in sub-paragraph (5), omit paragraph (b) and the “and” immediately preceding that paragraph;
 - (ii) omit sub-paragraph (6);
 - (iii) in sub-paragraph (7)—

- (aa) omit “or notification”;
- (bb) for “referred to in sub-paragraph (6)(b)” substitute “for the order or variation”;
- (iv) in sub-paragraph (8), in the definition of “non-UK service provider” omit “other than the United Kingdom”;
- (e) in paragraph 8(1) (protections for service providers of intermediary services), at the end insert “, reading those Articles as if the requirements imposed on a Member State were imposed on the person giving the notice or the court making the order.”;
- (f) in paragraph 8(2), for “covered by” substitute “falling within the descriptions contained in”;
- (g) in paragraph 11(1) (establishment of a service provider)—
 - (i) in the words before paragraph (a), for “in a particular part of the United Kingdom, or in a particular EEA state,” substitute “in a particular EEA state”;
 - (ii) in paragraph (a), for “that part of the United Kingdom, or that EEA state,” substitute “that EEA state”.

Revocation of Regulation (EC) No 1920/2006

18. Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast) is revoked.

Revocation of Regulation (EU) 2017/2101

19. Regulation (EU) 2017/2101 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances is revoked.