



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Supplementary and final provisions*

#### **55 Application of Customs and Excise Management Act 1979**

- (1) Section 164 of the Customs and Excise Management Act 1979 (power to search persons) applies in relation to a psychoactive substance as it applies in relation to an article with respect to the importation or exportation of which any prohibition or restriction is for the time being in force under or by virtue of any enactment.
- (2) A psychoactive substance is liable to forfeiture under the Customs and Excise Management Act 1979 if—
  - (a) the psychoactive substance—
    - (i) is imported or exported, or
    - (ii) is entered for exportation or brought to any place in the United Kingdom for exportation,
  - (b) the psychoactive substance is likely to be consumed by any individual for its psychoactive effects, and
  - (c) the importation or (as the case may be) exportation of the psychoactive substance is not an exempted activity.
- (3) For the purposes of subsection (2) the importation or exportation of a psychoactive substance is an “exempted activity” if it would not be an offence under this Act by virtue of section 11.
- (4) Section 5 of the Customs and Excise Management Act 1979 (time of importation, exportation, etc) applies for the purposes of subsection (2) as it applies for the purposes of that Act.