Psychoactive Substances Act 2016

2016 CHAPTER 2

Psychoactive substances

2 Meaning of “psychoactive substance” etc

(1) In this Act “psychoactive substance” means any substance which—
   (a) is capable of producing a psychoactive effect in a person who consumes it, and
   (b) is not an exempted substance (see section 3).

(2) For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state; and references to a substance’s psychoactive effects are to be read accordingly.

(3) For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way.

3 Exempted substances

(1) In this Act “exempted substance” means a substance listed in Schedule 1.

(2) The Secretary of State may by regulations amend Schedule 1 in order to—
   (a) add or vary any description of substance;
   (b) remove any description of substance added under paragraph (a).

(3) Before making any regulations under this section the Secretary of State must consult—
   (a) the Advisory Council on the Misuse of Drugs, and
   (b) such other persons as the Secretary of State considers appropriate.

(4) The power to make regulations under this section is exercisable by statutory instrument.
(5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.