



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Powers for dealing with prohibited activities*

#### **23 Enforcement of access prohibitions**

- (1) An authorised person may—
  - (a) enter premises in respect of which an access prohibition is in effect (see section 22(6));
  - (b) do anything necessary to secure the premises against entry.
- (2) In this section “authorised person”—
  - (a) in relation to an access prohibition imposed by a prohibition order under section 18, or a premises order, made on the application of the chief officer of police for a police area, the chief constable of the Police Service of Scotland, the chief constable of the Police Service of Northern Ireland or the chief constable of the British Transport Police Force, means a constable or a person authorised by the chief officer of police or the chief constable (as the case may be) who applied for the order;
  - (b) in relation to an access prohibition imposed by a prohibition order under section 18, or a premises order, made on the application of the Director General of the National Crime Agency, means a person authorised by the Director General;
  - (c) in relation to an access prohibition imposed by a prohibition order under section 18, or a premises order, made on the application of the Secretary of State by whom general customs functions are exercisable, means a general customs official or a person authorised by that Secretary of State;
  - (d) in relation to an access prohibition imposed by a prohibition order under section 18, or a premises order, made on the application of a local authority, means a person authorised by that local authority;
  - (e) in relation to an access prohibition imposed by a prohibition order under section 19, means a constable, a general customs official or a person authorised by a person listed in subsection (3).
- (3) Those persons are—

- (a) the chief officer of police for a police area, in the case of an order made in England and Wales;
  - (b) the chief constable of the Police Service of Scotland, in the case of an order made in Scotland;
  - (c) the chief constable of the Police Service of Northern Ireland, in the case of an order made in Northern Ireland;
  - (d) the chief constable of the British Transport Police Force, in the case of an order made in England and Wales or Scotland;
  - (e) the Director General of the National Crime Agency;
  - (f) the Secretary of State by whom general customs functions are exercisable.
- (4) A person acting under subsection (1) may use reasonable force.
- (5) A person seeking to enter premises under subsection (1) must, if required to do so by the occupier of the premises or, where the occupier is not present, by another person appearing to be in charge of the premises—
- (a) give his or her name;
  - (b) if not a constable in uniform, produce documentary evidence that he or she is an authorised person.
- (6) An authorised person may also enter premises in respect of which an access prohibition is in effect to carry out essential maintenance or repairs to the premises.