



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Powers for dealing with prohibited activities*

#### **31 Appeals about variation and discharge**

##### *Decisions under section 28*

- (1) An appeal may be made against a decision under section 28 of a court specified in the first column of the table to the court specified in the corresponding entry in the second column of the table—

<i>Court that made section 28 decision</i>	<i>Court to which appeal lies</i>
Youth court in England and Wales Magistrates' court	Crown Court
Sheriff	High Court of Justiciary sitting as the Court of Criminal Appeal, in a case where the relevant order was made under section 19 and the person against whom it was made had been convicted in proceedings on indictment Sheriff Appeal Court, in any other case
Youth court in Northern Ireland Court of summary jurisdiction	County Court
Crown Court	Court of Appeal
High Court of Justiciary	High Court of Justiciary sitting as the Court of Criminal Appeal

- (2) The right of appeal under subsection (1) is exercisable by—
- the person against whom the relevant order was made, and
  - any other person who is significantly adversely affected by that order.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In subsections (1) and (2) the “relevant order” means the order that was the subject of the application under section 28.
- (4) An appeal under subsection (1) against the making of a decision must be made before the end of the period of 28 days starting with the date of the decision.
- (5) On an appeal under subsection (1) the court hearing the appeal may (to the extent it would not otherwise have power to do so) make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.
- (6) A prohibition order or a premises order that has been varied by virtue of subsection (5) remains an order of the court that first made it for the purposes of sections 24 and 28.

*Decisions under section 29*

- (7) A person against whom a prohibition order or a premises order has been made may appeal against a variation of the order under section 29 as if the varied order were a sentence passed on the person for the offence referred to in section 29(1) (to the extent it would not otherwise be so appealable).