



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.

Status: This is the original version (as it was originally enacted).

- (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.