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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Law Enforcement and Security  
(Amendment) (EU Exit) Regulations 2019**

**PART 5**

**Drug Precursors and Psychoactive Substances**

**CHAPTER 2**

**Psychoactive substances**

**Amendment of the Psychoactive Substances Act 2016**

**17.—**(1) The Psychoactive Substances Act 2016<sup>(1)</sup> is amended as follows.

(2) In Schedule 1 (exempted substances), in paragraph 7 (food)—

(a) before the definition of “food” insert—

““enactment” includes—

- (a) an enactment contained in subordinate legislation;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;”;

(b) in paragraph (b) of the definition of “prohibited ingredient”, for “by an EU instrument” substitute “by an enactment”.

(3) In Schedule 4 (providers of information society services)—

- (a) omit paragraph 1 (domestic service providers: extension of liability);
- (b) in paragraph 2(3) (non-UK service providers: restriction on institution of proceedings), in the definition of “non-UK service provider” omit “other than the United Kingdom”;
- (c) omit paragraph 6 (domestic service providers: extension of liability);
- (d) in paragraph 7 (non-UK service providers: restriction on including terms in prohibition notice or order)—
  - (i) in sub-paragraph (5), omit paragraph (b) and the “and” immediately preceding that paragraph;
  - (ii) omit sub-paragraph (6);
  - (iii) in sub-paragraph (7)—

- (aa) omit “or notification”;
- (bb) for “referred to in sub-paragraph (6)(b)” substitute “for the order or variation”;
- (iv) in sub-paragraph (8), in the definition of “non-UK service provider” omit “other than the United Kingdom”;
- (e) in paragraph 8(1) (protections for service providers of intermediary services), at the end insert “, reading those Articles as if the requirements imposed on a Member State were imposed on the person giving the notice or the court making the order.”;
- (f) in paragraph 8(2), for “covered by” substitute “falling within the descriptions contained in”;
- (g) in paragraph 11(1) (establishment of a service provider)—
  - (i) in the words before paragraph (a), for “in a particular part of the United Kingdom, or in a particular EEA state,” substitute “in a particular EEA state”;
  - (ii) in paragraph (a), for “that part of the United Kingdom, or that EEA state,” substitute “that EEA state”.