
Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 4

PROVIDERS OF INFORMATION SOCIETY SERVICES

PART 1

OFFERING TO SUPPLY A PSYCHOACTIVE SUBSTANCE

Non-UK service providers: restriction on institution of proceedings

- 2 (1) Proceedings for an offence under section 5(2) may not be instituted against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.
- (2) The derogation condition is that taking proceedings—
- (a) is necessary for the purposes of the public interest objective,
 - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
 - (c) is proportionate to that objective.
- (3) In this paragraph—
- “non-UK service provider” means a service provider established in an EEA state ^{F1} ...;
 - “the public interest objective” means the pursuit of public policy.

Textual Amendments

- F1** Words in Sch. 4 para. 2(3) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **17(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 4 para. 2 in force at 26.5.2016 by [S.I. 2016/553](#), **reg. 2**

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