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**Changes to legislation:** There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Cross Heading: Police (Northern Ireland) Act 2003. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### CONSEQUENTIAL AMENDMENTS

##### *Police (Northern Ireland) Act 2003*

- 4 In Schedule 2A to the Police (Northern Ireland) Act 2003 (powers and duties of community support officer), after paragraph 9 insert—

*“Powers to seize and retain: psychoactive substances*

- 9A (1) If a CSO—
- (a) finds a psychoactive substance in a person's possession (whether or not the CSO finds it in the course of searching the person by virtue of any other paragraph of this Schedule), and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it,
- the CSO may seize it and retain it.
- (2) If a CSO—
- (a) finds a psychoactive substance in a person's possession (as mentioned in sub-paragraph (1)), or
  - (b) reasonably believes that a person is in possession of a psychoactive substance,
- and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require the person to give the CSO his name and address.
- (3) If in exercise of the power conferred by sub-paragraph (1) the CSO seizes and retains a psychoactive substance, the CSO must—
- (a) if the person from whom it was seized maintains that he was lawfully in possession of it—
    - (i) tell the person where inquiries about its recovery may be made, and
    - (ii) explain the effect of sections 49 to 51 and 53 of the Psychoactive Substances Act 2016 (retention and disposal of items), and
  - (b) comply with a constable's instructions about what to do with it.
- (4) Any substance seized in exercise of the power conferred by sub-paragraph (1) is to be treated for the purposes of sections 49 to 53 of the Psychoactive Substances Act 2016 as if it had been seized by a police or customs officer under section 36 of that Act.

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- (5) A person who fails to comply with a requirement under sub-paragraph (2) is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) Paragraph 4 applies in the case of a requirement imposed by virtue of sub-paragraph (2) as it applies in the case of a requirement under paragraph 2(1).
- (7) In this paragraph “police or customs officer” and “psychoactive substance” have the same meaning as in the Psychoactive Substances Act 2016.”

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**Commencement Information**

**II** Sch. 5 para. 4 in force at 26.5.2016 by S.I. 2016/553, reg. 2

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