

SCHEDULES

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS

Police Reform Act 2002

- 3 In Part 1 of Schedule 4 to the Police Reform Act 2002 (powers exercisable by community support officers), after paragraph 7D insert—

“Powers to seize and detain: psychoactive substances

- 7E (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall, within the relevant police area, have the powers set out in sub-paragraphs (2) and (3).

(2) If the 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 paragraph of this Part of this Schedule being applied to the CSO by a designation), 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.

(3) If the CSO—

- (a) finds a psychoactive substance in a person’s possession (as mentioned in sub-paragraph (2)), 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.

(4) If in exercise of the power conferred by sub-paragraph (2) 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.

Status: This is the original version (as it was originally enacted).

- (5) Any substance seized in exercise of the power conferred by sub-paragraph (2) 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.
 - (6) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
 - (7) In this paragraph “police or customs officer” and “psychoactive substance” have the same meaning as in the Psychoactive Substances Act 2016.
- 7F
- (1) Sub-paragraph (2) applies where a designation applies this paragraph to any person (“the CSO”).
 - (2) If the CSO imposes a requirement on a person under paragraph 7E(3)—
 - (a) sub-paragraph (3) of paragraph 2 applies in the case of such a requirement as it applies in the case of a requirement under paragraph 1A(3), and
 - (b) sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.”