



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Offences*

#### **11 Exceptions to offences**

- (1) It is not an offence under this Act for a person to carry on any activity listed in subsection (3) if, in the circumstances in which it is carried on by that person, the activity is an exempted activity.
- (2) In this section “exempted activity” means an activity listed in Schedule 2.
- (3) The activities referred to in subsection (1) are—
  - (a) producing a psychoactive substance;
  - (b) supplying such a substance;
  - (c) offering to supply such a substance;
  - (d) possessing such a substance with intent to supply it;
  - (e) importing or exporting such a substance;
  - (f) possessing such a substance in a custodial institution (within the meaning of section 9).
- (4) The Secretary of State may by regulations amend Schedule 2 in order to—
  - (a) add or vary any description of activity;
  - (b) remove any description of activity added under paragraph (a).
- (5) 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.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) 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.