



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Supplementary and final provisions*

#### **59 Interpretation**

(1) In this Act—

“access prohibition” has the meaning given by section 22(6);

“designated NCA officer” means a National Crime Agency officer designated under section 10 of the Crime and Courts Act 2013 as a person having either or both of the following—

- (a) the powers and privileges of a constable;
- (b) the powers of an officer of Revenue and Customs;

“exempted substance” has the meaning given by section 3;

“general customs function” has the meaning given by section 1(8) of the Borders, Citizenship and Immigration Act 2009;

“general customs official” means a person designated as a general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009;

“item” includes any substance;

“justice” means—

- (a) in England and Wales, a justice of the peace,
- (b) in Scotland, a sheriff or a justice of the peace, and
- (c) in Northern Ireland, a lay magistrate;

“local authority” means—

- (a) in England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly,
- (b) in Wales, a county council or county borough council,
- (c) in Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, and
- (d) in Northern Ireland, a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972;

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*Status: This is the original version (as it was originally enacted).*

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- “police or customs officer” has the meaning given by section 36(4);  
 “premises” includes any place and, in particular, includes—
- (a) any vehicle, vessel or aircraft;
  - (b) any offshore installation within the meaning given by section 1 of the Mineral Workings (Offshore Installations) Act 1971;
  - (c) any renewable energy installation within the meaning given by section 104 of the Energy Act 2004;
  - (d) any tent or movable structure;
- “premises notice” is to be read in accordance with section 14;  
 “premises order” is to be read in accordance with section 20;  
 “prohibited activity” has the meaning given by section 12;  
 “prohibition notice” is to be read in accordance with section 13;  
 “prohibition order” is to be read in accordance with section 17;  
 “psychoactive effects”, in relation to a substance, is to be read in accordance with section 2(2);  
 “psychoactive substance” has the meaning given by section 2(1);  
 “relevant enforcement officer” has the meaning given by section 39(6);  
 “relevant evidence” has the meaning given by section 36(4);  
 “search warrant” means a warrant under section 39;  
 “senior officer” has the meaning given by section 13(7);  
 “vessel” is to be read in accordance with subsection (4).
- (2) In this Act—
- (a) any reference to producing a substance is a reference to producing it by manufacture, cultivation or any other method;
  - (b) any reference to supplying a substance includes a reference to distributing it;
  - (c) any reference to consuming a substance is to be read in accordance with section 2(3).
- (3) For the purposes of this Act the items which are in a person’s possession include any items which are—
- (a) subject to that person’s control, but
  - (b) in the custody of another person.
- (4) In this Act any reference to a vessel includes a reference to—
- (a) any ship or boat or any other description of vessel used in navigation, and
  - (b) any hovercraft, submersible craft or other floating craft,
- but does not include a reference to anything that permanently rests on, or is permanently attached to, the sea bed.
- (5) Before the commencement of section 109 of the Courts Reform (Scotland) Act 2014 (abolition of appeal from a sheriff to the sheriff principal), any reference in this Act to the Sheriff Appeal Court, other than the reference in section 31(1) in relation to a prohibition order made under section 19, is to be read as a reference to the sheriff principal.