



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Powers for dealing with prohibited activities*

#### **22 Provision that may be made by prohibition orders and premises orders**

- (1) A court making a prohibition order or a premises order, or a court varying such an order under or by virtue of any of sections 28 to 31, may by the order impose any prohibitions, restrictions or requirements that the court considers appropriate (in addition to the prohibition referred to in section 17(1) or the requirement referred to in section 20(2) (as the case may be)).
- (2) Subsections (3) to (6) contain examples of the type of provision that may be made under subsection (1), but they do not limit the type of provision that may be so made.
- (3) The prohibitions, restrictions or requirements that may be imposed on a person by a prohibition order or a premises order include prohibitions or restrictions on, or requirements in relation to, the person's business dealings (including the conduct of the person's business over the internet).
- (4) The requirements that may be imposed on a person by a prohibition order include a requirement to hand over for disposal an item belonging to the person that the court is satisfied—
  - (a) is a psychoactive substance, or
  - (b) has been, or is likely to be, used in the carrying on of a prohibited activity.
- (5) An item that is handed over in compliance with a requirement imposed by virtue of subsection (4) may not be disposed of—
  - (a) before the end of the period within which an appeal may be made against the imposition of the requirement (ignoring any power to appeal out of time), or
  - (b) if such an appeal is made, before it is determined or otherwise dealt with.
- (6) The prohibitions that may be imposed on a person by a prohibition order or a premises order include a prohibition prohibiting access to premises owned, occupied, leased, controlled or operated by the person for a specified period (an "access prohibition").

- (7) The period specified under subsection (6) may not exceed 3 months (but see subsections (3) to (5) of section 28).
- (8) An access prohibition may prohibit access—
- (a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
  - (b) at all times, or at all times except those specified;
  - (c) in all circumstances, or in all circumstances except those specified.
- (9) An access prohibition may—
- (a) be made in respect of the whole or any part of the premises;
  - (b) include provision about access to a part of the building or structure of which the premises form part.
- (10) In this section “specified” means specified in the prohibition order or the premises order (as the case may be).
- (11) Subsection (6) of section 14 (when a person “owns” premises) applies for the purposes of subsection (6) of this section as it applies for the purposes of that section.