

Changes to legislation: Police Reform Act 2002, Cross Heading: Powers to seize and detain: psychoactive substances is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 3C

DESIGNATIONS UNDER SECTION 38: ADDITIONAL POWERS AND DUTIES

Textual Amendments

- F1** Sch. 3C inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 11; S.I. 2017/1139, reg. 2(d) (as amended by S.I. 2017/1162, reg. 2)

Powers to seize and detain: psychoactive substances

- 6 (1) A CSO or CSV may exercise the powers conferred by sub-paragraph (2) or (3) in the relevant police area.
- (2) If the CSO or CSV—
- (a) finds a psychoactive substance in a person's possession (whether or not the CSO or CSV finds it in the course of searching the person in the exercise of a power or duty conferred or imposed by his or her designation under section 38), and
- (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may seize it and retain it.
- (3) If the CSO or CSV—
- (a) either—
- (i) finds a psychoactive substance in a person's possession (as mentioned in sub-paragraph (2)(a)), or
- (ii) reasonably believes that a person is in possession of a psychoactive substance, and
- (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may require the person to give the CSO or CSV his or her name and address.
- (4) If, in exercise of the power conferred by sub-paragraph (2), the CSO or CSV seizes and retains a psychoactive substance, the CSO or CSV must—
- (a) if the person from whom it was seized maintains that he or she 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.

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- (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.

Section 50 of that Act applies in relation to any such substance as if the reference in subsection (1)(b) to the police or customs officer who seized it were a reference to the CSO or CSV who seized it.

- (6) A person who fails to comply with a requirement imposed under sub-paragraph (3) is guilty of an offence and 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.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)