

SCHEDULES

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS

Police (Northern Ireland) Act 2003

- 4 In Schedule 2A to the Police (Northern Ireland) Act 2003 (powers and duties of community support officer), after paragraph 9 insert—

“Powers to seize and retain: psychoactive substances

9A (1) If a 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 other paragraph of this Schedule), 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.

(2) If a CSO—

- (a) finds a psychoactive substance in a person’s possession (as mentioned in sub-paragraph (1)), 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.

(3) If in exercise of the power conferred by sub-paragraph (1) 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.

(4) Any substance seized in exercise of the power conferred by sub-paragraph (1) 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.

Status: This is the original version (as it was originally enacted).

- (5) A person who fails to comply with a requirement under sub-paragraph (2) is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) Paragraph 4 applies in the case of a requirement imposed by virtue of sub-paragraph (2) as it applies in the case of a requirement under paragraph 2(1).
- (7) In this paragraph “police or customs officer” and “psychoactive substance” have the same meaning as in the Psychoactive Substances Act 2016.”