



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Powers for dealing with prohibited activities*

#### **18 Prohibition orders on application**

- (1) The appropriate court may make a prohibition order under this section against a person if—
  - (a) condition A or B is met, and
  - (b) condition C is met.
- (2) Condition A is that the court is satisfied on the balance of probabilities that the person has failed to comply with a prohibition notice.
- (3) Condition B is that, where no prohibition notice has been given (or one was given but has been withdrawn)—
  - (a) the court is satisfied on the balance of probabilities that the person is carrying on, or is likely to carry on, a prohibited activity, and
  - (b) the court considers that the person would fail to comply with a prohibition notice if given.
- (4) Condition C is that the court considers it necessary and proportionate to make the prohibition order for the purpose of preventing the person from carrying on any prohibited activity.
- (5) If a court makes a prohibition order under this section based on condition A having been met, the prohibition notice is to be treated as having been withdrawn.
- (6) A prohibition order under this section may not be made—
  - (a) in England and Wales or Northern Ireland, against an individual who is under the age of 10, or
  - (b) in Scotland, against an individual who is under the age of 12.
- (7) A prohibition order under this section made against an individual who is under the age of 18 at the time the order is made—
  - (a) must specify the period for which it has effect, and

- (b) may not have effect for more than 3 years.
- (8) A prohibition order under this section may be made only on an application made in accordance with section 21.
- (9) In this section “the appropriate court” means—
- (a) in relation to England and Wales—
    - (i) where the person in respect of whom the application is made is an individual who is under the age of 18, a youth court, and
    - (ii) in any other case, a magistrates’ court;
  - (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland—
    - (i) where the person in respect of whom the application is made is an individual who is under the age of 18, a youth court, and
    - (ii) in any other case, a court of summary jurisdiction.