



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Powers for dealing with prohibited activities*

#### **20 Premises orders**

- (1) The appropriate court may make a premises order against a person if—
  - (a) condition A or B is met, and
  - (b) condition C is met.
- (2) A premises order is an order that requires the person against whom it is made to take all reasonable steps to prevent any prohibited activity, or a prohibited activity of a description specified in the order, from being carried on at any premises specified in the order that are owned, leased, occupied, controlled or operated by the person.
- (3) Condition A is that the court is satisfied on the balance of probabilities that the person has failed to comply with a premises notice.
- (4) Condition B is that, where no premises notice has been given (or one was given but has been withdrawn)—
  - (a) the court is satisfied on the balance of probabilities that a prohibited activity is being, or is likely to be, carried on at particular premises,
  - (b) the person owns, leases, occupies, controls or operates the premises, and
  - (c) the court considers that the person would fail to comply with a premises notice if given.
- (5) Condition C is that the court considers it necessary and proportionate to make the premises order for the purpose of preventing any prohibited activity from being carried on at any premises owned, leased, occupied, controlled or operated by the person.
- (6) If a court makes a premises order based on condition A having been met, the premises notice is to be treated as having been withdrawn.
- (7) A premises order may not be made against an individual who is under the age of 18.
- (8) A premises order 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, a magistrates’ court;
  - (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland, a court of summary jurisdiction.
- (10) Subsection (6) of section 14 (when a person “owns” premises) applies for the purposes of this section as it applies for the purposes of that section.