



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Offences*

#### **5 Supplying, or offering to supply, a psychoactive substance**

- (1) A person commits an offence if—
  - (a) the person intentionally supplies a substance to another person,
  - (b) the substance is a psychoactive substance,
  - (c) the person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance, and
  - (d) the person knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects.
- (2) A person (“P”) commits an offence if—
  - (a) P offers to supply a psychoactive substance to another person (“R”), and
  - (b) P knows or is reckless as to whether R, or some other person, would, if P supplied a substance to R in accordance with the offer, be likely to consume the substance for its psychoactive effects.
- (3) For the purposes of subsection (2)(b), the reference to a substance’s psychoactive effects includes a reference to the psychoactive effects which the substance would have if it were the substance which P had offered to supply to R.
- (4) This section is subject to section 11 (exceptions to offences).