



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Retention and disposal of items*

#### **50 Power of police, etc to dispose of seized psychoactive substances**

- (1) This section applies if—
- (a) a police or customs officer has seized an item found during the course of a search under section 36, 37 or 38,
  - (b) the search was carried out in a place to which the officer lawfully had access without a warrant (whether issued under this Act or under any other enactment),
  - (c) the officer reasonably believes that the item—
    - (i) is a psychoactive substance which, if it had not been seized, was likely to be consumed by an individual for its psychoactive effects, but
    - (ii) is not evidence of any offence under this Act, and
  - (d) the officer has no reason to believe that, at the time of the seizure, the item was being used for the purposes of, or in connection with, an exempted activity carried on by a person entitled to the item.
- (2) The officer may dispose of the item in whatever way the officer thinks is suitable.
- (3) For the purposes of this section—
- (a) an activity is an “exempted activity” in relation to a person if the carrying on of the activity by that person would not be an offence under this Act by virtue of section 11;
  - (b) the persons “entitled” to an item are—
    - (i) the person from whom it was seized;
    - (ii) (if different) any person to whom it belongs.
- (4) In this section “enactment” includes—
- (a) an enactment contained in subordinate legislation;
  - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;

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*Status: This is the original version (as it was originally enacted).*

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- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.