



Psychoactive Substances Act 2016

2016 CHAPTER 2

Offences

8 Importing or exporting a psychoactive substance

- (1) A person commits an offence if—
- (a) the person intentionally imports a substance,
 - (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—
 - (i) intends to consume the psychoactive substance for its psychoactive effects, or
 - (ii) knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by some other person for its psychoactive effects.
- (2) A person commits an offence if—
- (a) the person intentionally exports a substance,
 - (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—
 - (i) intends to consume the psychoactive substance for its psychoactive effects, or
 - (ii) knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by some other person for its psychoactive effects.
- (3) In a case where a person imports or exports a controlled drug suspecting it to be a psychoactive substance, the person is to be treated for the purposes of this section as if the person had imported or exported a psychoactive substance suspecting it to be such a substance.

In this subsection “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.

- (4) Section 5 of the Customs and Excise Management Act 1979 (time of importation, exportation, etc) applies for the purposes of this section as it applies for the purposes of that Act.
- (5) This section is subject to section 11 (exceptions to offences).