



Psychoactive Substances



Learners who have successfully completed this lesson will be able to:

1. Describe what a psychoactive substance is.
2. Identify and explain the different offences relating to psychoactive substances.
3. Demonstrate how to conduct a search of an individual under Section 23 Misuse of Drugs Act.

Psychoactive Substances Act 2016

a) Is capable of producing a psychoactive effect in a person who consumes it, &

A substance produces a psychoactive effect in a person

b) Is not an exempted substance

if by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state



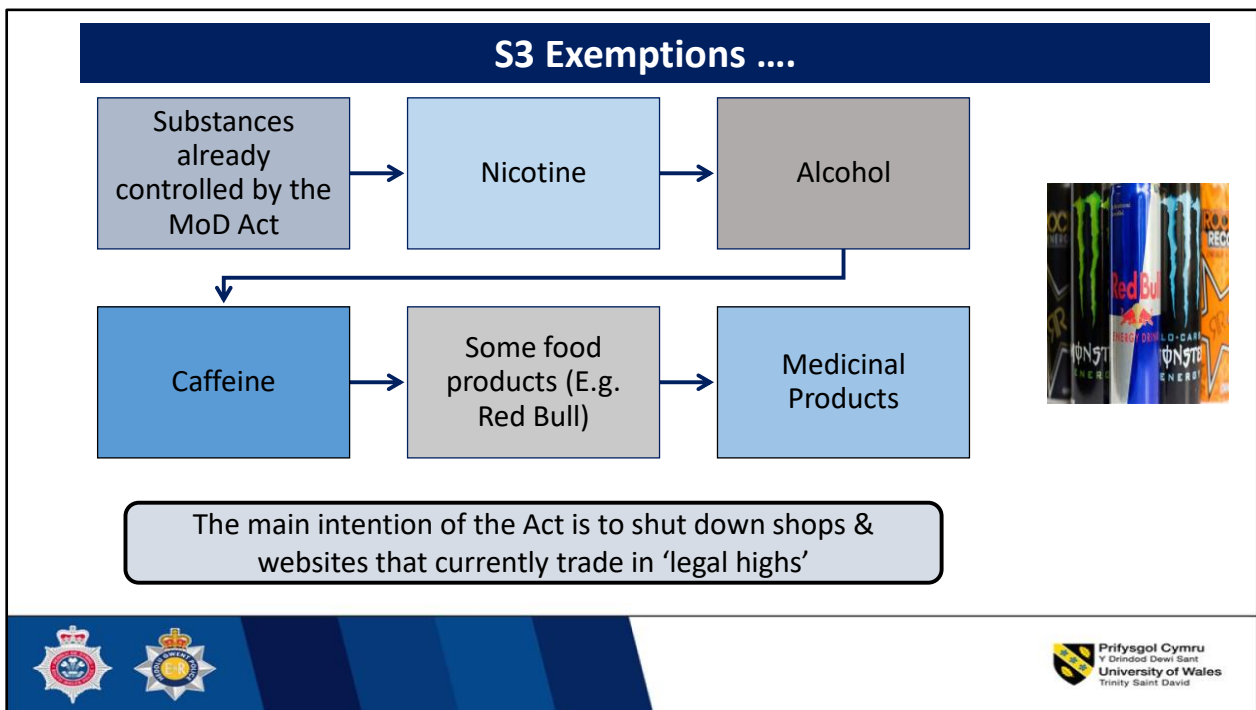
QTS – what is a psychoactive substance?

This Act contains provision about psychoactive substances. 'Psychoactive substances' are defined by section 2 of the Act. Sections 4 to 9 contain offences relating to psychoactive substances and section 11 provides for exceptions to those offences. Sections 12 to 35 contain powers for dealing with prohibited activities in respect of psychoactive substances, in particular powers to give prohibition notices and make prohibition orders, and sections 36 to 54 contain enforcement powers.

For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.

The main effect of psychoactive substances is on the person's brain, the major part of the central nervous system. By speeding up or slowing down activity on the central nervous system, psychoactive substances cause an alteration in

the individual's state of consciousness by producing a range of effects including, but not limited to: hallucinations; changes in alertness, perception of time and space, mood or empathy with others; and drowsiness.



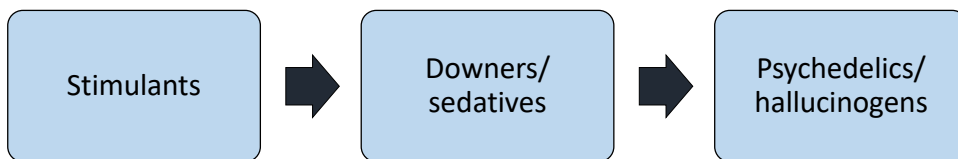
S3 - Exempted substances are included in Schedule 1 either because they are already controlled through existing legislation (alcohol, tobacco, medicines and controlled drugs) or because their **psychoactive effect** is negligible (caffeine and foodstuffs such as nutmeg and chocolate)

What are New Psychoactive Substances?

Formerly referred to as 'Legal Highs' they are made from assorted herbs, herbal extracts & 'research chemicals.'

They produce the same, or similar effects to controlled drugs but are controlled by the PSA 2016 which came into effect 26th May 2016

The main effects of New Psychoactive Substances (NPS) can be described using three main categories:



Drugs containing one or more chemical substances that produce similar effects to drugs like cocaine, cannabis and ecstasy – and formerly known as 'legal highs'

Although some of these so-called 'legal highs' were legal in the past, since the Psychoactive Substances Act came into effect in 2016, none of these drugs are legal to produce, supply or import for human consumption - even for personal use, e.g. over the internet.

This includes selling them or giving them away for free (even to friends) when they are going to be taken to get high.

New psychoactive substances might sound like an awkward term, but it's more accurate than 'legal highs'. You'll still hear people talking about legal highs, and as it's a widely understood term you might still find it used on this site, but they're all illegal.

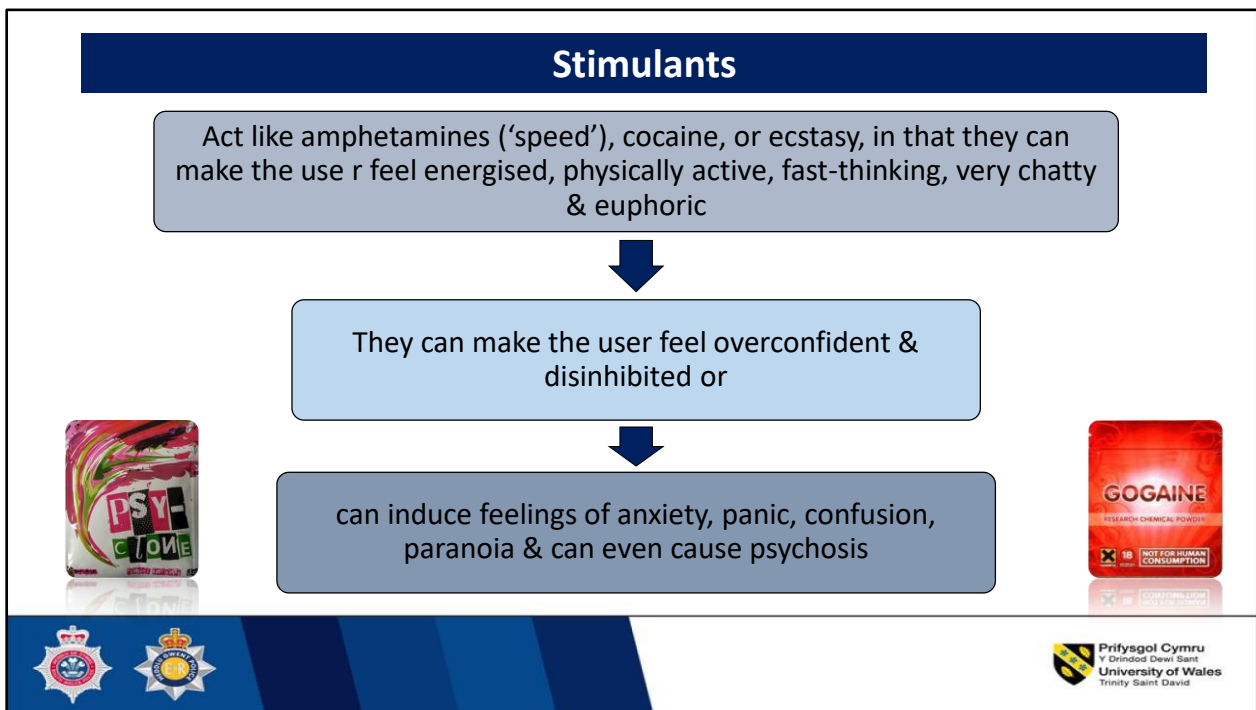
The so-called legal highs that were made illegal as class A, B or C drugs under the Misuse of Drugs Act, are still covered by that legislation. All other psychoactive substances not covered by the Misuse of Drugs Act fall under the Psychoactive Substances Act.

A substance produces a psychoactive effect in a person “if by stimulating or depressing the persons central nervous system, it affects the persons mental functioning or emotional state.

Generally, the pattern of acute toxicity with psychoactive substances is broadly similar to that seen with traditional drugs such as cocaine, ecstasy and MDMA. Some of the key harms associated with psychoactive substance use are:

- Overdose and temporary psychotic state and unpredictable behaviour
- Attendance at A & E and some hospital admissions
- Sudden increase in body temperature, heart rate and risk to internal organs.
- Hallucination & vomiting.
- Confusion leading to aggression and violence.
- Intense comedown causing users to feel suicidal.

NPS also known as:- synthetic drugs, bath salts, Flakka, Gravel, Alpha-PVP, NBOMes, Plantfood, MDVP, Monkey Dust, Mephedrone, Synthetic Cocaine.



Activity 1 – Trainer to split class into 3 groups and allocate a category of Psychoactive substance to each group – stimulants, downers & psychedelic. Students to write down some names relevant to each heading that they are aware of and the potential effects on a person.

Stimulant-type drugs – these drugs mimic substances such as [amphetamine](#), [cocaine](#) and [ecstasy](#) and include [BZP](#), [mephedrone](#), MPDV, NRG-1, [Benzo Fury](#), MDAI, ethylphenidate.

Downers / Sedatives

Act similar to
benzodiazepines
(Diazepam or Valium)

They are also like
cannabis in that they
can make the user feel
euphoric, relaxed or
sleepy

Also they can reduce
inhibitions &
concentration, making
their user forgetful &
slow down reactions

Commonly known as
Synthetic
Cannabinoids



*****Whilst Spice is a psychoactive substance its contents are not fixed and manufacturers often use ingredients to mix with Spice which are Class B drugs under the Misuse of Drugs Act*****

Psychedelic / Hallucinogenic

Act like LSD, magic mushrooms & ketamine

Can create altered perceptions & can make the user hallucinate

Can induce feelings of euphoria, warmth, 'enlightenment' & being detached from the world

Can cause confusion & panics, making the user feel like their mind & body are separate



Sold as tiny squares of papers known as “Tabs” or “Blotters”.

Examples have included

- N Bomb
- Smiley Paper
- Again, the list is constantly changing

Trainer to direct students to the “Talk to Frank” website for up to date information and street names of various drugs and psychoactive substances.

Website address: www.talktofrank.com

Consumes it

An individual consumes a substance if the individual causes or allows the substance, or fumes given off by the substance to enter the individual's body in any way (S 2(3))

This includes injecting, eating or drinking, snorting, inhaling & smoking





QTS – what types of offences do you think relate to Psychoactive Substances?

The focus of the PS Act 2016 is on supply and distribution of psychoactive substances for human consumption. To this end the Act creates a number of criminal offences, for example:

Section 4 – Producing a psychoactive substance

Section 5 – Supplying, offering to supply a psychoactive substance

Section 6 – Aggravation of offence under section 5 (if the supply is in the vicinity of a school, involves the use of a person under 18 years of age or occurs in a custodial institution).

Section 7 – Possession of a psychoactive substance with intent to supply

Section 8 – Importing or exporting a psychoactive substance

Section 9 – Possession of a psychoactive substance in a custodial institution.

There is **no** criminal offence of possession of a psychoactive substance and the Act focuses on production, importation and supply.

If an officer suspects a person of being in possession of an unknown substance at the time, consider arrest powers under the Misuse of Drugs Act 1971.

There are powers of stop and search (explained later)

Producing a Psychoactive Substance: Section 4

Intentionally produce a substance knowing or suspecting it to be PAS **and**

Intends to consume PAS for its psychoactive effects **or**

Knows/ reckless as to whether the PAS is likely to be consumed by some other person for its effects



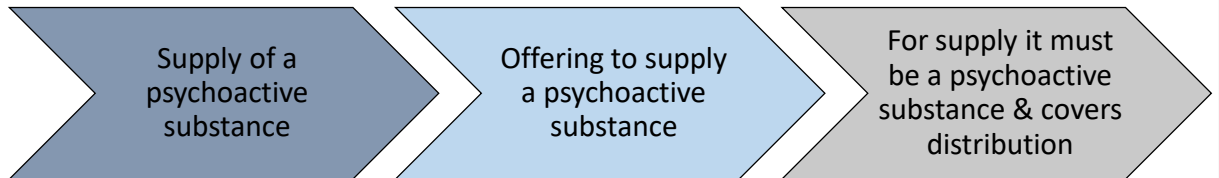
Points to Prove for all below offences

Act of production, supply, import and export must be **intentional**

Must have known or suspected; or ought to have known or suspected that the substance is a psychoactive substance

And **know or be reckless** that it is likely to be consumed by the person to whom it is supplied (or another person) for its psychoactive effects.

Supply a Psychoactive Substance & Offering to Supply a Psychoactive Substance: Section 5



The transaction does not need to result in payment or reward & would include social supply between friends



Aggravated Supply: Section 6 – an offence under Section 5

Is committed when
(offender must be over
18)

In the vicinity of a school
premises at a **relevant**
time i.e when the school
premises are in use by
persons under 18

And this includes one
hour before the start and
one hour at the end of
any such time OR

A courier was used by
the offender, who at the
time was under the age
of 18 OR

Committed whilst in a
custodial institution



Section 6 of the Psychoactive Substances Act 2016 provides for a statutory aggravating factor when sentencing an offender for an offence under section 5, where the supply, or offer to supply, took place at or in the vicinity of a school, involved the use of a courier under the age of 18 or took place in a custodial institution.

6(1) This section applies if -

- (a) a court is considering the seriousness of an offence under section 5 and
- (b) at the time the offence was committed the offender was aged 18 or over.

6(2) If condition A, B or C is met the court -

- (a) must treat the fact that the condition is met as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
- (b) must state in open court that the offence is so aggravated.

6(3) Condition A is that the offence was committed on or in the vicinity of school premises at a relevant time.

6(4) For the purposes of subsection (3) a **relevant time** is -

- (a) any time when the school premises are in use by persons under the age of 18;

(b) one hour before the start and one hour after the end of any such time.

Possession with INTENT to supply: Section 7

(a) The person is in possession of a psychoactive substance

(b) The person knows or suspects that the substance is a psychoactive substance, **and**

(c) The person intends to supply the psychoactive substance to another person for its consumption whether by any person to whom it is supplied or by some other person for its psychoactive effects



Simple possession of a psychoactive substance is not an offence ...

Except in a 'custodial institution' (Section 9) such as:
Prison, young offenders institution, secure training centre, secure college, juvenile justice centre, remand centre, short term holding facility, removal centre, pre departure accommodation (immigration facility), service custody premises (armed forces)



This will also apply to those working & visiting these premises



Section 9 "custodial institution" includes:

- prison
- young offenders institution
- secure training centre
- secure college
- juvenile justice centre
- remand centre
- short term holding facility
- removal centre
- pre departure accommodation (immigration facility)
- service custody premises (armed forces).

No Possession Offence (other than in Custodial Institutions)

There is no criminal offence under this legislation of 'simple possession' (other than possession in a custodial institution - section 9 above) although there is, of course, an offence of possession with intent to supply.

This lack of 'simple possession' is in line with the principle first established with the introduction of Temporary Class Drug Orders under the Misuse of Drugs Act 1971 where there is no possession offence, pending a full assessment of a drug's harm. With the PSA, the Government wishes to provide a more comprehensive yet proportionate legal framework to tackle the reckless trade in these substances.

Stop and Search Powers – S36 PSA 2016

Police or Customs Officer has **reasonable grounds to suspect** that a person has committed, or is likely to commit offences under S4 to 9 or S26



he may
Search the person for relevant evidence,
&



stop & **detain** the person for the purposes of the search, in any place to which the officer **lawfully has access** (whether or not it is a place to which the public have access)



Powers to Search

The power to search under s36 PS Act 2016 is subtly different from that of s 23 Misuse of Drugs Act 1971.

Section 36 provides a power of stop and search which applies where a police or customs officer has reasonable grounds to suspect that a person has committed, or is likely to commit an offence under any of sections 4 – 9 or section 26 (produce, supply, aggravated offences, possession with intent to supply, importing/exporting, possession in a custodial institution and offences of failing to comply with prohibition or premises order respectively).

The officer may search the person for 'relevant evidence' and stop and detain the person for the purpose of the search.

Officers should be mindful to convey the correct information to the searched person – clarifying the correct power used to seize the substances. As the power to seize psychoactive substances from a person under s43 only applies to searches where the person has been searched under s36 of the PSA, it is therefore important to inform the person under which Act they are being searched.

This section confers the power of stop and search to be exercised in any place to which the officer lawfully has access (whether or not it is a place to which the public

has access). 'Relevant evidence' means evidence that an offence has been committed under sections 4 – 9 or section 26.

(Section 26 of the Psychoactive Substances Act 2016 creates an offence of failing to comply with a prohibition or premises order. 26(1) A person against whom a prohibition order or a premises order is made commits an offence by failing to comply with the order.)

Powers to Seize

Section 43 provides a power of seizure for any police or customs officer who is exercising the power to search conferred by section 36, who may seize and retain anything found in the course of the search and which the officer reasonably believes to be either relevant evidence or a psychoactive substance (whether or not it is relevant evidence) and irrespective of the mens rea. Section 43 does not apply to other powers of stop and search (eg 23 MDA). If psychoactive substances are found in other stop/search situations, it is important to consider the options from a) to d) below.

Where officers are lawfully on premises (conducting a search, for example), section 43 provides officers with a power to seize what they reasonably believe to be relevant evidence or a psychoactive substance (whether or not it is relevant evidence).

A psychoactive substance (or substance reasonably believed to be psychoactive) can be seized and retained as a result of a stop/search when:

- a) the substance is evidence of an offence under the PS Act 2016 (eg possession with intent to supply - but not simple possession); or
- b) the search has been made under s36 of the PS Act 2016 (regardless of whether the substance is evidence of an offence); or
- c) the person has signed a disclaimer; or
- d) the officer reasonably believes the substance is or contains a controlled drug.

It is likely that psychoactive substances will sometimes come into the possession of officers in other circumstances eg following arrest for an unrelated offence. In such cases, whilst returning a substance to the person concerned would be unpalatable, officers and staff will have to consider their justification for any retention or disposal of the substance.

Stop and Search Powers – S37 PSA 2016

Where a police or customs officer has reasonable grounds to suspect that there is relevant evidence in a vehicle (which is not a dwelling) he may at any time & in any place to which the officer lawfully has access (whether or not it is a place to which the public have access)

enter the vehicle & search it for relevant evidence, stop & detain the vehicle for the purposes of entering & searching it



Seizure

The identification process will initially be the same as for testing controlled drugs. Officers will submit a sample to their local forensic providers as now (MG21). Evidence will be returned from the forensic provider to the investigating officer stating either:

- That the substance is a controlled drug (under Misuse of Drugs Act 1971)
- The substance is one which is capable of producing a psychoactive effect in a person who consumes it and is not an exempted substance (under the Psychoactive Substances Act 2016)
- The substance is neither of the above

Sanctions

The Act also contains powers for police, customs & trading standards to action or apply for:

Section 13 Prohibition Notices	Section 14 Premises Notices	Section 17 Meaning of a Prohibition Order
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Note: Civil Sanctions do not apply to S7 Possession with intent to supply



Section 13 – Prohibition Notice:

It is a notice that requires a person to whom it is given not to carry on any prohibited activity or a prohibited activity of a description specified in the notice. E.g. Suspect must not sell psychoactive substances of any kind

A Senior officer or a local authority (council area, customs, National Crime Agency) may issue a prohibition notice, if two conditions are met:

Condition A: the senior officer of local authority belief that the person is carrying on, or is like to carry on, a prohibited activity e.g. the suspect is selling psychoactive substances or they belief they would carry on selling them

Condition B: The senior officer or local authority reasonably believes that it is necessary and proportionate to give the prohibition notice for the purpose of preventing the person from carrying on ANY prohibited activity.

e.g. they believe that the suspect will continue to sell.

The notice cannot be given to anyone under 10 years of age in England and Wales, and 12 in Scotland.

The timing of the notice must be specified on it, and cannot be longer than 3 years

A senior officer has the rank of inspector

National Crime Agency grade 3 or above

Customs officer at least the grade of Higher Officer

Section 14 – Premises Notice:

This notice instructs the suspect to whom the notice is issued to take all reasonable steps to prevent any prohibited activity or described prohibited activity in the notice from being carried on at a specified premises

Again, there are two conditions that must be met by a senior officer or local authority:

Condition A: the senior officer or local authority reasonably believes that a prohibited activity is being or likely to be carried on at a particular premises, and that the person owns, leases, occupies, controls or operates at the premises

Condition B: the senior officer or local authority reasonably believes that it is necessary and proportionate to give the premises notice for the purpose of preventing any prohibited activity from being carried on at any premises owned, leased, occupied, controlled or operated by the person

Cannot be issued to anyone under 18

For the purposes of this section a person (other than a mortgagee not in possession) “owns” premises in England and Wales or Northern Ireland if—

(a) the person is entitled to dispose of the fee simple in the premises, whether in possession or reversion, or (someone who rents the premises other than the actual owner: Person A rents from person B)

(b) the person holds or is entitled to the rents and profits of the premises under

a lease that (when granted) was for a term of not less than 3 years.

Section 17 – Meaning of a Prohibition Order

In this Act a “prohibition order” means an order prohibiting the person against whom it is made from carrying on any prohibited activity or a prohibited activity of a description specified in the order.

A prohibition order may be made –

(a) on application or

(b) following conviction of an offence under any of sections 4 to 8 or a related offence

These civil powers should be seen as a ‘light touch’ alternative route to criminal proceedings, and as a means of tackling the production, supply etc. of psychoactive substances using a progressive approach.

The anticipated use of these civil powers will enable law enforcement officers and Local Authority partners to take action swiftly to ‘nip a problem in the bud’ or adopt a more proportionate approach

Premises/Prohibition Orders: Sections 18 & 20

Prohibition Order Section 18

- Concerns a person

Premises Order Section 20

- Owned/ leased/
occupied/ controlled/
operated



Section 18 of the Psychoactive Substances Act 2016 enables the appropriate court to make a **prohibition order against a person** if three conditions are met.

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.

Condition A is that the court is satisfied on the balance of probabilities that the person has failed to comply with a prohibition notice

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.

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.

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 (e.g. the notice has been removed for the court to issue its sanction/s)

A prohibition order under this section may not be made in England and Wales or Northern Ireland, against an individual who is under the age of 10

Section 20 of the Psychoactive Substances Act 2016 allows a **premises order** to be made against a person if three conditions are met.

20(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.

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.

Condition A the court is satisfied on the balance of probabilities that the person has failed to comply with a premises notice.

Condition B 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.

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.

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.

A premises order may not be made against an individual who is under the age of 18.



Group Task - Activity 2

Drug search practice within the classroom

Students split into pairs.

One of the pair leave the room.

One student conceals synthetic drugs on their person whilst the other student remains outside the room (Drugs to be concealed in a place student is likely to find them, and does not go further than J.O.G)

Students outside the room are given a brief synopsis of an incident, causing them to suspect drug possession may be involved.

Upon returning to the room, students practise questioning of the suspect, and conducts a search under Section 23 Misuse of Drugs Act

The learning outcome is to complete a drugs search of an individual correctly

Quiz Time

Blooket



Activity 3 – Final Quiz

INSTRUCTIONS -

TRAINER log onto – www.blooket.com/login

User name: SWPPEQF

Password – PEQFTeam1 (case sensitive)

Select **Misuse of Drugs and Psychoactive Substances** quiz

Click **Host**

Select **Racing** game mode

Click **Host Game**

Change Number of Questions on slide bar to **15**

Click **Host Now**

Mute sound at top of screen (click on microphone symbol once)

STUDENTS:

Follow screen instructions – on own phone or laptop

Type **blooket.com/play**

Enter **Game ID** number shown on Trainers Screen

Enter **name**

Pick **Icon**

TRAINER –

Click **Start**

(To mute the sound press the speaker icon twice)

The students then answer the questions on their own device – first to get 15 correct wins.

At the end of the quiz the trainer can click on the view report tab and see how many questions each student got correct/wrong for debrief

