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**A/PS Sally Ferris has sent us this interesting information on the change in law of**

### **LEGAL HIGHS (NPS)**

**A change in the law means that from 26<sup>th</sup> May 2016 if you use Legal Highs (NPS) and share with your friends you can now face prosecution.**

**The Psychoactive Substances Act (PSA) comes into place on 26<sup>th</sup> May 2016 making it illegal to supply, sell, import or export any psychoactive substances (substances that produce effects that mimic those of controlled drugs – otherwise known as Legal Highs).**

**Anyone caught supplying or selling psychoactive substances (legal highs) could face up to seven years in prison.**

**The only exemption to the PSA is those substances already controlled by the Misuse of Drugs Act, nicotine, alcohol, caffeine and medicinal products. The main intention of the PSA is to shut down shops and websites that currently trade in 'legal highs'. Any substance is illegal to produce or supply if it is likely to be used to get high.**



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### More useful information for you.

- **Possession of a psychoactive substance is not an offence, except in a ‘custodial institution’ (prison, young offender centre, removal centre etc.). The definition of custodial institution does not include Mental Health secure units. Possession with intent to supply, importing or exporting a psychoactive substance is all offences under the PSA.**
- **Importation: The PSA does not include possession as an offence as the government did not want it to lead to the mass criminalisation of young people. It has however been pointed out by some commentators that the importing of a psychoactive substance from a non-uk based website, which may lead to individuals being prosecuted.**
- **Powers of stop and search: Police will have powers of stopping and searching individuals and premises, however possession of psychoactive substances will not be an offence and which substances are actually psychoactive is far from legally clear at present. Currently the Association of Chief Police Officers (now the National Police Chiefs’ Council) guidance states that a ‘legal high’ should be treated like a controlled drug until proven otherwise.**
- **Food and drink: Nutmeg (which is psychoactive) is used as an example in the government’s commentary document of a psychoactive substance that would be classed as a food and be exempt unless it was specifically sold for psychoactive purposes. The evidence submission by Release and Transform points out the difficulties this issue may cause in practice. It also summaries most of the other main arguments/debates used against the PSA, such as whether it will be workable or enforceable in practice.**
- **For more information on the above you can find it on various websites as the Act covers so many areas.**

**6165 Sal Ferris**  
**A/PS NTL BIDEFORD**

*“Perfection doesn’t exist, but that doesn’t stop us striving to achieve it!”*