

Psychoactive Substances Bill [HL]

AMENDMENTS TO BE MOVED IN COMMITTEE

Clause 22

LORD BATES

- 1 Page 12, line 35, leave out “a designated NCA officer or”
- 2 Page 12, line 46, at end insert “, a general customs official or a person authorised by a person listed in subsection (2A).
(2A) Those persons are –
 - (a) the chief officer of police for a police area, in the case of an order made in England and Wales;
 - (b) the chief constable of the Police Service of Scotland, in the case of an order made in Scotland;
 - (c) the chief constable of the Police Service of Northern Ireland, in the case of an order made in Northern Ireland;
 - (d) the chief constable of the British Transport Police Force, in the case of an order made in England and Wales or Scotland;
 - (e) the Director General of the National Crime Agency;
 - (f) the Secretary of State by whom general customs functions are exercisable.”

Clause 32

LORD BATES

- 3 Page 19, leave out line 10
- 4 Page 19, line 11, at end insert “, or
 - () a designated NCA officer authorised by the Director General of the National Crime Agency (whether generally or specifically) to exercise the powers of a police or customs officer under this Act;”

Clause 53

LORD BATES

- 5 Page 31, line 4, leave out “9 or”
 6 Page 31, line 17, after “sheriff” insert “or a justice of the peace”

Schedule 3

LORD BATES

- 7 Page 41, line 15, leave out from “applies” to end of line 16 and insert “where—
 (a) a person proposes to give a prohibition notice,
 (b) a person makes an application for a prohibition order under section 17, or
 (c) a person mentioned in subsection (1)(a) or (2) of section 24 makes an application under that section for the variation of a prohibition order.”
- 8 Page 41, line 17, leave out “A” and insert “The”
 9 Page 41, line 17, leave out “a”
 10 Page 41, line 18, leave out second “the” and insert “a non-UK”
 11 Page 41, line 29, after “making” insert “or varying”
 12 Page 41, line 32, leave out “a law enforcement officer” and insert “the relevant enforcement authority”
 13 Page 41, line 33, leave out “officer” and insert “authority”
 14 Page 41, line 36, leave out “a law enforcement officer” and insert “the relevant enforcement authority”
 15 Page 41, line 37, leave out from “of” to end of line 43 and insert “the relevant matters (see sub-paragraph (5A)).
- (5A) The “relevant matters” are—
 (a) in the case of a prohibition notice, the intention to give a prohibition notice containing the terms;
 (b) in the case of a prohibition order, the intention to apply for—
 (i) a prohibition order containing the terms, or
 (ii) the variation of a prohibition order so that it contains the terms;
 (c) in either of those cases, the terms.
- (6) In the case of a prohibition order, it does not matter for the purposes of sub-paragraph (5) whether the request or notification is made before or after the making of the application referred to in sub-paragraph (5A)(b).
- (7) In this paragraph—
 “non-UK service provider” means a service provider established in an EEA state other than the United Kingdom;

“the relevant enforcement authority” means –

- (a) in the case of a prohibition notice to be given by a constable, the chief officer of police or chief constable (as the case may be) of the police force of which the constable is a member;
- (b) in the case of a prohibition notice to be given by a designated NCA officer, the Director General of the National Crime Agency;
- (c) in the case of a prohibition notice to be given by a general customs official, the Secretary of State by whom general customs functions are exercisable;
- (d) in the case of a prohibition notice to be given by a local authority, that local authority;
- (e) in the case of a prohibition order, the person applying for the order or for the variation of the order (as the case may be).”

