



Ministry
of Justice

Sam Gyimah MP
Parliamentary Under-Secretary
of State for Justice

Ian Lucas MP
House of Commons
London
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26 April 2017

Dear Ian

LEGISLATION ON POSSESSION OF PSYCHOACTIVE SUBSTANCES

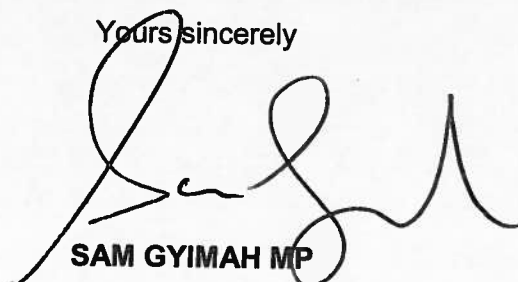
Following our discussion during Justice Questions yesterday, I have reviewed the correspondence you have received from both the Home Office and me on this issue. The letters deal with two different aspects of legislation.

As I set out in my letter to you of 10 April, the Psychoactive Substances Act 2016 does not criminalise the possession of psychoactive substances except in a custodial setting. The Act does, however, make it an offence to produce, supply, offer to supply, possess with intent to supply, import or export psychoactive substances. Under the Act it is a further statutory aggravating factor if an offence of supplying, or offering to supply, a psychoactive substance took place in a custodial institution.

Separately, as Sarah Newton MP described in her letter to you of 7 April, synthetic cannabinoids (a particular type of new psychoactive substance) have been controlled as a Class B substance under the Misuse of Drugs Act 1971. Possession of a Class B controlled substance is illegal under section 5 of this Act, and so possession of this specific group of substances, frequently found under brand names such as Spice, is illegal under that legislation. This reflects the advice of the Advisory Committee on the Misuse of Drugs, in light of the growing evidence base around the harm caused by this type of drug.

I trust that this clarifies the distinction between the two pieces of correspondence. I am copying this letter to Sarah Newton MP, Sir Julian Brazier MP, Lucy Powell MP, Phillip Hollobone MP, Gavin Robinson MP and the Executive Director of Wrexham Council. I will also place a copy in the House of Commons library.

Yours sincerely



SAM GYIMAH MP