

POSSESSION OF PSYCHOACTIVE SUBSTANCE WITH INTENT TO SUPPLY

Psychoactive Substances Act 2016

7.- (1) A person commits an offence if—

- (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.

Maximum Sentence

Psychoactive Substances Act 2016, s.10(1)

Indictment: 7 years imprisonment

Summarily: 6 months imprisonment and/or £5,000 Fine

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Sharing minimal quantity between equals on a non-commercial basis	Community Order	Fine to Community Order
Small scale retail supply to consumer	2 month Custody	Community Order to 6 months custody

Examples of Possible Aggravating Factors of Offence

1. Offender exercising or acting in position of special responsibility.
2. Supply to vulnerable persons including children.
3. Offence committed on/in vicinity of school premises.

Examples of Possible Mitigating Factor of Offence

N/A

Relevant Cases:

NI Cases

N/A

English Cases

N/A

Notes: