

PRODUCTION OF PSYCHOACTIVE SUBSTANCE

Psychoactive Substances Act 2016

- 4.- (1) A person commits an offence if—
- (a) the person intentionally produces a psychoactive substance,
 - (b) the person knows or suspects that the substance is a psychoactive substance, and
 - (c) the person—
 - (i) intends to consume the psychoactive substance for its psychoactive effects, or
 - (ii) knows, or is reckless as to whether, the psychoactive substance is likely to be consumed 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> |
|---|-----------------------|-------------------------------------|
| Very small scale production for limited personal use only | Fine | Fine to Community Order |
| Larger scale production | Community Order | Community Order to 6 months custody |

| <u>Examples of Possible Aggravating Factors of Offence</u> | <u>Examples of Possible Mitigating Factor of Offence</u> |
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| 1. Use of sophisticated production system 2. Use of sophisticated system of concealment 4. Involvement of vulnerable/young persons | N/A |

Relevant Cases:

NI Cases

N/A

English Cases

N/A

Notes: