

Table 1: Number of adult offenders sentenced for offences under the Psychoactive Substances Act 2016, 2007-2017^{1,2}

Annex B

Legislation	Section	Offence	Court type	Number of adult offenders sentenced													
				2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017			
Psychoactive Substances Act 2016	4(1) & 10(1)	Produce a psychoactive substance	MC	-	-	-	-	-	-	-	-	-	-	-	0	0	
			CC	-	-	-	-	-	-	-	-	-	-	-	1	1	
			Total	-	-	-	-	-	-	-	-	-	-	-	-	1	1
	5(1) & 10(1)	Supply a psychoactive substance	MC	-	-	-	-	-	-	-	-	-	-	-	-	4	4
			CC	-	-	-	-	-	-	-	-	-	-	-	-	1	9
			Total	-	-	-	-	-	-	-	-	-	-	-	-	-	5
	5(2) & 10(1)	Offer to supply a psychoactive substance	MC	-	-	-	-	-	-	-	-	-	-	-	-	0	0
			CC	-	-	-	-	-	-	-	-	-	-	-	-	0	1
			Total	-	-	-	-	-	-	-	-	-	-	-	-	-	0
	7 & 10(1)	Possess a psychoactive substance with intent to supply	MC	-	-	-	-	-	-	-	-	-	-	-	-	6	28
			CC	-	-	-	-	-	-	-	-	-	-	-	-	5	68
			Total	-	-	-	-	-	-	-	-	-	-	-	-	-	11
	8(1) & 10(1)	Import a psychoactive substance	MC	-	-	-	-	-	-	-	-	-	-	-	-	1	0
			CC	-	-	-	-	-	-	-	-	-	-	-	-	0	0
			Total	-	-	-	-	-	-	-	-	-	-	-	-	-	1
9(1) & 10(2)	Possess a psychoactive substance in a custodial institution	MC	-	-	-	-	-	-	-	-	-	-	-	-	4	21	
		CC	-	-	-	-	-	-	-	-	-	-	-	-	2	9	
		Total	-	-	-	-	-	-	-	-	-	-	-	-	-	6	30
Total psychoactive substances offences		MC	-	-	-	-	-	-	-	-	-	-	-	-	15	53	
		CC	-	-	-	-	-	-	-	-	-	-	-	-	9	88	
		Total	-	-	-	-	-	-	-	-	-	-	-	-	-	24	141

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) No offenders were sentenced during this period for the following offences under the Psychoactive Substances Act 2016: Export a psychoactive substance, Fail to comply with a prohibition / premises order re psychoactive substances, Remain on / enter premises in contravention of access prohibition re psychoactive substances, Obstruct a person entering premises / securing premises against entry re psychoactive substances, Obstruct enforcement officer in performance of functions under Psychoactive Substances Act 2016, and Fail to comply / prevent compliance with requirement / direction under Psychoactive Substances Act 2016.

2) The Psychoactive Substances Act came into effect in 2016, and so no offenders were convicted or sentenced for these offences prior to 2016.

Table 2: Sentence outcomes for adult offenders sentenced for offences under the Psychoactive Substances Act 2016, 2017

Legislation	Section	Offence	Absolute Discharge	Conditional Discharge	Fine	Community Order	Suspended Sentence	Immediate Custody	Otherwise dealt with ¹	Total
Psychoactive Substances Act 2016	4(1) & 10(1)	Produce a psychoactive substance	0	0	0	0	0	1	0	1
	5(1) & 10(1)	Supply a psychoactive substance	0	1	2	2	1	7	0	13
	5(2) & 10(1)	Offer to supply a psychoactive substance	0	0	0	0	1	0	0	1
	7 & 10(1)	Possess a psychoactive substance with intent to supply	0	2	4	22	36	30	2	96
	8(1) & 10(1)	Import a psychoactive substance	0	0	0	0	0	0	0	0
	9(1) & 10(2)	Possess a psychoactive substance in a custodial institution	0	2	0	0	5	22	1	30

Offences under the Psychoactive Substances Act 2016

Legislation	Section	Offence	Absolute Discharge	Conditional Discharge	Fine	Community Order	Suspended Sentence	Immediate Custody	Otherwise dealt with ¹	Total
Psychoactive Substances Act 2016	4(1) & 10(1)	Produce a psychoactive substance	0%	0%	0%	0%	0%	100%	0%	100%
	5(1) & 10(1)	Supply a psychoactive substance	0%	8%	15%	15%	8%	54%	0%	100%
	5(2) & 10(1)	Offer to supply a psychoactive substance	0%	0%	0%	0%	100%	0%	0%	100%
	7 & 10(1)	Possess a psychoactive substance with intent to supply	0%	2%	4%	23%	38%	31%	2%	100%
	8(1) & 10(1)	Import a psychoactive substance	0%	0%	0%	0%	0%	0%	0%	0%
	9(1) & 10(2)	Possess a psychoactive substance in a custodial institution	0%	7%	0%	0%	17%	73%	3%	100%

Source: Court Proceedings Database, Ministry of Justice

Note:

1) Includes a number of orders, for example hospital orders, confiscation orders and compensation orders.

Table 3: Average custodial sentence lengths for adult offenders sentenced to immediate custody for offences under the Psychoactive Substances Act 2016, after any reduction for guilty plea, 2017

Legislation	Section	Offence	Mean sentence length ^{1,3}	Median sentence length ^{2,3}
Psychoactive Substances Act 2016	4(1) & 10(1)	Produce a psychoactive substance ⁴	*	*
	5(1) & 10(1)	Supply a psychoactive substance ⁵	8 months	8 months
	5(2) & 10(1)	Offer to supply a psychoactive substance ⁶	-	-
	7 & 10(1)	Possess a psychoactive substance with intent to supply	10 months	7 months
	8(1) & 10(1)	Import a psychoactive substance ⁶	-	-
	9(1) & 10(2)	Possess a psychoactive substance in a custodial institution	4 months	3 months

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) The mean is calculated by taking the sum of all values and then dividing by the number of values.
- 2) The median is the value which lies in the middle of a set of numbers when those numbers are placed in ascending or descending order.
- 3) Excludes life and indeterminate sentences.
- 4) Figures have been excluded for this offence, due to the very low number of offenders sentenced to immediate custody in 2017 (less than five).
- 5) These figures should be treated with caution, due to the low number of offenders sentenced to immediate custody for this offence.
- 6) No offenders were sentenced to immediate custody for this offence in 2017.