



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

55 Intimate searches

- (1) Subject to the following provisions of this section, if an officer of at least the rank of [^{F1}inspector] has reasonable grounds for believing—
 - (a) that a person who has been arrested and is in police detention may have concealed on him anything which—
 - (i) he could use to cause physical injury to himself or others; and
 - (ii) he might so use while he is in police detention or in the custody of a court; or
 - (b) that such a person—
 - (i) may have a Class A drug concealed on him; and
 - (ii) was in possession of it with the appropriate criminal intent before his arrest,he may authorise [^{F2}an intimate search] of that person.
 - (2) An officer may not authorise an intimate search of a person for anything unless he has reasonable grounds for believing that it cannot be found without his being intimately searched.
 - (3) An officer may give an authorisation under subsection (1) above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- [^{F3}(3A) A drug offence search shall not be carried out unless the appropriate consent has been given in writing.
- (3B) Where it is proposed that a drug offence search be carried out, an appropriate officer shall inform the person who is to be subject to it—
 - (a) of the giving of the authorisation for it; and
 - (b) of the grounds for giving the authorisation.]

Status: Point in time view as at 08/04/2013. This version of this provision has been superseded.

Changes to legislation: *Police and Criminal Evidence Act 1984, Section 55 is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) An intimate search which is only a drug offence search shall be by way of examination by a suitably qualified person.
- (5) Except as provided by subsection (4) above, an intimate search shall be by way of examination by a suitably qualified person unless an officer of at least the rank of [^{F1}inspector] considers that this is not practicable.
- (6) An intimate search which is not carried out as mentioned in subsection (5) above shall be carried out by a constable.
- (7) A constable may not carry out an intimate search of a person of the opposite sex.
- (8) No intimate search may be carried out except—
 - (a) at a police station;
 - (b) at a hospital;
 - (c) at a registered medical practitioner's surgery; or
 - (d) at some other place used for medical purposes.
- (9) An intimate search which is only a drug offence search may not be carried out at a police station.
- (10) If an intimate search of a person is carried out, the custody record relating to him shall state—
 - (a) which parts of his body were searched; and
 - (b) why they were searched.
- [^{F4}(10A) If the intimate search is a drug offence search, the custody record relating to that person shall also state—
 - (a) the authorisation by virtue of which the search was carried out;
 - (b) the grounds for giving the authorisation; and
 - (c) the fact that the appropriate consent was given.]
- (11) The information required to be recorded by [^{F5}subsections (10) and (10A)] above shall be recorded as soon as practicable after the completion of the search.
- (12) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained—
 - (a) if he believes that the person from whom it is seized may use it—
 - (i) to cause physical injury to himself or any other person;
 - (ii) to damage property;
 - (iii) to interfere with evidence; or
 - (iv) to assist him to escape; or
 - (b) if he has reasonable grounds for believing that it may be evidence relating to an offence.
- (13) Where anything is seized under this section, the person from whom it is seized shall be told the reason for the seizure unless he is—
 - (a) violent or likely to become violent; or
 - (b) incapable of understanding what is said to him.
- [^{F6}(13A) Where the appropriate consent to a drug offence search of any person was refused without good cause, in any proceedings against that person for an offence—
 - (a) the court, in determining whether there is a case to answer;

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- (b) a judge, in deciding whether to grant an application made by the accused under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal); and
- (c) the court or jury, in determining whether that person is guilty of the offence charged,

may draw such inferences from the refusal as appear proper.]

(14) Every annual report—

[^{F7}(a) under section 22 of the ^{M1}Police Act 1996; or]

(b) made by the Commissioner of Police of the Metropolis,

shall contain information about searches under this section which have been carried out in the area to which the report relates during the period to which it relates.

(14A) ^{F8}

(15) The information about such searches shall include—

- (a) the total number of searches;
- (b) the number of searches conducted by way of examination by a suitably qualified person;
- (c) the number of searches not so conducted but conducted in the presence of such a person; and
- (d) the result of the searches carried out.

(16) The information shall also include, as separate items—

- (a) the total number of drug offence searches; and
- (b) the result of those searches.

(17) In this section—

“the appropriate criminal intent” means an intent to commit an offence under—

- (a) section 5(3) of the ^{M2}Misuse of Drugs Act 1971 (possession of controlled drug with intent to supply to another); or
- (b) section 68(2) of the ^{M3}Customs and Excise Management Act 1979 (exportation etc. with intent to evade a prohibition or restriction);

[^{F9}“appropriate officer” means—

- (a) a constable,
- (b) a person who is designated as a detention officer in pursuance of section 38 of the Police Reform Act 2002 if his designation applies paragraph 33D of Schedule 4 to that Act, ^{F10} . . .

(c) ^{F10}]

“Class A drug” has the meaning assigned to it by section 2(1)(b) of the Misuse of Drugs Act 1971;

“drug offence search” means an intimate search for a Class A drug which an officer has authorised by virtue of subsection (1)(b) above; and

“suitably qualified person” means—

- (a) a registered medical practitioner; or
- (b) a registered nurse.

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Textual Amendments

- F1** Words in s. 55(1)(5) inserted (1.4.2003) by 2001 c. 16, ss. 79, 138(2); S.I. 2003/708, **art. 2(g)**
- F2** Words substituted by **Criminal Justice Act 1988 (c. 33, SIF 39:1)**, s. 170(1), **Sch. 15 para. 99**
- F3** S. 55(3A)(3B) inserted (1.1.2006) by **Drugs Act 2005 (c. 17)**, **ss. 3(2)**, 24; S.I. 2005/3053, **art. 3(b)**
- F4** S. 55(10A) inserted (1.1.2006) by **Drugs Act 2005 (c. 17)**, **ss. 3(3)**, 24; S.I. 2005/3053, **art. 3(b)**
- F5** Words in s. 55(11) substituted (1.1.2006) by **Drugs Act 2005 (c. 17)**, **ss. 3(4)**, 24; S.I. 2005/3053, **art. 3(b)**
- F6** S. 55(13A) inserted (1.1.2006) by **Drugs Act 2005 (c. 17)**, **ss. 3(5)**, 24; S.I. 2005/3053, **art. 3(b)**
- F7** S. 55(14)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 36**
- F8** S. 55(14A) repealed (1.4.2006) by **Serious Organised Crime and Police Act 2005 (c. 15)**, ss. 59, 174, 178, **Sch. 4 para. 45**, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, **Sch. paras. 10, 12, 13(q)** (subject to **art. 4(2)-(7)**)
- F9** S. 55(17): definition of “appropriate officer” inserted (1.1.2006) by **Drugs Act 2005 (c. 17)**, **ss. 3(6)**, 24; S.I. 2005/3053, **art. 3(b)**
- F10** Words in s. 55(17) definition of “appropriate officer” repealed (12.1.2010) by **Policing and Crime Act 2009 (c. 26)**, ss. 112(1)(2), 116(6), **Sch. 7 para. 123(5)**, **Sch. 8 Pt. 13**

Modifications etc. (not altering text)

- C1** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18–20, 21, 22(1)–(4), 28, 29, 30(1)–(4)(a)(5)–(11), 31, 32(1)–(9), 34(1)–(5), 35, 36, 37, 39, 40–44, 50, 51(d), 52, 54, 55, 64(1)–(4)(5)(6), **Sch. 1** applied with modifications by **S.I. 1985/1800**, **arts. 3–11**, **Schs. 1, 2**
 S. 55(1)–(3)(5)(6)–(10)(12)(17) applied (with modifications) (1.2.1997) by **S.I. 1997/15**, **art. 2(1)**, **Sch. S. 55(4)(11)(13)** applied (1.2.1997) by **S.I. 1997/15**, **art. 2(1)**, **Sch.**
- C2** S. 55 extended (2.8.1993) by **S.I. 1993/1813**, **art. 6**, **Sch. 3 paras. 1(2)(b)**, **3(2)(3)**; s. 55 extended by the said **S.I. 1993/1813**, **art. 6**, **Sch. 3 paras. 3, 4** as incorporated (with modifications) (1.12.1997) by **S.I. 1994/1405**, **art. 6**, **Sch. 3 paras. 4(b)**, **5**
- C3** S. 55: power to apply (with modifications) conferred (1.1.2004) by **Extradition Act 2003 (c. 41)**, **ss. 171(3)(b)**, 221; **S.I. 2003/3103**, **art. 2** (subject to savings in Order (as amended by **S.I. 2003/3312**, **art. 2(2)** and **S.I. 2003/3258**, **art. 2(2)**))
- C4** S. 55 applied (with modifications) (1.1.2004) by **The Extradition Act 2003 (Police Powers) Order 2003 (S.I. 2003/3106)**, **art. 2**
- C5** S. 55 applied (with modifications) (31.12.2006) by **The Police and Criminal Evidence Act 1984 (Application to the Armed Forces) Order 2006 (S.I. 2006/2015)**, **arts. 2, 3**, **Schs. 1-3**
- C6** S. 55(6) extended (2.12.2002) by **Police Reform Act 2002 (c. 30)**, s. 38, **Sch. 4 Pt. 3 para. 28(1)**; **S.I. 2002/2750**, **art. 2(a)(ii)(d)**
- C7** S. 55(7) applied (2.12.2002) by **Police Reform Act 2002 (c. 30)**, s. 38, **Sch. 4 Pt. 3 para. 28(2)**; **S.I. 2002/2750**, **art. 2(a)(ii)(d)**

Marginal Citations

- M1** 1996 C. 16.
M2 1971 c. 38.
M3 1979 c. 2.

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