

Status: Point in time view as at 01/04/2007.

Changes to legislation: There are currently no known outstanding effects for the Drugs Act 2005, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 23

AMENDMENTS

Police and Criminal Evidence Act 1984 (c. 60)

1 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.12.2005 by S.I. 2005/3053, art. 2(1)(f)

2 In section 37 (duties of custody officer before charge), after subsection (8) insert—

“(8A) Subsection (8B) applies if the offence for which the person is arrested is one in relation to which a sample could be taken under section 63B below and the custody officer—

- (a) is required in pursuance of subsection (2) above to release the person arrested and decides to release him on bail, or
- (b) decides in pursuance of subsection (7)(a) or (b) above to release the person without charge and on bail.

(8B) The detention of the person may be continued to enable a sample to be taken under section 63B, but this subsection does not permit a person to be detained for a period of more than 24 hours after the relevant time.”

Commencement Information

I2 Sch. 1 para. 2 in force at 1.12.2005 by S.I. 2005/3053, art. 2(1)(f)

3 In section 38 (duties of custody officer after charge)—

- (a) in subsection (1)(a) for sub-paragraph (iiia) substitute—

“(iiia) in a case where a sample may be taken from the person under section 63B below, the custody officer has reasonable grounds for believing that the detention of the person is necessary to enable the sample to be taken from him;”;

- (b) in subsection (6A), in the definition of “minimum age” for “section 63B(3) below” substitute “section 63B(3)(b) below”.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.12.2005 by S.I. 2005/3053, art. 2(1)(f)

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- 4 In section 63B(7) (purposes for which results of drug tests may be disclosed), after paragraph (c) insert—
- “(ca) for the purpose of an assessment which the person concerned is required to attend by virtue of section 9(2) or 10(2) of the Drugs Act 2005;
- (cb) for the purpose of proceedings against the person concerned for an offence under section 12(3) or 14(3) of that Act;”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.12.2005 by S.I. 2005/3053, art. 2(1)(f)

Criminal Justice and Court Services Act 2000 (c. 43)

- 5 In section 57 of the Criminal Justice and Court Services Act 2000, subsection (5) (power of Secretary of State to extend section 63B of the Police and Criminal Evidence Act 1984 (c. 60) to persons arrested but not charged) is omitted.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.12.2005 by S.I. 2005/3053, art. 2(1)(f)

Criminal Justice and Police Act 2001 (c. 16)

- 6 Section 38 of the Criminal Justice and Police Act 2001 (which amends section 8 of the Misuse of Drugs Act 1971 (c. 38) to create an offence of permitting the use of a controlled drug on premises) is omitted.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.9.2005 by S.I. 2005/2223, art. 2(c)

Anti-social Behaviour Act 2003 (c. 38)

- 7 In section 1 of the Anti-social Behaviour Act 2003 (closure notices) after subsection (7) insert—
- “(7A) For the purpose of subsection (6)(a) a constable may enter any premises to which this section applies, using reasonable force if necessary.”

Commencement Information

I7 Sch. 1 para. 7 in force at 1.9.2005 by S.I. 2005/2223, art. 2(c)

Criminal Justice Act 2003 (c. 44)

- 8 In section 5 of the Criminal Justice Act 2003 (drug testing for under-eighteens), subsection (3)(a) is omitted.

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Commencement Information

18 Sch. 1 para. 8 in force at 1.12.2005 by S.I. 2005/3053, **art. 2(1)(f)**

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