

DRUGS ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Schedule 1: Amendments

50. *Paragraph 2* amends section 37 of the Police and Criminal Evidence Act 1984 (“PACE”) to enable persons who would otherwise be released on bail without charge to be detained to allow a sample to be taken before release so long as that extended detention does not take the total period of continuous detention for that offence beyond twenty-four hours.
51. *Paragraph 3* amends section 38(1)(a)(iiia) and section 38(6A) of PACE.
52. *Paragraph 4* amends section 63B(7) of PACE to enable the results of drug tests obtained under that section to be disclosed for the purposes of an initial assessment or a follow-up assessment and for the purposes of proceedings in respect of a failure to attend for the duration of either.
53. *Paragraph 5* omits subsection 57(5) of the Criminal Justice and Court Services Act 2000 which has been superseded by amendments made in section 7.
54. *Paragraph 6* repeals section 38 of the Criminal Justice and Police Act 2001 (which has not been brought into force). Section 38 of the 2001 Act prospectively amended section 8 of the Misuse of Drugs Act 1971 by creating an offence of permitting the use of a controlled drug on premises. This section is being repealed because adequate powers to close premises where drugs are used unlawfully are now provided for in Part 1 of the Anti-social Behaviour Act 2003.
55. *Paragraph 7* amends section 1 of the Anti-social Behaviour Act 2003. It provides that where a constable serves a closure notice under that section and fixes a copy of the notice to at least one prominent place on the premises he may enter any premises in question for the purposes of doing so (using reasonable force if necessary).
56. *Paragraph 8* omits subsection 5(3)(a) of the Criminal Justice Act 2003 which has been superseded by amendments made in section 7.