



# Drugs Act 2005

## 2005 CHAPTER 17

### PART 3

#### ASSESSMENT OF MISUSE OF DRUGS

#### **17 Relationship with Bail Act 1976 etc.**

- (1) A requirement imposed on a person by virtue of section 9(2) or 10(2) ceases to have effect if at any time before he has fully complied with the requirement—
  - (a) he is charged with the related offence, and
  - (b) a court imposes on him a condition of bail under section 3(6D) of the Bail Act 1976 (c. 63) (duty to impose condition to undergo relevant assessment etc.).
- (2) For the purposes of section 3(6D) of the 1976 Act, a relevant assessment (within the meaning of that Act) is to be treated as having been carried out if—
  - (a) a person attends an initial assessment and remains for its duration, and
  - (b) the initial assessor is satisfied that the initial assessment fulfilled the purposes of a relevant assessment.
- (3) For the purposes of paragraph 6B(2)(b) of Schedule 1 to the 1976 Act (exceptions to right to bail for drug users in certain areas), a person is to be treated as having undergone a relevant assessment (within the meaning of that Act) if—
  - (a) the person attends an initial assessment and remains for its duration, and
  - (b) the initial assessor is satisfied that the initial assessment fulfilled the purposes of a relevant assessment.
- (4) An initial assessor may disclose information relating to an initial assessment for the purpose of enabling a court considering an application for bail by the person concerned to determine whether subsection (2) or (3) applies.
- (5) Nothing in subsection (1) affects—
  - (a) the validity of anything done in connection with the requirement before it ceases to have effect, or

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*Changes to legislation: There are currently no known outstanding effects  
for the Drugs Act 2005, Section 17. (See end of Document for details)*

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- (b) any liability which the person may have for an offence under section 12(3) or 14(3) committed before the requirement ceases to have effect.
- (6) In subsection (1), “the related offence” is the offence in respect of which the condition specified in subsection (1A) or (2) of section 63B of PACE is satisfied in relation to the taking of the sample mentioned in section 9(1)(a) of this Act.

**Commencement Information**

- I1** [S. 17](#) in force at 1.12.2005 for specified purposes by [S.I. 2005/3053](#), [art. 2\(2\)\(d\)](#)
- I2** [S. 17](#) in force at 1.4.2007 in so far as not already in force by [S.I. 2007/562](#), [art. 2\(2\)\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Drugs Act 2005, Section 17.