



Drugs Act 2005

2005 CHAPTER 17

PART 2

POLICE POWERS RELATING TO DRUGS

4 Drug offence searches: Northern Ireland

(1) Article 56 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341) (intimate searches) is amended as follows.

(2) After paragraph (3) insert—

“(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, a constable 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.”

(3) After paragraph (10) insert—

“(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.”

(4) In paragraph (11), for “paragraph (10)” substitute “ paragraphs (10) and (10A) ”.

(5) After paragraph (13) insert—

“(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—

Changes to legislation: There are currently no known outstanding effects for the Drugs Act 2005, Section 4. (See end of Document for details)

- (a) the court, in determining whether to commit the accused for trial or whether there is a case to answer;
 - (b) a judge, in deciding whether to grant an application made by the accused under—
 - (i) Article 5 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (application for dismissal of charges where a case of fraud has been transferred from a magistrates' court to the Crown Court under Article 3 of that Order); or
 - (ii) paragraph 4 of Schedule 1 to the Children's Evidence (Northern Ireland) Order 1995 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under Article 4 of that Order); 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.”

Commencement Information

II S. 4 in force at 1.4.2007 by S.I. 2007/562, art. 2(1)(a)

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