



# Drugs Act 2005

## 2005 CHAPTER 17

### PART 2

#### POLICE POWERS RELATING TO DRUGS

#### **6 X-rays and ultrasound scans: Northern Ireland**

After Article 56 (intimate searches) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341) insert—

##### **“56A X-rays and ultrasound scans**

- (1) If an officer of at least the rank of superintendent has reasonable grounds for believing that a person who has been arrested for an offence and is in police detention—
  - (a) may have swallowed a Class A drug, and
  - (b) was in possession of it with the appropriate criminal intent before his arrest,the officer may authorise that an x-ray is taken of the person or an ultrasound scan is carried out on the person (or both).
- (2) An x-ray must not be taken of a person and an ultrasound scan must not be carried out on him unless the appropriate consent has been given in writing.
- (3) If it is proposed that an x-ray is taken or an ultrasound scan is carried out, a constable must 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.
- (4) An x-ray may be taken or an ultrasound scan carried out only by a suitably qualified person and only at—
  - (a) a hospital,
  - (b) a registered medical practitioner's surgery, or

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*Changes to legislation: There are currently no known outstanding effects  
for the Drugs Act 2005, Section 6. (See end of Document for details)*

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- (c) some other place used for medical purposes.
- (5) The custody record of the person must also state—
- (a) the authorisation by virtue of which the x-ray was taken or the ultrasound scan was carried out,
  - (b) the grounds for giving the authorisation, and
  - (c) the fact that the appropriate consent was given.
- (6) The information required to be recorded by subsection (5) must be recorded as soon as practicable after the x-ray has been taken or ultrasound scan carried out (as the case may be).
- (7) Every annual report under section 58 of the Police (Northern Ireland) Act 2000 must contain information about x-rays which have been taken and ultrasound scans which have been carried out under this Article during the period to which it relates.
- (8) The information about such x-rays and ultrasound scans must be presented separately and must include—
- (a) the total number of x-rays;
  - (b) the total number of ultrasound scans;
  - (c) the results of the x-rays;
  - (d) the results of the ultrasound scans.
- (9) If the appropriate consent to an x-ray or ultrasound scan of any person is refused without good cause, in any proceedings against that person for an offence—
- (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.
- (10) In this Article “the appropriate criminal intent”, “Class A drug” and “suitably qualified person” have the same meanings as in Article 56 above.”

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**Commencement Information**

**II** S. 6 in force at 1.4.2007 by S.I. 2007/562, art. 2(1)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Drugs Act 2005, Section 6.