



# Drugs Act 2005

## 2005 CHAPTER 17

### PART 3

#### ASSESSMENT OF MISUSE OF DRUGS

#### **9 Initial assessment following testing for presence of Class A drugs**

- (1) This section applies if—
  - (a) a sample is taken under section 63B of PACE (testing for presence of Class A drug) from a person detained at a police station,
  - (b) an analysis of the sample reveals that a specified Class A drug may be present in the person's body,
  - (c) the age condition is met, and
  - (d) the notification condition is met.
- (2) A police officer may, at any time before the person is released from detention at the police station, require him to attend an initial assessment and remain for its duration.
- (3) An initial assessment is an appointment with a suitably qualified person (an “initial assessor”)—
  - (a) for the purpose of establishing whether the person is dependent upon or has a propensity to misuse any specified Class A drug,
  - (b) if the initial assessor thinks that he has such a dependency or propensity, for the purpose of establishing whether he might benefit from further assessment, or from assistance or treatment (or both), in connection with the dependency or propensity, and
  - (c) if the initial assessor thinks that he might benefit from such assistance or treatment (or both), for the purpose of providing him with advice, including an explanation of the types of assistance or treatment (or both) which are available.
- (4) The age condition is met if the person has attained the age of 18 or such different age as the Secretary of State may by order made by statutory instrument specify for the purposes of this section.

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*Changes to legislation: There are currently no known outstanding effects  
for the Drugs Act 2005, Section 9. (See end of Document for details)*

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- (5) In relation to a person (“A”) who has attained the age of 18, the notification condition is met if—
- (a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting initial assessments for persons who have attained the age of 18 have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which A is detained, and
  - (b) the notice has not been withdrawn.
- (6) In relation to a person (“C”) who is of an age which is less than 18, the notification condition is met if—
- (a) the relevant chief officer has been notified by the Secretary of State that arrangements for conducting initial assessments for persons of that age have been made for persons from whom samples have been taken (under section 63B of PACE) at the police station in which C is detained, and
  - (b) the notice has not been withdrawn.
- (7) In subsections (5) and (6), “relevant chief officer” means the chief officer of police of the police force for the police area in which the police station is situated.

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**Commencement Information**

**II** S. 9 in force at 1.12.2005 by S.I. 2005/3053, art. 2(1)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Drugs Act 2005, Section 9.