
STATUTORY INSTRUMENTS

2005 No. 3053(C. 128)

**DANGEROUS DRUGS
POLICE, ENGLAND AND WALES**

The Drugs Act 2005 (Commencement No. 3) Order 2005

Made - - - - 1st November 2005

The Secretary of State makes the following Order in exercise of the powers conferred by section 24(3) of the Drugs Act 2005⁽¹⁾:

- 1.—(1) This Order may be cited as the Drugs Act 2005 (Commencement No. 3) Order 2005.
(2) In this Order “the 2005 Act” means the Drugs Act 2005.
- 2.—(1) The following provisions of the 2005 Act shall come into force on 1st December 2005—
 - (a) section 7 (testing for presence of Class A drugs);
 - (b) section 9 (initial assessment following testing for presence of Class A drugs);
 - (c) section 12 (attendance at initial assessment);
 - (d) section 18 (orders under Part 3 and guidance);
 - (e) section 19 (interpretation); and
 - (f) section 23 (amendments and repeals) and Schedules 1 (amendments) and 2 (repeals) to the extent not already in force.

(2) The following provisions of the 2005 Act shall come into force on 1st December 2005 in so far as they relate to an initial assessment required under section 9 of that Act—

 - (a) section 11 (requirements under sections 9 and 10: supplemental);
 - (b) section 15 (disclosure of information about assessments);
 - (c) section 16 (samples submitted for further analysis); and
 - (d) section 17 (relationship with Bail Act 1976 etc.).
3. The following provisions of the 2005 Act shall come into force on 1st January 2006—
 - (a) section 1 (aggravated supply of controlled drug);
 - (b) section 3 (drug offence searches: England and Wales);
 - (c) section 5 (x-rays and ultrasound scans: England and Wales); and

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(d) section 8 (extended detention of suspected drug offenders).

Home Office
1st November 2005

Paul Goggins
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Drugs Act 2005 (“the 2005 Act”). The provisions specified in article 2(1) are brought into force on 1st December 2005. The provisions in article 2(2) are brought into force on 1st December 2005 in so far as they relate to an initial assessment required under section 9 of that Act. The provisions specified in article 3 are brought into force on 1st January 2006.

The power to test for specified Class A drugs under section 7 of the 2005 Act and the power to require a person to attend an initial assessment under section 9 of the 2005 Act can be exercised only where the relevant chief officer has been notified by the Secretary of State that arrangements for the taking of those samples during police detention or for conducting initial assessments, as the case may be, have been made for the police area as a whole, or for the particular police station, in which the person is in police detention and the notice has not been withdrawn. Section 7(13) of the 2005 Act specifies cases in which this notification is deemed to have been given for the purposes of that section.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 21	18th July 2005	2005/1650
Section 23 (partially)	1st September 2005	2005/2223
Schedule 1 (partially)	1st September 2005	2005/2223
Schedule 2 (partially)	1st September 2005	2005/2223