



Drugs Act 2005

2005 CHAPTER 17

PART 2

POLICE POWERS RELATING TO DRUGS

5 X-rays and ultrasound scans: England and Wales

- (1) After section 55 (intimate searches) of the Police and Criminal Evidence Act 1984 (c. 60) insert—

“55A X-rays and ultrasound scans

- (1) If an officer of at least the rank of inspector has reasonable grounds for believing that a person who has been arrested for an offence and is in police detention—
- may have swallowed a Class A drug, and
 - 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, an appropriate officer must inform the person who is to be subject to it—
- of the giving of the authorisation for it, and
 - 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 hospital,
 - a registered medical practitioner’s surgery, or

Status: This is the original version (as it was originally enacted).

- (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—
 - (a) under section 22 of the Police Act 1996, or
 - (b) made by the Commissioner of Police of the Metropolis,
 must contain information about x-rays which have been taken and ultrasound scans which have been carried out under this section in the area to which the report relates 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 there is a case to answer,
 - (b) a judge, in deciding whether to grant an application made by the accused under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (applications for dismissal), 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 section “the appropriate criminal intent”, “appropriate officer”, “Class A drug” and “suitably qualified person” have the same meanings as in section 55 above.”
- (2) In Schedule 4 to the Police Reform Act 2002 (c. 30)—
- (a) after paragraph 33C (inserted by paragraph 7 of Schedule 9 to the Serious Organised Crime and Police Act 2005 (c. 15)) insert—
 - “33D Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—
 - (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;

Status: This is the original version (as it was originally enacted).

- (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.”;
- (b) after paragraph 35B (inserted by paragraph 10 of Schedule 9 to the Serious Organised Crime and Police Act 2005) insert—

“35C Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

- (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
- (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.”