



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER II

#### MISCELLANEOUS

#### *Police powers: drugs*

#### **57 Testing persons in police detention.**

- (1) The <sup>M1</sup>Police and Criminal Evidence Act 1984 is amended in accordance with subsections (2) to (4).
- (2) After section 63A there is inserted—

#### **“63B Testing for presence of Class A drugs.**

- (1) A sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified Class A drug in his body if the following conditions are met.
- (2) The first condition is—
  - (a) that the person concerned has been charged with a trigger offence; or
  - (b) that the person concerned has been charged with an offence and a police officer of at least the rank of inspector, who has reasonable grounds for suspecting that the misuse by that person of any specified

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Class A drug caused or contributed to the offence, has authorised the sample to be taken.

- (3) The second condition is that the person concerned has attained the age of 18.
- (4) The third condition is that a police officer has requested the person concerned to give the sample.
- (5) Before requesting the person concerned to give a sample, an officer must—
  - (a) warn him that if, when so requested, he fails without good cause to do so he may be liable to prosecution, and
  - (b) in a case within subsection (2)(b) above, inform him of the giving of the authorisation and of the grounds in question.
- (6) A sample may be taken under this section only by a person prescribed by regulations made by the Secretary of State by statutory instrument.
 

No regulations shall be made under this subsection unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (7) Information obtained from a sample taken under this section may be disclosed—
  - (a) for the purpose of informing any decision about granting bail in criminal proceedings (within the meaning of the <sup>M2</sup>Bail Act 1976) to the person concerned;
  - (b) where the person concerned is in police detention or is remanded in or committed to custody by an order of a court or has been granted such bail, for the purpose of informing any decision about his supervision;
  - (c) where the person concerned is convicted of an offence, for the purpose of informing any decision about the appropriate sentence to be passed by a court and any decision about his supervision or release;
  - (d) for the purpose of ensuring that appropriate advice and treatment is made available to the person concerned.
- (8) A person who fails without good cause to give any sample which may be taken from him under this section shall be guilty of an offence.

### **63C Testing for presence of Class A drugs: supplementary.**

- (1) A person guilty of an offence under section 63B above shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 4 on the standard scale, or to both.
- (2) A police officer may give an authorisation under section 63B above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (3) If a sample is taken under section 63B above by virtue of an authorisation, the authorisation and the grounds for the suspicion shall be recorded as soon as is practicable after the sample is taken.
- (4) If the sample is taken from a person detained at a police station, the matters required to be recorded by subsection (3) above shall be recorded in his custody record.

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(5) Subsections (11) and (12) of section 62 above apply for the purposes of section 63B above as they do for the purposes of that section; and section 63B above does not prejudice the generality of sections 62 and 63 above.

(6) In section 63B above—

“Class A drug” and “misuse” have the same meanings as in the <sup>M3</sup>Misuse of Drugs Act 1971;

“specified” (in relation to a Class A drug) and “trigger offence” have the same meanings as in Part III of the Criminal Justice and Court Services Act 2000.”

(3) In section 38 (duties of custody officer after charge)—

(a) in subsection (1)(a), after sub-paragraph (iii) there is inserted—

“(iia) in the case of a person who has attained the age of 18, the custody officer has reasonable grounds for believing that the detention of the person is necessary to enable a sample to be taken from him under section 63B below”;

(b) at the end of subsection (2) there is inserted “ but may not authorise a person to be kept in police detention by virtue of subsection (1)(a)(iia) after the end of the period of six hours beginning when he was charged with the offence ”.

(4) At the end of section 66 (codes of practice) there is inserted—

“(2) Codes shall (in particular) include provision in connection with the exercise by police officers of powers under section 63B above.”

<sup>F1</sup>(5) .....

#### Textual Amendments

**F1** S. 57(5) repealed (1.12.2005) by [Drugs Act 2005 \(c. 17\), s. 24\(3\), Sch. 1 para. 5, Sch. 2](#); [S.I. 2005/3053, art. 2\(1\)\(f\)](#)

#### Commencement Information

**I1** S. 57 partly in force; s. 57 not in force at Royal Assent, see s. 80; s. 57 in force for specified purposes at 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002 and 1.4.2003 by [S.I. 2001/2232, art. 2\(f\), S.I. 2001/1149, art. 2, S.I. 2002/1862, art. 2](#) and [S.I. 2003/709, art. 2](#)

**I2** S. 57 in force at 1.4.2004 for specified purposes by [S.I. 2004/780, art. 2](#)

**I3** S. 57 in force at 1.4.2005 for specified purposes by [S.I. 2005/596, art. 2](#)

**I4** S. 57 in force at 1.12.2005 in so far as not already in force by [S.I. 2005/3054, art. 2](#)

#### Marginal Citations

**M1** 1984 c. 60.

**M2** 1976 c. 63.

**M3** 1971 c. 38.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(1)(a)(aa) substituted for s. 64(1)(a) by [2003 c. 44 s. 266\(2\)](#)
- s. 64(4A) inserted by [2003 c. 44 s. 266\(3\)](#)
- s. 64(5)(f) and word inserted by [2003 c. 44 s. 266\(4\)](#)
- s. 64(5)(f) words inserted by [2006 c. 52 Sch. 16 para. 185\(a\)](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 21 para. 18](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 22 para. 19](#)
- s. 64(6) amendment to earlier affecting provision [2003 c. 44 s. 266\(5\)](#) by [S.I. 2008/912 Sch. 1 para. 19\(15\)](#)
- s. 64(6) inserted by [2003 c. 44 s. 266\(5\)](#)
- s. 64(6) words repealed by [2004 c. 31 Sch. 5 Pt. 4](#)
- s. 64(8) words inserted by [2021 c. 11 Sch. 13 para. 38\(5\)](#)
- s. 85(7B) applied (with modifications) by [S.I. 2014/3141 Sch. 3 para. 5\(7\)](#)