

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

COMMENTARY

First Group of Parts – Discipline

Part 13 – Discipline: Miscellaneous and Supplementary

Chapter 1 – Testing for Alcohol and Drugs

Section 306: Testing for alcohol and drugs after a serious incident

596. This section provides a power to require a person who is subject to service law, or a civilian who is subject to service discipline, to provide a sample for alcohol or drugs testing where there has been a serious incident and where, in the opinion of the person exercising the power, the person to be tested may have caused or contributed to it. This power enables evidence of drug or alcohol consumption to be obtained in order to assist a service inquiry (section 343) to determine whether such consumption or use might have been a factor in the incident. “Drug” and “sample” are defined in section 307.
597. Subsection (1) specifies that an incident falls within this section if in the opinion of the officer it resulted in, or created a risk of, death or serious injury, or of serious damage to property.
598. Subsection (3) specifies that the power is exercisable by the CO of the person to be tested, and subsection (6) provides that the Defence Council may make regulations providing for its exercise to be delegated.
599. Subsection (4) provides that it is an offence for a person to fail to comply with a requirement imposed under this section without reasonable excuse.