

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, SCHEDULE 15. (See end of Document for details)

## SCHEDULES

### SCHEDULE 15

Section 154

#### COMMUNITY AND SUSPENDED SENTENCE ORDERS: DRUG TESTING REQUIREMENT

1 The Sentencing Code is amended as follows.

##### Commencement Information

**I1** Sch. 15 para. 1 in force at 28.6.2022, see s. 208(5)(s)

2 In section 201 (community order: community order requirements table), after the entry in the table relating to the drug rehabilitation requirement, insert—

“drug testing requirement	Part 10A	section 207(3A)”.
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##### Commencement Information

**I2** Sch. 15 para. 2 in force at 28.6.2022, see s. 208(5)(s)

3 In section 207 (community order: availability of particular requirements), after subsection (3) insert—

*“Drug testing requirement*

(3A) A drug testing requirement is not an available requirement if the offender was convicted of the offence before the day on which section 154 of the Police, Crime, Sentencing and Courts Act 2022 came into force.”

##### Commencement Information

**I3** Sch. 15 para. 3 in force at 28.6.2022, see s. 208(5)(s)

4 In section 287 (suspended sentence order: community requirements table), after the entry in the table relating to the drug rehabilitation requirement, insert—

“drug testing requirement	Part 10A	section 291(3A)”.
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##### Commencement Information

**I4** Sch. 15 para. 4 in force at 28.6.2022, see s. 208(5)(s)

5 In section 291 (suspended sentence order: availability of particular requirements), after subsection (3) insert—

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*“Drug testing requirement*

(3A) A drug testing requirement is not an available requirement if the offender was convicted of the offence before the day on which section 154 of the Police, Crime, Sentencing and Courts Act 2022 came into force.”

**Commencement Information**

**I5** Sch. 15 para. 5 in force at 28.6.2022, see s. 208(5)(s)

6 In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 10 insert—

**“PART 10A**

DRUG TESTING REQUIREMENT

**Requirement**

- 22A (1) In this Code, “drug testing requirement”, in relation to a relevant order, means a requirement that during a period specified in the order, the offender must, for the purpose of ascertaining whether there is any drug or psychoactive substance in the offender’s body during that period, provide samples in accordance with directions given by the responsible officer.
- (2) The order—
- (a) must provide that if the offender provides samples to a person other than the responsible officer, the results of the tests carried out on the samples are to be communicated to the responsible officer;
  - (b) may make provision about the provision of samples by virtue of sub-paragraph (1).
- (3) The power of the responsible officer to give directions by virtue of sub-paragraph (1) about the provision of samples—
- (a) is a power to give directions as to—
    - (i) the type of samples to be provided, and
    - (ii) the times at which, or circumstances in which, they are to be provided,
  - (b) is subject to any provision made by the order, and
  - (c) is to be exercised in accordance with guidance issued by the Secretary of State.
- (4) The Secretary of State may revise any guidance issued under sub-paragraph (3)(c).
- (5) In this paragraph and paragraph 22B—
- “drug” means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971;

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“psychoactive substance” has the meaning given by section 2(1) of the Psychoactive Substances Act 2016.

### **Restrictions on imposing drug testing requirement**

- 22B (1) A court may not impose a drug testing requirement unless the following conditions are met—
- (a) the misuse condition, and
  - (b) the availability of arrangements condition.
- (2) The misuse condition is that the court is satisfied that the offender’s misuse of a drug or psychoactive substance—
- (a) caused or contributed to the offence to which the order relates or an associated offence, or
  - (b) is likely to cause or contribute to the commission of further offences by the offender.
- (3) The availability of arrangements condition is that the court has been notified by the Secretary of State that arrangements for implementing drug testing requirements are available in the offender’s home local justice area (and the notice has not been withdrawn).”

#### **Commencement Information**

**I6** Sch. 15 para. 6 in force at 28.6.2022, see s. 208(5)(s)

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