STATUTORY RULES OF NORTHERN IRELAND

2008 No. 325

POLICE

Police (Testing for Substance Misuse) Regulations (Northern Ireland) 2008

Made - - - -	*24th July 2008*
To be laid before Parliament	
Coming into operation	*1st September 2008*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 25 and 26 of the Police (Northern Ireland) Act 1998(**1**) and sections 41 and 44 of the Police (Northern Ireland) Act 2000(**2**).

In accordance with those sections, he has consulted the Northern Ireland Policing Board, the Chief Constable, the Equality Commission for Northern Ireland and the Police Association for Northern Ireland:

Citation and commencement

1.—(1) These regulations may be cited as the Police (Testing for Substance Misuse) Regulations (Northern Ireland) 2008.

(2) These regulations shall come into operation on 1st September 2008.

Police Trainees

2.—(1) The Police Trainee Regulations (Northern Ireland) 2001(**3**) shall be amended as follows.

(2) In regulation 2 (interpretation) after the definition of "the Board" insert—

""controlled drug" has the same meaning as in the Misuse of Drugs Act 1971(**4**);".

(3) In regulation 2B (fitness for appointment as a police trainee) after paragraph (2) insert—

"(3) A person is not fitted for appointment unless he passes a test for evidence of controlled drugs.

(4) For the purposes of paragraph (3) a person passes a test if—

(**1**) 1998 c. 32.
(**2**) 2000 c. 32.
(**3**) S.R. 2001 No. 369, as amended by S.R. 2003 No. 436 and S.R. 2008 No. 314.
(**4**) 1971 c. 38.

(a) a sample of his saliva, urine, blood, or hair (other than pubic hair) is taken and tested for evidence of controlled drugs in accordance with such procedures as may be determined by the Secretary of State, and

(b) he is not found to have taken any controlled drugs.

(5) The Chief Constable may specify the circumstances in which a person who provides evidence that he has been subject to drug testing procedures other than those established under paragraph (4) may be deemed to have passed a test for the purposes of paragraph (3).

(6) A determination under paragraph (4) may make different provision for different cases and circumstances."

(4) In regulation 6 (termination of the period of service of a police trainee) after paragraph (1)(f) insert—

"; or

(g) the police trainee is found to have taken a controlled drug under regulation 6A(3)(b), or fails to give a sample as required under regulation 6A(1)."

(5) After regulation 6 insert—

"**Testing for evidence of drugs and alcohol**

6A.—(1) The Chief Constable may require any police trainee to give a sample of saliva, urine, blood, or hair (other than pubic hair) to be tested for evidence of controlled drugs in accordance with procedures determined by the Secretary of State.

(2) The Chief Constable may require any police trainee to give a sample of breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State.

(3) A police trainee who—

(a) fails to give a sample under paragraph (1) or (2), or

(b) on giving a sample under paragraph (1), is found to have taken a controlled drug, or

(c) on giving a sample under paragraph (2), is found to have more than 13 microgrammes of alcohol in 100 millilitres of breath,

shall face such consequences as are specified in regulation 6(1) or in standing orders made under regulation 7.

(4) A determination under paragraph (1) or (2) may make different provision for different cases and circumstances."

(6) In regulation 8 (delegation of functions of Chief Constable) after paragraph (d) insert—

"(da) regulation 6A (testing for evidence of drugs and alcohol);".

Police officers in the Police Service of Northern Ireland

3.—(1) The Police Service of Northern Ireland Regulations 2005(**5**) shall be amended as follows.

(2) In regulation 3(1) (interpretation) after the definition of "the Conduct Regulations" insert—

""controlled drug" has the same meaning as in the Misuse of Drugs Act 1971;".

(3) In regulation 10 (which sets out the qualifications for appointment for candidates who have not completed a period of service as a police trainee) after sub-paragraph (1) insert—

(**5**) S.R. 2005 No. 547.

"(1A) A candidate for appointment to the police service, other than a person who has completed a period of service as a police trainee, shall not be appointed unless he passes a test for evidence of controlled drugs.

(1B) For the purposes of paragraph (1A), a person passes a test if—

(a) a sample of his saliva, urine, blood or hair (other than pubic hair) is taken and tested for evidence of controlled drugs in accordance with such procedures as may be determined by the Secretary of State, and

(b) he is not found to have taken any controlled drugs.

(1C) The Chief Constable may specify the circumstances in which a person who provides evidence that he has been subject to drug testing procedures other than those established under paragraph (1B) may be deemed to have passed a test for the purposes of paragraph (1A).

(1D) In its application to a candidate for appointment as a senior officer, paragraph (1C) shall have effect as if for any reference to the Chief Constable there were substituted a reference to the Board."

(4) After regulation 19 insert—

"**Testing for evidence of drugs and alcohol**

19A.—(1) The Chief Constable may require any member to give a sample of saliva, urine, blood, or hair (other than pubic hair) to be tested for evidence of controlled drugs in accordance with procedures determined by the Secretary of State.

(2) The Chief Constable may require any member to give a sample of breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State.

(3) A member who—

(a) fails to give a sample under paragraph (1) or (2), or

(b) on giving a sample under paragraph (1) is found to have taken a controlled drug, or

(c) on giving a sample under paragraph (2), is found to have more than 13 microgrammes of alcohol in 100 millilitres of breath,

shall face such consequences as are specified in a determination of the Secretary of State."

Police officers seconded from the Garda Síochána

4.—(1) The Police Service of Northern Ireland (Secondment) (Garda Síochána) Regulations 2004(**6**) shall be amended as follows.

(2) In regulation 4 (appointment of seconded officers) the existing words become paragraph (1), and after that paragraph insert—

"(2) The appointment of a member of the Garda Síochána to the Police Service of Northern Ireland under section 36A(1) of that Act is subject to regulation 10(1A) to (1C) of the Police Service of Northern Ireland Regulations 2005 (testing for evidence of controlled drugs)."

(3) In regulation 7 (conditions of service) the existing words become paragraph (1), and after that paragraph insert—

"(2) Regulation 19A of the Police Service of Northern Ireland Regulations 2005 (testing for evidence of drugs and alcohol) shall apply in relation to members seconded from the Garda Síochána."

(**6**) S.R. 2004 No. 122.