



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

[^{F1}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 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 [^{F2}14].
- (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.

[In the case of a person who has not attained the age of 17—

- ^{F3}(5A)
 - (a) the making of the request under subsection (4) above;
 - (b) the giving of the warning and (where applicable) the information under subsection (5) above; and
 - (c) the taking of the sample,

Status: Point in time view as at 01/08/2004. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 63B is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

may not take place except in the presence of an appropriate adult.]

- (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.

[The Secretary of State may by order made by statutory instrument amend
^{F4}(6A) subsection (3) above by substituting for the age for the time being specified a different age specified in the order.

- (6B) A statutory instrument containing an order under subsection (6A) above shall not be made unless a draft of the instrument has been laid before, and approved by a 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 ^{M1}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.

[In relation to a person who has not attained the age of 18, this section applies only
^{F5}(9) where—

- (a) the relevant chief officer has been notified by the Secretary of State that arrangements for the taking of samples under this section from persons who have not attained the age of 18 have been made for the police area as a whole, or for the particular police station, in which the person is in police detention; and
- (b) the notice has not been withdrawn.

- (10) In this section—

“appropriate adult”, in relation to a person who has not attained the age of 17, means—

- (a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation; or
- (b) a social worker of a local authority social services department; or
- (c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police;

“relevant chief officer” means—

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- (a) in relation to a police area, the chief officer of police of the police force for that police area; or
- (b) in relation to a police station, the chief officer of police of the police force for the police area in which the police station is situated.]]

Textual Amendments

- F1** S. 63B inserted (for certain purposes on 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002, 1.4.2003, 1.4.2004 and otherwise prosp.) by 2000 c. 43, ss. 57(2), 80(1); S.I. 2001/2232, art. 2(f); S.I. 2002/1149, **art. 2**; S.I. 2002/1862, **art. 2**; S.I. 2003/709, **art. 2**; S.I. 2004/780, **art. 2**
- F2** Word in s. 63B(3) substituted (1.8.2004 for certain purposes and otherwise prosp.) by Criminal Justice Act 2003 (c. 44), **ss. 5(3)(a)**, 336; S.I. 2004/1867, **art. 2**
- F3** S. 63B(5A) inserted (1.8.2004 for certain purposes and otherwise prosp.) by Criminal Justice Act 2003 (c. 44), **ss. 5(3)(b)**, 336; S.I. 2004/1867, **art. 2**
- F4** S. 63B(6A)(6B) inserted (1.8.2004 for certain purposes and otherwise prosp.) by Criminal Justice Act 2003 (c. 44), **ss. 5(3)(c)**, 336; S.I. 2004/1867, **art. 2**
- F5** S. 63B(9)(10) inserted (1.8.2004 for certain purposes and otherwise prosp.) by Criminal Justice Act 2003 (c. 44), **ss. 5(3)(d)**, 336; S.I. 2004/1867, **art. 2**

Modifications etc. (not altering text)

- C1** S. 63B(2): power to amend conferred (for certain purposes on 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002, 1.4.2003, 1.4.2004 and otherwise prosp.) by 2000 c. 43, ss. 57(4), 80(1); S.I. 2001/2232, art. 2(f); S.I. 2002/1149, **art. 2**; S.I. 2002/1862, **art. 2**; S.I. 2003/709, **art. 2**; S.I. 2004/780, **art. 2**

Marginal Citations

- M1** 1976 c. 63.

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