

SCHEDULES

SCHEDULE 5

TESTING FOR ALCOHOL OR DRUGS

Army Act 1955 (c. 18) and Air Force Act 1955 (c. 19)

- 1 (1) Section 34A of each of the 1955 Acts is amended as follows.
- (2) In subsection (1), for “testing for the presence of drugs” there is substituted “the purpose of ascertaining whether, or to what extent, he has, or has had, drugs in his body”.
- (3) After subsection (1) there is inserted—
- “(1A) A drug testing officer may not request a person to provide a sample under subsection (1) above if—
- (a) he is that person’s commanding officer, or
 - (b) the commanding officer of that person is also his commanding officer.
- (1B) A request under subsection (1) above may not be made if the sample is sought in connection with—
- (a) an investigation under this Act of an offence, or
 - (b) an investigation of such an incident as is referred to in section 32(1) (a) of the Armed Forces Act 2001 (powers to test for alcohol or drugs after serious incident).
- (1C) The results of tests performed on a sample provided by a person at the request of a drugs testing officer shall not be admissible in evidence against—
- (a) that person, or
 - (b) any other person,
- in proceedings before a court-martial, commanding officer or appropriate superior authority.
- (1D) Nothing in this section—
- (a) limits the powers conferred by—
 - (i) sections 6 and 7 of the Road Traffic Act 1988 (breath tests and provision of specimens for analysis), as applied by section 184 of that Act, or
 - (ii) sections 62 and 63 of the Police and Criminal Evidence Act 1984 (intimate and other samples), as applied by order under section 113(1) of that Act; or
 - (b) affects the admissibility in any proceedings of evidence obtained under those powers.”