



# Armed Forces Act 2006

## 2006 CHAPTER 52

### PART 13

#### DISCIPLINE: MISCELLANEOUS AND SUPPLEMENTARY

### CHAPTER 1

#### [<sup>F1</sup>RANDOM DRUG TESTING]

#### Textual Amendments

- F1** Pt. 13 Ch. 1 heading substituted (1.11.2013) by [Armed Forces Act 2011 \(c. 18\), s. 32\(3\), Sch. 4 para. 10](#); S.I. 2013/2501, art. 3(d)

#### 305 [<sup>F2</sup>Random drug testing]

- (1) A drug testing officer may, in order for it to be ascertained whether or to what extent a person subject to service law has or has had drugs in his body, require the person to provide a sample of his urine for analysis.
- (2) A drug testing officer may not impose a requirement under subsection (1) if—
  - (a) he or his commanding officer is the person's commanding officer; or
  - (b) the sample is sought in connection with an investigation under this Act of an offence <sup>F3</sup>....
- (3) A person commits an offence if he fails to comply with a requirement imposed under subsection (1).
- (4) In this section—

“drug” means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38); and

*Status: Point in time view as at 01/11/2013.*

*Changes to legislation: Armed Forces Act 2006, Chapter 1 is up to date with all changes known to be in force on or before 04 July 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)*

“drug testing officer” means an officer, warrant officer or non-commissioned officer who is authorised by or in accordance with regulations made by the Defence Council for the purpose of obtaining samples for analysis for drugs.

- (5) A person guilty of an offence under this section is liable to any punishment mentioned in the Table in section 164, but any sentence of imprisonment <sup>F4</sup>... imposed in respect of the offence must not exceed 51 weeks.

**Textual Amendments**

- F2** S. 305 heading substituted (1.11.2013) by [Armed Forces Act 2011 \(c. 18\), s. 32\(3\), Sch. 4 para. 11\(a\); S.I. 2013/2501, art. 3\(d\)](#)
- F3** Words in s. 305(2)(b) repealed (1.11.2013) by [Armed Forces Act 2011 \(c. 18\), s. 32\(3\), Sch. 4 para. 11\(b\), Sch. 5; S.I. 2013/2501, art. 3\(d\)\(e\)](#)
- F4** Words in s. 305(5) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\), ss. 15\(1\), 32\(3\), Sch. 5; S.I. 2012/669, art. 4\(a\)\(f\)\(ii\) \(with art. 8\)](#)

**Commencement Information**

- I1** S. 305 in force at 28.3.2009 for specified purposes by [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#))
- I2** S. 305 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167, art. 4](#)

<sup>F5</sup>**306 Testing for alcohol and drugs after serious incident**

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**Textual Amendments**

- F5** S. 306 repealed (1.11.2013) by [Armed Forces Act 2011 \(c. 18\), ss. 11\(2\), 32\(3\), Sch. 5; S.I. 2013/2501, art. 3\(b\)\(e\)](#)

<sup>F6</sup>**307 Definitions etc for purposes of section 306**

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**Textual Amendments**

- F6** S. 307 repealed (1.11.2013) by [Armed Forces Act 2011 \(c. 18\), ss. 11\(2\), 32\(3\), Sch. 5; S.I. 2013/2501, art. 3\(b\)\(e\)](#)

**308** [<sup>F7</sup>**Section 305**]: supplementary

- (1) The Defence Council may by regulations make provision about the obtaining of samples under [<sup>F8</sup>section 305(1)] and the analysis of such samples, including in particular provision—
  - (a) as to the number of samples which a person may be required to provide;
  - <sup>F9</sup>(b) .....

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- (c) enabling the person imposing a requirement under section 305(1) <sup>F10</sup>... to specify the way in which the sample is to be provided;
- (d) prescribing circumstances in which a requirement under section 305(1) <sup>F11</sup>... may not be imposed;
- (e) as to the equipment to be used, and the procedures to be followed, in obtaining or analysing samples;
- (f) as to the qualifications and training of any persons engaged in obtaining or analysing samples.

<sup>F12</sup>(2) .....

(3) The results of any analysis of a sample provided pursuant to a requirement imposed under section 305(1) <sup>F13</sup>...are not admissible in evidence against any person in proceedings in respect of a service offence.

(4) Nothing in this Chapter limits the powers conferred by—

[<sup>F14</sup>(za) Chapter 3A of Part 3,]

- (a) any provision of the Road Traffic Act 1988 (c. 52), or
- (b) any provision of an order under section 113(1) of PACE which makes provision equivalent to any provision of Part 5 of PACE (questioning and treatment of persons by police),

or affects the admissibility in any proceedings of evidence obtained under those powers.

#### Textual Amendments

- F7** Words in s. 308 heading substituted (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 12(2)**; S.I. 2013/2501, art. 3(d)
- F8** Words in s. 308(1) substituted (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 12(3)(a)**; S.I. 2013/2501, art. 3(d)
- F9** S. 308(1)(b) repealed (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 4 para. 12(3)(b), **Sch. 5**; S.I. 2013/2501, art. 3(d)(e)
- F10** Words in s. 308(1)(c) repealed (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 4 para. 12(3)(c), **Sch. 5**; S.I. 2013/2501, art. 3(d)(e)
- F11** Words in s. 308(1)(d) repealed (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 4 para. 12(3)(d), **Sch. 5**; S.I. 2013/2501, art. 3(d)(e)
- F12** S. 308(2) repealed (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 4 para. 12(4), **Sch. 5**; S.I. 2013/2501, art. 3(d)(e)
- F13** Words in s. 308(3) repealed (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 4 para. 12(5), **Sch. 5**; S.I. 2013/2501, art. 3(d)(e)
- F14** S. 308(4)(za) inserted (1.11.2013) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 4 para. 12(6)**; S.I. 2013/2501, art. 3(d)

#### Commencement Information

- I3** S. 308 in force at 28.3.2009 for specified purposes by S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)
- I4** S. 308 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, **art. 4**

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