
STATUTORY INSTRUMENTS

2001 No. 238

The Detention Centre Rules 2001

PART III

MAINTENANCE OF SECURITY AND SAFETY

Compulsory testing for controlled drugs and alcohol

44.—(1) This rule applies where a detainee custody officer, acting under an authorisation given by the Secretary of State under paragraph 2 of Schedule 12 to the Immigration and Asylum Act 1999, requires a detained person to provide a sample for the purpose of ascertaining whether he has a controlled drug or alcohol in his body.

(2) In this rule “sample” means a sample of urine or breath or any other description of sample specified in the authorisation.

(3) The detainee custody officer shall not require a sample to be taken unless there are reasonable grounds for believing that the detained person has a controlled drug or alcohol in his body.

(4) When requiring a detained person to provide a sample, the detainee custody officer shall inform the detained person that he is being required to provide a sample in accordance with paragraph 2 of Schedule 12 to the Immigration and Asylum Act 1999.

(5) The detainee custody officer shall require the detained person to provide a fresh sample, free from any adulteration.

(6) A detainee custody officer requiring a sample shall make such arrangements and give the detained person such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(7) A detained person who is required to provide a sample may be kept apart from other detained persons for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(8) A detained person who is unable to provide a sample of urine when required to do so may be kept apart from other detained persons until he has provided the required sample, save that the detained person may not be kept apart under this paragraph for a period of more than 5 hours.

(9) A detained person required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample and in particular a detained person shall not be required to provide such a sample in the sight of a person of the opposite sex.