
STATUTORY INSTRUMENTS

2012 No. 1961

The Special Constables (Amendment) Regulations 2012

Amendment of the Special Constables Regulations 1965

6. After regulation 1A insert—

“Samples

1B.—(1) Subject to paragraph (4), every special constable (except a special constable appointed following a transfer from another police area) shall, on appointment and in accordance with the directions of the chief officer, have a sample taken.

(2) Samples or the information derived from samples of special constables taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken in accordance with section 63 of the Police and Criminal Evidence Act 1984.

(3) The samples or information derived from samples of a special constable taken in accordance with this regulation, and all copies and records thereof, shall be destroyed on the special constable ceasing to be a special constable for the police area, except that—

- (a) if, on ceasing to be a special constable, the person becomes a member of the police force maintained for that area, the samples or information derived from samples shall be kept in accordance with regulation 19(2) of the Police Regulations 2003⁽¹⁾; and
- (b) if, on ceasing to be a special constable for that police area, the person is appointed as a special constable for another police area or is appointed as a member of a police force maintained for another police area, the samples or information derived from samples shall be transferred to the chief officer in that other police area and kept in accordance with paragraph (2) or regulation 19(2) of the Police Regulations 2003, as the case may be.

(4) A special constable who was required to have a sample taken under regulation 1ZA(1) shall not also be required to have a sample taken under paragraph (1).

(5) In this regulation “sample” means—

- (a) a sample of hair, other than pubic hair, complete with roots;
- (b) oral fluid; or
- (c) a swab taken from the mouth,

and for these purposes “oral fluid” includes saliva.

Testing for substance misuse

1C.—(1) The chief officer of police may require any special constable who—

⁽¹⁾ S.I. 2003/527, as amended by S.I. 2011/3026 and S.I. 2012/680; there are other amendments but none is relevant.

- (a) gives the chief officer reasonable cause to suspect that he has used a controlled drug;
- (b) has been identified by the chief officer as being vulnerable because of a specific responsibility for dealing with drugs; or
- (c) is selected in accordance with a regime of routine random testing;

to give a sample of oral fluid or urine to be tested for evidence of controlled drugs in accordance with procedures determined by the Secretary of State.

(2) The chief officer may require a special constable who falls within paragraph (1)(c) 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 special constable who—

- (a) on giving a sample under paragraph (1) is found to have taken a controlled drug specified in a determination of the Secretary of State; or
- (b) 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 that determination.”.