



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER II

#### MISCELLANEOUS

#### *Release of prisoners on licence etc.*

#### **64 Release on licence etc: drug testing requirements.**

(1) This section applies where—

- (a) the Secretary of State releases from prison a person aged 18 or over on whom a sentence of imprisonment has been imposed<sup>F1</sup>...
- (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed) [<sup>F2</sup>, and
- (c) the Secretary of State is satisfied of the matters in subsection (1A).]

[<sup>F3</sup>(1A) Those matters are—

- (a) that the misuse by the person of a specified class A drug or a specified class B drug caused or contributed to an offence of which the person has been convicted or is likely to cause or contribute to the commission of further offences by the person, and
- (b) that the person is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.]

*Changes to legislation:* Criminal Justice and Court Services Act 2000, Section 64 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes

- (2) For the purpose of determining whether the person is complying with any of the conditions [F4 mentioned in subsection (1)(b)], they may include the following requirement.
- (3) The requirement is that the person must provide, when instructed to do so by an officer of a local probation board [F5, an officer of a provider of probation services] or a person authorised by the Secretary of State, any sample mentioned in the instruction for the purpose of ascertaining whether he has any specified Class A drug [F6 or specified Class B drug] in his body.
- (4) The function of giving such an instruction is to be exercised in accordance with guidance given from time to time by the Secretary of State; and [F7 rules] made by the Secretary of State may regulate the provision of samples in pursuance of such an instruction.
- (5) In this section, “sentence of imprisonment” includes—
- (a) a detention and training order,
  - (b) a sentence of detention in a young offender institution,
  - (c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 [F8 or section 259 of the Sentencing Code] (detention at Her Majesty’s pleasure),
  - (d) a sentence of detention under section 91 of that Act [F9 or section 250 [F10 or 252A] of that Code] (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act [F11 or section 272 or 275 of that Code],
  - [F12](g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
  - (h) an order under section 211 of that Act,
- and “prison” shall be construed accordingly.

#### Textual Amendments

- F1** Words in s. 64(1)(a) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(a)**, 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F2** S. 64(1)(c) and word immediately preceding it inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(b)**, 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F3** S. 64(1A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(c)**, 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F4** Words in s. 64(2) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(d)**, 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F5** Words in s. 64(3) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 18(2)**
- F6** Words in s. 64(3) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(e)**, 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F7** Word in s. 64(4) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 13** (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F8** Words in s. 64(5)(c) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 175(a)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F9** Words in s. 64(5)(d) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 175(b)** (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F10** Words in s. 64(5)(d) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 18(4)**
- F11** Words in s. 64(5)(e) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 175(c)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F12** S. 64(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 185(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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#### **Modifications etc. (not altering text)**

- C1** S. 64 amendment to earlier affecting provision 1997 c. 43 Sch. 1 para. 8(2)(4)(7) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(2)(b), 22(1)** (with Sch. 7 para. 6); S.I. 2015/40, art. 2(1)
- C2** S. 64 applied (with modifications) by 1997 c. 43, **Sch. 1 para. 8(2)(aa)(4)(aa)(7)** (as amended) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(2)(a), 22(1)** (with Sch. 7 para. 6); S.I. 2015/40, **art. 2(1)**
- C3** S. 64 applied (with modifications) by 1997 c. 43, **Sch. 1 para. 9(2)(aa)(4)(aa)(5A)** (as amended) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(3)(a), 22(1)** (with Sch. 7 para. 6); S.I. 2015/40, **art. 2(1)**

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#### **Commencement Information**

- I1** S. 64 wholly in force at 2.7.2001; s. 64 not in force at Royal Assent see s. 80; s. 64 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, **art. 2(i)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 64(5) word repealed by [2006 c. 52 Sch. 17](#)
- s. 64(5)(e) repealed by [2003 c. 44 Sch. 37 Pt. 7](#)
- s. 64(5)(g) words substituted by [2021 c. 11 Sch. 13 para. 38\(4\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(1)(a)(aa) substituted for s. 64(1)(a) by [2003 c. 44 s. 266\(2\)](#)
- s. 64(4A) inserted by [2003 c. 44 s. 266\(3\)](#)
- s. 64(5)(f) and word inserted by [2003 c. 44 s. 266\(4\)](#)
- s. 64(5)(f) words inserted by [2006 c. 52 Sch. 16 para. 185\(a\)](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 21 para. 18](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 22 para. 19](#)
- s. 64(6) amendment to earlier affecting provision [2003 c. 44 s. 266\(5\)](#) by [S.I. 2008/912 Sch. 1 para. 19\(15\)](#)
- s. 64(6) inserted by [2003 c. 44 s. 266\(5\)](#)
- s. 64(6) words repealed by [2004 c. 31 Sch. 5 Pt. 4](#)
- s. 64(8) words inserted by [2021 c. 11 Sch. 13 para. 38\(5\)](#)
- s. 85(7B) applied (with modifications) by [S.I. 2014/3141 Sch. 3 para. 5\(7\)](#)