



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 3

PREVENTION AND INVESTIGATION OF TERRORISM

Terrorism prevention and investigation measures

39 TPIMs: drug testing measure

- (1) In Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (measures), after paragraph 10ZA (inserted by section 38) insert—

“Drug testing measure

10ZB (1) The Secretary of State may impose a requirement for the individual—

- (a) to—
- (i) attend such a testing place, at such times, and
 - (ii) provide an authorised person at the testing place with such a permitted sample,

as the Secretary of State may by notice require for the purpose of ascertaining whether the individual has any specified Class A drug or specified Class B drug in their body, and

- (b) to comply with any directions given by an authorised person in relation to the provision of the permitted sample.

- (2) In this paragraph—

“authorised person” means—

- (a) a constable, or
- (b) a person prescribed, or of a description prescribed, by regulations made by the Secretary of State;

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 39. (See end of Document for details)

“permitted sample” means—

- (a) a sample of hair other than pubic hair;
- (b) a sample taken from a nail or from under a nail;
- (c) a sample of urine;
- (d) saliva;
- (e) a swab taken from any part of a person's body except a person's genitals (including pubic hair) or a person's body orifice other than the mouth;
- (f) a skin impression;

“specified Class A drug” and “specified Class B drug” have the same meanings as in Part 3 of the Criminal Justice and Court Services Act 2000 (see section 70 of that Act);

“testing place” means—

- (a) a police station, or
- (b) a place prescribed, or of a description prescribed, by regulations made by the Secretary of State.

(3) Regulations under sub-paragraph (2) are to be made by statutory instrument.

(4) Regulations under sub-paragraph (2) may make—

- (a) different provision for different purposes or different areas;
- (b) incidental, supplemental, consequential, saving or transitional provision.

(5) A statutory instrument containing regulations under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.”

(2) In section 17 of that Act (jurisdiction in relation to decisions under the Act), in subsection (3), after paragraph (ca) (inserted by section 38) insert—

- “(cb) a decision by an authorised person to give a direction by virtue of paragraph 10ZB(1)(b) of Schedule 1 (drug testing measure);”.

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism and Sentencing Act 2021, Section 39.