

2012 No. 680

POLICE, ENGLAND AND WALES

The Police (Amendment No. 2) Regulations 2012

Made - - - - *2nd March 2012*

Laid before Parliament *7th March 2012*

Coming into force - - *1st April 2012*

The Secretary of State, in exercise of the powers conferred by section 50 of the Police Act 1996(a), makes the following Regulations.

In accordance with section 63(3) of that Act, the Secretary of State has supplied a draft of these Regulations to the Police Advisory Board for England and Wales and taken into consideration their representations.

Citation and commencement

- 1.—(1) These Regulations may be cited as the Police (Amendment No. 2) Regulations 2012.
- (2) These Regulations come into force on 1st April 2012.

Amendment to the Police Regulations 2003

- 2.—(1) The Police Regulations 2003(b) are amended as follows.
- (2) In regulation 3(1) (interpretation) after the entry for “member of a police force” insert ““oral fluid” includes saliva;”.
- (3) In regulation 10(1)(i) (qualifications for appointment to a police force) for “saliva” substitute “hair or oral fluid”.
- (4) In regulation 19(4)(b) (samples) for “saliva” substitute “oral fluid”.
- (5) In regulation 19A(1) (testing for substance misuse)—
 - (a) for sub-paragraph (d) substitute—

“(d) is selected in accordance with a regime of routine random testing;”;
 - (b) for “saliva” substitute “oral fluid”.

(a) 1996 c. 16. Section 50 is amended by paragraphs 1 and 3 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4), section 3 of the Policing and Crime Act 2009 (c. 26) and section 82 of the Police Reform and Social Responsibility Act 2011 (c. 13). Section 63 was amended by paragraphs 68 and 78 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraphs 61 and 68 of Schedule 1 to the Police and Justice Act 2006 (c. 48), paragraphs 1 and 6 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4), section 10 of the Policing and Crime Act 2009 and paragraphs 1 and 39 of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(b) S.I. 2003/527. Regulation 10(1)(i) and 19A were inserted by S.I. 2005/2834; there have been other amendments to the Regulations which are not relevant.

Home Office
2nd March 2012

Nick Herbert
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Regulations 2003 in a number of respects with regard to testing for the consumption of controlled drugs or alcohol. The amendments allow for the testing of any member of a police force as part of a routine random testing regime, rather than the testing of members in particular categories or particular circumstances. They allow a sample of hair, rather than oral fluid or urine, to be taken for the purposes of testing a candidate for appointment to a police force. They also replace references to saliva in the Police Regulations 2003 with references to oral fluid, while defining oral fluid so as to include saliva. This last is a technical amendment to reflect the fact that the substance recovered by oral testing is a fluid containing, but not consisting entirely of, saliva.

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