

CUSTODY (AMENDMENT) BILL 2013

Explanatory Memorandum

1. This Bill is promoted by the Department of Home Affairs.
2. The Bill, if enacted, will expand the range of samples that may be taken from a person detained in custody when testing that person for alcohol or drugs.
3. *Clause 1* provides the short title of the Bill.
4. *Clause 2* substitutes section 19A of the Custody Act 1995.
5. The Bill is not expected to have any effect on public revenue, expenditure or personnel.
6. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

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1 **A BILL** to amend the Custody Act 1995 to expand the range of samples that
 2 may be obtained from a detainee.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 **1 Short title**

4 The short title of this Act is the Custody (Amendment) Act 2013.

5 **2 Custody Act 1995 amended**

6 For section 19A of the Custody Act 1995, substitute —

7 **“19A Testing detainees for drugs or alcohol**

8 (1) An officer of an institution may require a person detained in the
 9 institution to provide one or more samples for the purpose of
 10 ascertaining whether the detainee has any drug or alcohol in his
 11 or her body.

12 (2) The requirement must be made in accordance with custody rules.

13 (3) The sample must be provided at the institution.

14 (4) The sample must be —

15 (a) a sample of urine;

16 (b) a sample of breath; or

17 (c) a non-intimate sample.

18 (5) In this section —

19 **“drug”** means any drug which is a controlled drug for the purposes of
 20 the *Misuse of Drugs Act 1976*; and

21 **“non-intimate sample”** has the same meaning as in Part V of the *Police*
 22 *Powers and Procedures Act 1998*.”.

IN THE KEYS

CUSTODY (AMENDMENT) BILL 2013

A **BILL** to amend the Custody Act 1995 to expand the range of samples that may be obtained from a detainee.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR WATTERSON

OCTOBER 2013