
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 429

**The Prison and Young Offenders Centre
(Amendment) Rules (Northern Ireland) 2009**

Testing prisoners for alcohol or drugs

22. After rule 48A (observation of prisoners by means of an overt closed circuit television system) insert—

“Compulsory testing for alcohol

48B.—(1) This rule applies where an officer, acting under the powers conferred by section 19A of the Act⁽¹⁾ (testing prisoners for alcohol) requires a prisoner to provide a sample for the purpose of ascertaining whether he has alcohol in his body.

(2) In this rule “sample” means a sample of urine or any other description of sample specified in the authorisation by the Secretary of State for the purposes of section 19A of the Act.

(3) When requiring a prisoner to provide a sample an officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that he is being required to provide a sample in accordance with section 19A of the Act; and
- (b) that a refusal to provide a sample may lead to a disciplinary charge being laid against him.

(4) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(5) Subject to paragraph (6), a prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(6) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, except that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(7) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular, a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

(1) Section 19A was inserted by Article 5 of the Prison (Amendment) (Northern Ireland) Order 2004 (S.I.2004/704 (N.I. 5)).

Compulsory testing for drugs

48C.—(1) This rule applies where an officer, acting under the powers conferred by section 19B of the Act(2) (testing prisoners for drugs), requires a prisoner to provide a sample for the purpose of ascertaining whether he has any drug in his body.

(2) In this rule “sample” means a sample of urine or any other description of sample specified in the authorisation by the Secretary of State for the purposes of section 19B of the Act.

(3) When requiring a prisoner to provide a sample, an officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that he is being required to provide a sample in accordance with section 19B of the Act; and
- (b) that a refusal to provide a sample may lead to a disciplinary charge being laid against him.

(4) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(5) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(6) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(7) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.”.

(2) Section 19B was inserted by Article 6 of the Prison (Amendment) (Northern Ireland) Order 2004 (S.I. 2004/704 (N.I. 5)).