



# Offender Management Act 2007

## 2007 CHAPTER 21

### PART 1

#### NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

##### *Miscellaneous*

#### [<sup>F1</sup>13A Approved premises: substance testing

- (1) Subsection (2) applies if—
  - (a) the manager of any approved premises has given an authorisation that specifies when the power in that subsection may be exercised at those premises, and
  - (b) that authorisation is in force.
- (2) A member of staff may, at the approved premises and in accordance with the authorisation given under subsection (1), require any resident of those premises to provide a sample of urine for the purpose of ascertaining whether the resident has in their body any—
  - (a) controlled drug,
  - (b) prescription only medicine, or
  - (c) psychoactive substance.
- (3) The power in subsection (2) includes power to require a resident to provide a sample of any other description, except an intimate sample, whether instead of or in addition to a sample of urine.
- (4) The Secretary of State may use any residents' samples to test, on an anonymised basis, for the prevalence of the following substances in approved premises—
  - (a) controlled drugs,
  - (b) medicinal products, or
  - (c) psychoactive substances.

**Changes to legislation:** *Offender Management Act 2007, Section 13A is up to date with all changes known to be in force on or before 27 November 2023. 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*

- (5) In giving, or deciding whether to give, an authorisation under subsection (1), the manager must have regard to any guidance regarding the giving of authorisations issued by the Secretary of State.
- (6) In exercising the power in subsection (2), a member of staff must have regard to any guidance regarding the exercise of that power issued by the Secretary of State.
- (7) In this section—
- “approved premises” has the meaning given by section 13(1);
  - “controlled drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971 (see section 2 of that Act);
  - “intimate sample” has the same meaning as in Part 5 of the Police and Criminal Evidence Act 1984 (see section 65 of that Act);
  - “medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#));
  - “prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#));
  - “psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016 (see section 2 of that Act);
  - “resident” means a person who lives in approved premises other than a member of staff;
  - “residents’ sample” means any sample—
    - (a) provided under subsection (2) or (3), or
    - (b) provided voluntarily;
  - “the manager” means, in relation to approved premises, the individual in general control over the management of the approved premises.
- (8) The Secretary of State may by regulations make such amendments of this section as the Secretary of State considers appropriate in consequence of—
- (a) the amendment or revocation of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#)), or
  - (b) the making, amendment or revocation of any other subordinate legislation (whenever made) which relates to human medicines.
- (9) In subsection (8) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

#### **Textual Amendments**

**F1** S. 13A inserted (3.10.2022) by [Approved Premises \(Substance Testing\) Act 2022 \(c. 27\)](#), **ss. 1(3), 2(2)**; [S.I. 2022/1013](#), **reg. 3**

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**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. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)