STATUTORY INSTRUMENTS

2004 No. 704 (N.I. 5)

The Prison (Amendment) (Northern Ireland) Order 2004

- - - - - - *10th March 2004*

Title and commencement

1.—(1) This Order may be cited as the Prison (Amendment) (Northern Ireland) Order 2004.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order "the Prison Act" means the Prison Act (Northern Ireland) 1953 (c.18).

Art. 3 rep. by 2005 NI 15

Detention in the custody of a constable where admission to prison not practicable

4. After section 15 of the Prison Act there shall be inserted—

"**Detention in the custody of a constable where admission to prison not practicable**

15A. Where—

(a) a person is in the custody of a constable;

(b) it is the duty of the constable to take that person to a prison in which his detention is authorised by law; and

(c) it is for any reason not practicable to secure the admission of that person to that prison,

that person may lawfully be detained in the custody of a constable until such time as he can be admitted to that prison or is required to appear before a court.".

Testing prisoners for alcohol

5. After section 19 of the Prison Act there shall be inserted—

"**Testing prisoners for alcohol**

19A.—(1) If an authorisation is in force for the prison, any designated prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined

in the prison to provide a sample of urine for the purpose of ascertaining whether he has alcohol in his body.

(2) If the authorisation so provides, the power conferred by subsection (1) shall include power—

(a) to require a prisoner to provide a sample of breath, whether instead of or in addition to a sample of urine, and

(b) to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine, a sample of breath or both.

(3) In this section—

"authorisation" means an authorisation by the Secretary of State;

"intimate sample" has the same meaning as in Part VI of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12);

"designated prison officer", in relation to any prison, means a person appointed under section 2(2) who has been designated for the purposes of this section by the governor of the prison.".

Testing prisoners for drugs

6. After section 19A of the Prison Act there shall be inserted—

"**Testing prisoners for drugs**

19B.—(1) If an authorisation is in force for the prison, any designated prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether he has any drug in his body.

(2) If the authorisation so provides, the power conferred by subsection (1) shall include power to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine.

(3) In this section—

"authorisation" means an authorisation by the Secretary of State;

"drug" means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971 (c. 38);

"intimate sample" has the same meaning as in Part VI of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12);

"designated prison officer", in relation to a prison, means a person appointed under section 2(2) who has been designated for the purposes of this section by the governor of the prison.".

Repeal of section 40 of the Prison Act

7. Section 40 of the Prison Act (purchase of provisions by unconvicted prisoners) is repealed.

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
There are currently no known outstanding effects for the The Prison (Amendment) (Northern Ireland) Order 2004.