



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Miscellaneous

[^{F1}41B Testing prisoners for drugs.

- (1) If an authorisation is in force for the prison, any officer of the prison may, at the prison, in accordance with rules under section 39 of this Act, require any prisoner who is confined in the prison to provide a sample of urine^[^{F2}or saliva] 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) above 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^[^{F3}or saliva].
- (3) In this section—
- “ authorisation ” means an authorisation by the governor;
 - “ drug ” means any drug which is a controlled drug for the purposes of the ^{M1} Misuse of Drugs Act 1971; ^{F4}...
 - “ intimate sample ” means a sample of ^[^{F5}—]
- (a) ^{[^{F6}blood, semen or any other tissue fluid;}
 - (b) pubic hair; or
 - (c) material from a body orifice other than the mouth; ^[^{F6}; and]]

Textual Amendments

- F1** S. 41B inserted (9.1.1995) by 1994 c. 33, s. 151(2); S.I. 1994/3192, art. 2, Sch.
- F2** Words in s. 41B(1) inserted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), ss. 16(a), 24(2); S.S.I. 2006/48, art. 3(1), Sch. Pt. 1
- F3** Words in s. 41B(2) inserted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), ss. 16(b), 24(2); S.S.I. 2006/48, art. 3(1), Sch. Pt. 1
- F4** Word in s. 41B(3) repealed (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), ss. 16(c)(ii), 24(2); S.S.I. 2006/48, art. 3(1), Sch. Pt. 1

Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 41B. (See end of Document for details)

- F5** Words in s. 41B(3) substituted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 16(c)(i), 24(2)**; S.S.I. 2006/48, art. 3(1), Sch. Pt. 1
- F6** Words in s. 41B(3) added (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 16(c)(iii), 24(2)**; S.S.I. 2006/48, art. 3(1), sch. Pt. 1

Modifications etc. (not altering text)

- C1** S. 41B(1) modified (3.2.1995) by 1994 c. 33, **s. 110(4)**; S.I. 1995/127, art. 2(1), **Sch. 1**
- C2** S. 41B(3) modified (3.2.1995) by 1994 c. 33, **s. 110(3)**; S.I. 1995/127, art. 2(1), **Sch. 1**

Marginal Citations

- M1** 1971 c. 38.

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