



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Prisons: powers in relation to prisoners, visitors and others*

#### **151 Power to test prisoners for drugs.**

- (1) After section 16 of the <sup>M1</sup>Prison Act 1952 there shall be inserted the following section—

##### **“16A Testing prisoners for drugs.**

- (1) If an authorisation is in force for the prison, any 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) 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.
- (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 <sup>M2</sup>Misuse of Drugs Act 1971;

“intimate sample” has the same meaning as in Part V of the <sup>M3</sup>Police and Criminal Evidence Act 1984;

*Changes to legislation: Criminal Justice and Public Order Act 1994, Section 151 is up to date with all changes known to be in force on or before 19 April 2024. 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*

“prison officer” includes a prisoner custody officer within the meaning of Part IV of the Criminal Justice Act 1991; and

“prison rules” means rules under section 47 of this Act.”.

- (2) After section 41A of the <sup>M4</sup>Prisons (Scotland) Act 1989 there shall be inserted the following section—

**“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 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.
- (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 <sup>M5</sup>Misuse of Drugs Act 1971; and

“intimate sample” means a sample of blood, semen or any other tissue fluid, saliva or pubic hair, or a swab taken from a person’s body orifice.”.

**Extent Information**

**E1** S. 151(1) extends to England and Wales only; s. 151(2) extends to Scotland only see s. 172(7)(13)

**Marginal Citations**

**M1** 1952 c. 52.

**M2** 1971 c. 38.

**M3** 1984 c. 60.

**M4** 1989 c. 45.

**M5** 1971 c. 38.

**Changes to legislation:**

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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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)