



Prisons (Substance Testing) Act 2021

2021 CHAPTER 18

2 Consequential amendments

- (1) In section 47 of the Prison Act 1952 (prison rules), in subsection (3A)—
- (a) omit “(which is not a controlled drug for the purposes of the Misuse of Drugs Act 1971)”;
 - (b) after “this Act” insert “; but a substance or product may not be specified if it is—
 - (a) a controlled drug,
 - (b) a pharmacy medicine,
 - (c) a prescription only medicine, or
 - (d) a psychoactive substancewithin the meaning of section 16A ”.
- (2) In the Prison Act 1952—
- (a) in section 16A (testing prisoners for drugs), after subsection (3) insert—

“(4) The Secretary of State may, by regulations, make such amendments of this section or section 47 as the Secretary of State considers appropriate in consequence of—

 - (a) the amendment or revocation of the Human Medicine Regulations 2012, or
 - (b) the making, amendment or revocation of any other subordinate legislation (whenever made) which relates to human medicines.
 - (5) In subsection (4) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”;
 - (b) in section 52 (exercise of power to make regulations etc), after subsection (2B) insert—

“(2C) A statutory instrument containing regulations under section 16A(4) shall not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.”

Changes to legislation: There are currently no known outstanding effects for the Prisons (Substance Testing) Act 2021, Section 2. (See end of Document for details)

- (3) In the Prison Rules 1999—
- (a) in rule 2 (interpretation), in paragraph (1), omit the definition of “specified drug”;
 - (b) in rule 50 (compulsory testing for controlled drugs or specified drugs)—
 - (i) in the title, omit “or specified drugs”;
 - (ii) in paragraph (1), omit “or specified drug”;
 - (c) in rule 51 (offences against discipline), in paragraphs (9) and (24) omit “or specified drug”;
 - (d) in rule 52 (defences to rule 51(9)), in sub-paragraphs (a), (b) and (c), omit “or specified drug”;
 - (e) omit Schedule 2.
- (4) In the Young Offender Institution Rules 2000—
- (a) in rule 2 (interpretation), in paragraph (1), omit the definition of “specified drug”;
 - (b) in rule 53 (compulsory testing for controlled drugs or specified drugs)—
 - (i) in the title, omit “or specified drugs”;
 - (ii) in paragraph (1), omit “or specified drug”;
 - (c) in rule 55 (offences against discipline), in paragraphs (10) and (27) omit “or specified drug”;
 - (d) in rule 56 (defences to rule 55(10)), in sub-paragraphs (a), (b) and (c), omit “or specified drug”;
 - (e) omit Schedule 2.
- (5) The following instruments are revoked—
- (a) the Prison and Young Offender Institution (Amendment) Rules 2016 (S.I. 2016/583);
 - (b) the Prison and Young Offender Institution (Amendment) (No. 2) Rules 2016 (S.I. 2016/945).
- (6) In the Prison and Young Offender Institution (Amendment) (No. 2) Rules 2018 (S.I. 2018/960)—
- (a) omit Rule 2(5) (insertion of Schedule 2 into the Prison Rules 1999);
 - (b) omit Rule 3(5) (insertion of Schedule 2 into the Young Offender Institution Rules 2000);
 - (c) omit the Schedule (which sets out the new Schedule 2 inserted in accordance with Rules 2(5) and 3(5)).
- (7) In the Prison and Young Offender Institution (Coronavirus, etc) (Amendment) (No. 3) Rules 2020 (S.I. 2020/1077)—
- (a) omit rule 2(3), and
 - (b) omit rule 3(3).

Commencement Information

II S. 2 in force at 8.12.2021 by S.I. 2021/1280, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Prisons (Substance Testing) Act 2021, Section 2.