



Approved Premises (Substance Testing) Act 2022

2022 CHAPTER 27

1 Substance testing of residents in approved premises

- (1) The Offender Management Act 2007 is amended as follows.
- (2) In section 13 (approved premises), in subsection (1), after “section” insert “and section 13A”.
- (3) After section 13 insert—

“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—

Changes to legislation: There are currently no known outstanding effects for the Approved Premises (Substance Testing) Act 2022, Section 1. (See end of Document for details)

- (a) controlled drugs,
 - (b) medicinal products, or
 - (c) psychoactive substances.
- (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.”
- (4) In section 36 (orders and regulations), in subsection (3), after paragraph (a) insert—
 - “(aa) section 13A(8),”.

Commencement Information

- I1** S. 1 not in force at Royal Assent, see [s. 2\(2\)](#)
- I2** [S. 1](#) in force at 3.10.2022 by [S.I. 2022/1013](#), [reg. 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Approved Premises (Substance Testing) Act 2022, Section 1.