

**2016 No. 945**

**PRISONS, ENGLAND AND WALES**

**YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES**

**The Prison and Young Offender Institution (Amendment) (No. 2) Rules 2016**

<i>Made</i> - - - -	<i>21st September 2016</i>
<i>Laid before Parliament</i>	<i>22nd September 2016</i>
<i>Coming into force</i> - -	<i>17th October 2016</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by sections 47(1) and (3A) of the Prison Act 1952(a).

**Citation and commencement**

1. These Rules may be cited as the Prison and Young Offender Institution (Amendment) (No. 2) Rules 2016 and come into force on 17th October 2016.

**Amendment of the Prison Rules 1999**

2.—(1) Rule 2(1) (interpretation) of the Prison Rules 1999(b) is amended as follows.

(2) In the definition of “specified drug”—

- (a) after “containing” insert “one or more of the following”;
- (b) at the end of sub-paragraph (h) omit “and”, and
- (c) after sub-paragraph (i) insert—
  - “(j) PB-22 (Quinolin-8-yl-1-pentyl-1H-indole-3-carboxylate);
  - (k) 5F-MDMB-PINACA (Methyl-[2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate]);
  - (l) AB-CHMINACA (N-[1-(Aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
  - (m) 5F-AMB (Methyl 2-([1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl)amino)-3-methylbutanoate);

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(a) 1952 c. 52. Section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2). Section 47(3A) of the Prison Act 1952 was inserted by section 16(3) of the Criminal Justice and Courts Act 2015.

(b) S.I. 1999/728; amended by S.I. 2000/2641, 2003/3301, 2005/869, 2005/3437, 2008/597, 2009/3082, 2013/235, 2014/2169, 2016/583.

- (n) AMB-FUBINACA (Methyl-2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)-3-methylbutanoate);
- (o) Etizolam (4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine);
- (p) ADB-CHMINACA (N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);”.

### **Amendment of the Young Offender Institution Rules 2000**

3.—(1) Rule 2(1) (interpretation) of the Young Offender Institution Rules 2000(a) is amended as follows.

(2) In the definition of “specified drug”—

- (a) after “containing” insert “one or more of the following”;
- (b) at the end of sub-paragraph (h) omit “and”, and
- (c) after sub-paragraph (i) insert—
  - “(j) PB-22 (Quinolin-8-yl-1-pentyl-1H-indole-3-carboxylate);
  - (k) 5F-MDMB-PINACA (Methyl-[2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate]);
  - (l) AB-CHMINACA (N-[1-(Aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
  - (m) 5F-AMB (Methyl 2-({[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl}amino)-3-methylbutanoate);
  - (n) AMB-FUBINACA (Methyl-2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)-3-methylbutanoate);
  - (o) Etizolam (4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine);
  - (p) ADB-CHMINACA (N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);”.

*Sam Gyimah*  
Parliamentary Under Secretary of State  
Ministry of Justice

21st September 2016

### **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”) and the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”). These Rules amend the definition of “specified drug” in rule 2(1) of the 1999 Rules and rule 2(1) of the 2000 Rules. Products or substances that fall within those definitions are “specified drugs” for the purposes of section 16A (testing prisoners for drugs) of the Prison Act 1952 (c. 52) (“the Act”). The effect of section 16A of the Act is that a prison officer can require a prisoner or an inmate to provide a sample for the purposes of ascertaining whether there is a specified drug in the body of the prisoner or inmate. These Rules make a minor amendment to clarify that a “specified drug” is a product or substance that contains one or more of the chemical compounds listed in the definitions. In addition, these Rules amend the definitions of “specified drug” to include a number of additional chemical compounds.

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(a) S.I. 2000/3371; amended by S.I. 2005/897, 2005/3438, 2008/599, 2009/3082, 2013/235, 2014/2169, 2016/583.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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