
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 429

**The Prison and Young Offenders Centre
(Amendment) Rules (Northern Ireland) 2009**

Defences to alcohol and drugs offences

17. After rule 39 (offences against prison discipline) insert the following rules—

“Defences to rule 39(19A)

39A. It shall be a defence for a prisoner charged with an offence under rule 38(19A) to show that—

- (a) the alcohol was consumed by him in circumstances in which he did not know and had no reason to suspect that he was consuming alcohol;
- (b) the alcohol was consumed by him without his consent in circumstances where it was not reasonable for him to have resisted.

Defences to rule 39(19B)

39B. It shall be a defence for a prisoner charged with an offence under rule 38(19B) to show that—

- (a) the drug had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drug to him by another person;
- (b) the drug was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
- (c) the drug was administered by or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.”.