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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*SPECIAL CONTROL, SUPERVISION AND RESTRAINT AND DRUG TESTING*

**Compulsory testing for controlled drugs [<sup>F1</sup>, pharmacy medicines and other substances etc.]<sup>F2</sup>...**

**50.**—(1) This rule applies where an officer, acting under the powers conferred by section 16A of the Prison Act 1952 <sup>M1</sup> (power to test prisoners for drugs), requires a prisoner to provide a sample for the purpose of ascertaining whether he has any controlled drug [<sup>F3</sup>pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]<sup>F4</sup> ... in his body.

(2) In this rule “sample” means a sample of urine or any other description of sample specified in the authorisation by the governor for the purposes of section 16A of the Prison Act 1952.

(3) When requiring a prisoner to provide a sample, an officer shall, so far as is reasonably practicable, inform the prisoner:

- (a) that he is being required to provide a sample in accordance with section 16A of the Prison Act 1952; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

(4) An officer shall require a prisoner to provide a fresh sample, free from any adulteration.

(5) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(7) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(8) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

*Status: Point in time view as at 08/12/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Prison Rules 1999, Section 50. (See end of Document for details)*

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### Textual Amendments

- F1** Words in rule 50 title inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by The Prison and Young Offender Institution (Amendment) Rules 2021 (S.I. 2021/1279), rules 1(3), **2(3)(a)**; S.I. 2021/1280, reg. 2
- F2** Words in rule 50 title omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(3)(b)(i)**, 3(2); S.I. 2021/1280, reg. 2
- F3** Words in rule 50(1) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by The Prison and Young Offender Institution (Amendment) Rules 2021 (S.I. 2021/1279), rules 1(3), **2(3)(b)**; S.I. 2021/1280, reg. 2
- F4** Words in rule 50(1) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(3)(b)(ii)**, 3(2); S.I. 2021/1280, reg. 2

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### Marginal Citations

- M1** 1952 c. 52; section 16A was inserted by section 15 of the Criminal Justice and Public Order Act 1994 (c. 33).

**Status:**

Point in time view as at 08/12/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Prison Rules 1999, Section 50.