

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 specify substances or products which 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. The effect of the amendments to rules 2 and 50 (compulsory testing for controlled drugs) of the 1999 Rules and rules 2 and 53 (compulsory testing for controlled drugs) of the 2000 Rules is to list the specified drugs and provide for compulsory testing of those specified drugs.

The amendments to rule 51 (offences against discipline) of the 1999 Rules and rule 55 (offences against discipline) of the 2000 Rules create an offence against discipline where a prisoner or inmate is found with a specified drug in his or her body or receives a specified drug during the course of a visit without the consent of an officer. The amendments to rule 52 (defences to rule 51(9)) of the 1999 Rules and rule 56 (defences to rule 55(10)) of the 2000 Rules set out the defences to the offence against discipline.

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

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Prison and Young Offender Institution (Amendment) Rules 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Rules revoked by [2021 c. 18 s. 2\(5\)\(a\)](#)