



Prisons (Alcohol Testing) Act 1997

1997 CHAPTER 38

An Act to enable prisoners in England and Wales, and other persons to whom provisions of the Prison Act 1952 are applied by section 43 of that Act, to be tested for alcohol.

[21st March 1997]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. After section 16A of the Prison Act 1952 there is inserted—

“Power to test prisoners for alcohol.

16B.—(1) If an authorisation is in force for the prison, any prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of breath for the purpose of ascertaining whether he has alcohol in his body.

Power to test prisoners for alcohol.
1952 c. 52.

(2) If the authorisation so provides, the power conferred by subsection (1) above shall include power—

- (a) to require a prisoner to provide a sample of urine, whether instead of or in addition to a sample of breath, and
- (b) to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of breath, a sample of urine or both.

(3) In this section—

“authorisation” means an authorisation by the governor;

“intimate sample” has the same meaning as in Part V of the Police and Criminal Evidence Act 1984;

1984 c. 60.

1991 c. 53.

“prison officer” includes a prisoner custody officer within the meaning of Part IV of the Criminal Justice Act 1991;

“prison rules” means rules under section 47 of this Act.”

Consequential amendment.
1952 c. 52.

2. In section 87 of the Criminal Justice Act 1991 (which sets out modifications of the Prison Act 1952 having effect in relation to contracted-out prisons), in subsection (4) (references to governor to be construed as references to director) after “16A” there is inserted “16B”.

Short title, commencement and extent.

3.—(1) This Act may be cited as the Prisons (Alcohol Testing) Act 1997.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) This Act extends to England and Wales only.

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