



# Crime and Punishment (Scotland) Act 1997

## 1997 CHAPTER 48

### PART III

#### PRISONERS

#### CHAPTER II

##### TREATMENT OF PRISONERS

#### 42 Testing of prisoners for alcohol.

After section 41B of the 1989 Act there shall be inserted the following section—

**“41C Testing of prisoners for alcohol.**

- (1) If an authorisation is in force for the prison, any officer of the prison may, at the prison, in accordance with rules under section 39 of this Act, require any prisoner who is confined in the prison, and whom he reasonably believes to have taken alcohol, to provide a sample of breath for the purpose of ascertaining whether he has any alcohol in his body.
- (2) If the authorisation so provides, the power conferred by subsection (1) above shall include the power 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.
- (3) In this section—
  - “authorisation” means an authorisation by the governor; and
  - “intimate sample” means a sample of blood, semen or other tissue fluid, saliva or pubic hair, or a swab taken from a person’s body orifice.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Punishment (Scotland) Act 1997, Section 42.