



Prisons (Substance Testing) Act 2021

2021 CHAPTER 18

1 Testing prisoners for psychoactive substances and other substances

- (1) Section 16A of the Prison Act 1952 (testing prisoners for drugs) is amended in accordance with this section.
- (2) In the title, after “drugs” insert “, psychoactive substances and other substances”.
- (3) In subsection (1), for “he has any drug in his body” substitute “the prisoner has in their body any—
 - (a) controlled drug,
 - (b) pharmacy medicine,
 - (c) prescription only medicine,
 - (d) psychoactive substance, or
 - (e) specified substance”.
- (4) After subsection (2) insert—

“(2A) The Secretary of State may use any prisoners' samples to test, on an anonymised basis, for the prevalence of the following substances in prisons—
 - (a) controlled drugs,
 - (b) medicinal products,
 - (c) psychoactive substances, or
 - (d) specified substances.”
- (5) In subsection (3)—
 - (a) in the definition of “drug”—
 - (i) for “ “drug” means” substitute “ “controlled drug” means ”;
 - (ii) omit “or specified drug”;
 - (b) after the definition of “intimate sample” insert—

““medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012;

Changes to legislation: There are currently no known outstanding effects for the Prisons (Substance Testing) Act 2021, Section 1. (See end of Document for details)

“pharmacy medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;

“prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;”;

(c) after the definition of “prison rules” insert—

““prisoners' samples” means any sample—

- (a) provided under subsection (1) or (2), or
- (b) provided by prisoners voluntarily;

“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016;”;

(d) in the definition of “specified drug”, for “ “specified drug” means” substitute “ “specified substance” means ”.

Commencement Information

II S. 1 in force at 8.12.2021 by S.I. 2021/1280, reg. 2

Changes to legislation:

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