



Prisons (Substance Testing) Act 2021

2021 CHAPTER 18

An Act to make provision about substance testing in prisons and similar institutions. [29th April 2021]

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 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)—

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

- (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;
 - “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

2 Consequential amendments

- (1) In section 47 of the Prison Act 1952 (prison rules), in subsection (3A)—
 - (a) omit “(which is not a controlled drug for the purposes of the Misuse of Drugs Act 1971)”;
 - (b) after “this Act” insert “; but a substance or product may not be specified if it is—
 - (a) a controlled drug,
 - (b) a pharmacy medicine,
 - (c) a prescription only medicine, or
 - (d) a psychoactive substance

within the meaning of section 16A ”.
- (2) In the Prison Act 1952—
 - (a) in section 16A (testing prisoners for drugs), after subsection (3) insert—
 - “(4) The Secretary of State may, by regulations, make such amendments of this section or section 47 as the Secretary of State considers appropriate in consequence of—
 - (a) the amendment or revocation of the Human Medicine Regulations 2012, or