STATUTORY INSTRUMENTS

2016 No. 583

PRISONS, ENGLAND AND WALES
YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES

The Prison and Young Offender Institution (Amendment) Rules 2016

Made - - - -	*11th May 2016*
Laid before Parliament	*16th May 2016*
Coming into force - -	*7th June 2016*

The Secretary of State makes the following Rules in exercise of the powers conferred by sections 47(1) and (3A) of the Prison Act 1952(**1**).

Citation and commencement

1. These Rules may be cited as the Prison and Young Offender Institution (Amendment) Rules 2016 and come into force on 7th June 2016.

Amendment of the Prison Rules 1999

2.—(1) The Prison Rules 1999(**2**) are amended as follows.

(2) In rule 2(1) (interpretation)(**3**), after the definition of "prison minister" insert—

""specified drug" means any product or substance containing—

(a) AB-PINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide);

(b) 5F-AB-PINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(5-Fluoropentyl)-1H-indazole-3-carboxamide);

(c) AB-FUBINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide);

(**1**) 1952 c. 52. Section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2). Section 47(3A) of the Prison Act 1952 was inserted by section 16(3) of the Criminal Justice and Courts Act 2015 (c. 2).

(**2**) S.I. 1999/728.

(**3**) Amended by S.I. 2000/2641, 2003/3301, 2005/869, 2005/3437, 2008/597, 2009/3082, 2013/235, 2014/2169.

(d) APICA (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide);

(e) 5F-APICA (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide);

(f) APINACA (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide);

(g) 5F-APINACA (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide);

(h) 5F-PB22 (1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid), and

(i) MDMB-CHMICA (methyl 2-{[1-(cyclohexylmethyl)-1H-indol-3-yl]formamido}-3,3-dimethylbutanoate);".

(3) In the heading to rule 50 (compulsory testing for controlled drugs), after "controlled drugs" insert "or specified drugs".

(4) In rule 50(1), after "controlled drug" insert "or specified drug".

(5) In rule 51 (offences against discipline)(**4**), after "controlled drug", in both places it occurs, insert "or specified drug".

(6) In rule 52 (defences to rule 51(9)), after "controlled drug", wherever it appears, insert "or specified drug".

Amendment of the Young Offender Institution Rules 2000

3.—(1) The Young Offender Institution Rules 2000(**5**) are amended as follows.

(2) In rule 2(1) (interpretation)(**6**), after the definition of "officer" insert—

""specified drug" means any product or substance containing—

(a) AB-PINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide);

(b) 5F-AB-PINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(5-Fluoropentyl)-1H-indazole-3-carboxamide);

(c) AB-FUBINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide);

(d) APICA (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide);

(e) 5F-APICA (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide);

(f) APINACA (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide);

(g) 5F-APINACA (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide);

(h) 5F-PB22 (1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid), and

(i) MDMB-CHMICA (methyl 2-{[1-(cyclohexylmethyl)-1H-indol-3-yl]formamido}-3,3-dimethylbutanoate);".

(3) In the heading to rule 53 (compulsory testing for controlled drugs), after "controlled drugs" insert "or specified drugs".

(4) In rule 53(1), after "controlled drug" insert "or specified drug".

(**4**) Amended by S.I. 2005/869; there are other amending instruments but none is relevant.
(**5**) S.I. 2000/3371.
(**6**) Amended by S.I. 2005/897, 2005/3438, 2008/599, 2009/3082, 2013/235, 2014/2169.