
STATUTORY INSTRUMENTS

2016 No. 583

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

The Prison and Young Offender
Institution (Amendment) Rules 2016

<i>Made</i>	- - - -	<i>11th May 2016</i>
<i>Laid before Parliament</i>		<i>16th May 2016</i>
<i>Coming into force</i>	- -	<i>7th June 2016</i>

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.

(5) In rule 55 (offences against discipline)(7), after “controlled drug”, in both places it occurs, insert “or specified drug”.

(6) In rule 56 (defences to rule 55(10)), after “controlled drug”, wherever it appears, insert “or specified drug”.

11th May 2016

Andrew Selous
Parliamentary Under Secretary of State
Ministry of Justice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”) and the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”). These Rules specify substances or products which are “specified drugs” for the purposes of section 16A (testing prisoners for drugs) of the Prison Act 1952 (c. 52) (“the Act”). The effect of section 16A of the Act is that a prison officer can require a prisoner or an inmate to provide a sample for the purposes of ascertaining whether there is a specified drug in the body of the prisoner or inmate. The effect of the amendments to rules 2 and 50 (compulsory testing for controlled drugs) of the 1999 Rules and rules 2 and 53 (compulsory testing for controlled drugs) of the 2000 Rules is to list the specified drugs and provide for compulsory testing of those specified drugs.

The amendments to rule 51 (offences against discipline) of the 1999 Rules and rule 55 (offences against discipline) of the 2000 Rules create an offence against discipline where a prisoner or inmate is found with a specified drug in his or her body or receives a specified drug during the course of a visit without the consent of an officer. The amendments to rule 52 (defences to rule 51(9)) of the 1999 Rules and rule 56 (defences to rule 55(10)) of the 2000 Rules set out the defences to the offence against discipline.

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.