

The Prison Administration (Alcohol and Drug Testing)
Ordinance, 1999

THE STATES, in exercise of the powers conferred upon them by section 3A of the Prison Administration (Guernsey) Law, 1949, as amended^a, and in pursuance of their Resolution of the 29th day of April 1998^b, hereby order:-

Governor's authorisation for the taking of samples

1. The Governor of the Prison may authorise any prison officer at the Prison to require any prisoner to provide a sample of urine for the purpose of ascertaining whether he has any alcohol or drug in his body.

Information to be given to prisoner

2. When requiring a prisoner to provide a sample, an officer shall, so far as is reasonably practicable, inform the prisoner:

- (a) that he is being required to provide a sample in accordance with section 3A of the Prison Administration (Guernsey) Law, 1949, as amended, and the provisions of this Ordinance; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

Sample to be fresh

^a Ordres en Conseil Vol. XIV, p.159; Vol. XVII, p.234; No.I of 1999.

^b Article VIII of Billet d'État No. VII of 1998.

3. An officer shall require a prisoner to provide a fresh sample, free from any adulteration.

Arrangements and instructions

4. An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

Separation while arrangements are made

5. A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

Prisoner who is unable to provide a sample

6. A prisoner who is unable to provide a sample when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this section for a period of more than 5 hours.

Privacy

7. A prisoner required to provide a sample shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

Citation and commencement

8. This Ordinance may be cited as The Prison Administration (Alcohol and Drug Testing) Ordinance, 1999 and shall come into force on the 1st day of July 1999.