

Island of



Guernsey

## Ordinance of the States

**XXX**  
**2009**

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Made .....27th October, 2009

Coming into Operation .....1st November, 2009

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### **The Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009**



## **The Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009**

**THE STATES**, in pursuance of their Resolution of the 30<sup>th</sup> July, 2009<sup>a</sup>, and in exercise of the powers conferred on them by section 3A of the Prison Administration (Guernsey) Law, 1949<sup>b</sup>, hereby order:-

### **Amendment of the 1999 Ordinance.**

1. For section 1 of the 1999 Ordinance substitute -

#### **"Governor's authorisation for the taking of samples.**

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

(a) a sample of urine, and/or

(b) a non-intimate sample."

2. In section 2(a) of the 1999 Ordinance, immediately after the word "Ordinance", insert ", as amended".

3. In the heading of section 6 of the 1999 Ordinance, immediately after the word "sample", insert "of urine".

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<sup>a</sup> Article VII of Billet d'État No. XXI of 2009.

<sup>b</sup> Ordres en Conseil Vol. XIV, p.159; Vol. XVII, p.234; No.I of 1999.

4. In section 6 of the 1999 Ordinance, immediately after the word "sample", insert "of urine".

5. In section 7 of the 1999 Ordinance, immediately after the word "sample", insert "of urine".

6. After section 7 of the 1999 Ordinance, insert the following section -

**Interpretation.**

7A. (1) In this Ordinance –

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**non-intimate sample**" has the meaning given in section 91(3) of the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003,

"**officer**" means an officer of the Prison or prison officers from the Prison Service in England and Wales seconded to the service of the Prison, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied."

**Interpretation.**

7. (1) In this Ordinance –

"**the 1999 Ordinance**" means the Prison Administration (Alcohol and Drug Testing) Ordinance, 1999<sup>c</sup>,

"**enactment**" means any Law, Ordinance or subordinate legislation, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, bylaw or other instrument made under any enactment and having legislative effect.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation.**

8. This Ordinance may be cited as the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009.

**Commencement.**

9. This Ordinance shall come into force on the 1<sup>st</sup> November 2009.

K.H. TOUGH,  
Her Majesty's Greffier.

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<sup>c</sup> Recueil d'Ordonnances Tome XXVIII, p. 223





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