

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordinance No. X of 1999; as amended by the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009 (No. XXX of 2009). This Ordinance has been repealed by the Prison (Guernsey) Ordinance, 2013 (No. XXIX of 2013).

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ARRANGEMENT OF SECTIONS

1. Governor's authorisation for the taking of samples.
2. Information to be given to prisoner.
3. Sample to be fresh.
4. Arrangements and instructions.
5. Separation while arrangements are made.
6. Prisoner who is unable to provide a sample of urine.
7. Privacy.
- 7A. Interpretation.
8. Citation and commencement.

(Made on the 30th June, 1999.)

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, 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.]

NOTE

Section 1 was substituted by the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009, section 1, with effect from 1st November, 2009.

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 Ordres en Conseil Vol. XIV, p. 159; Vol. XVII, p. 234; No. 1 of 1999.

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

- (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[, as amended], and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

NOTE

In section 2, the words in square brackets in paragraph (a) were inserted by the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009, section 2, with effect from 1st November, 2009.

Sample to be fresh.

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 [of urine].

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

NOTE

In section 6, and the marginal note thereto, the words in square brackets were inserted by the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009, respectively section 4 and section 3, with effect from 1st November, 2009.

Privacy.

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

NOTE

In section 7, the words in square brackets were inserted by the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009, section 5, with effect from 1st November, 2009.

[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.]

NOTE

Section 7A was inserted by the Prison Administration (Alcohol and Drug Testing) (Amendment) Ordinance, 2009, section 6, with effect from 1st November, 2009.

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.