

PRISONS AMENDMENT RULES 2002

BR 67 / 2002

PRISONS ACT 1979

1979 : 24

PRISON AMENDMENT RULES 2002

The Minister responsible for prisons, in exercise of the powers conferred upon him by section 7 of the Prisons Act 1979, makes the following rules:—

Citation

1 These Rules may be cited as the Prison Amendment Rules 2002.

Amendment of Prison Rules

2 The Prison Rules 1980 (BR 46/1980) are amended—

(a) in Rule 6, by adding the following—

" (3) The system of privileges shall include arrangements for according privileges to prisoners for attendance at, or completion of, specified training, educational or rehabilitation programmes.";

(b) by deleting Rule 26;

(c) in Rule 28, by deleting "or, in his absence, the Deputy Commissioner";

(d) in Rule 32—

(i) by inserting the following after paragraph (c)—

"(c.1) refuses to participate in a specified training, educational or rehabilitation

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programme when required to do so by the Commissioner;

(c.2) refuses to provide a sample under section 24A or 24B of the Act or fails to provide such sample as is necessary to enable a proper analysis of the sample;"

- (ii) in paragraph (h), by inserting after the words "unauthorized article," the words "including any alcohol or controlled drug,"
- (e) in Rule 44(2), by deleting "Prisons Department" where it twice occurs and substituting, "Department of Corrections";
- (f) by inserting after Rule 44 the following—

"Testing for controlled drugs

- 44 (1) This rule applies where a prison officer, acting under the powers conferred by section 24A of the Act requires a prisoner to provide a sample of urine for the purpose of ascertaining whether he has any controlled drug in his body.
- (2) When requiring a prisoner to provide a sample, a prison 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 24A of the Act; and
 - (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.
- (3) A prison officer shall require a prisoner to provide a fresh sample, free from any adulteration.
- (4) A prison 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.
- (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

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arrangements to be made for the provision of the sample.

- (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, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.
- (7) A prisoner required to provide a sample of urine 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.

(g) by deleting the heading to Rule 69 and substituting "**Visit by family**";

(h) in Rules 162(2), 163(2) and 165(1) by deleting "or his Deputy";

(i) by deleting the Schedule.

Commencement

3 These Rules come into operation on 14th December, 2002

Made this 11th day of December, 2002.

Minister responsible for prisons