

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3522 of 16th March, 2006

B. 08/06

BILL

FOR

AN ORDINANCE to amend the Prison Ordinance.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Ordinance may be cited as the Prison (Amendment) Ordinance 2006 and comes into operation when published in the Gazette.

Amendments to the Ordinance.

2.(1) The Prison Ordinance is amended in accordance with the provisions of this section and section 3–

(2) After section 49 insert the following new heading and sections 49A(2) and 49B–

“Mandatory drugs and alcohol testing.

Authorisation to test for drugs and alcohol.

49A(1) The Superintendent of the Prison may authorise any prison officer to require any prisoner confined on remand or on temporary release to provide a urine sample or undertake a breath test for the purpose of ascertaining whether he has any drugs or alcoholic drink in his body.

(2) Upon authorisation under sub-section (1) the prison officer may require a prisoner to provide a sample of any other description specified by the Superintendent in the authorisation, not being an intimate sample, whether instead of or in addition to a urine sample or breath test.

Drugs and alcohol testing.

49B(1) Any prison officer may, for the purpose of ascertaining whether a prisoner whilst in custody in the prison has any controlled drug in his body, at the prison require that prisoner to—

- (a) provide a sample of urine;
- (b) provide a sample of any other description specified in regulations not being an intimate sample, whether instead of or in addition to a sample of urine.

(2) Any prison officer may, for the purpose of ascertaining whether a prisoner who is confined in the prison has any alcohol in his body, at the prison require that prisoner to—

- (a) provide a sample of breath;
- (b) provide a sample of urine, whether instead of or in addition to a sample of breath;
- (c) provide a sample of any other description specified in regulations not being an intimate sample, whether instead of or in addition to a sample of breath, a sample or urine or both.

(3) An intimate sample—

- (a) which is a dental impression may only be taken from the prisoner by a registered dentist;
- (b) which is any other form of intimate sample may only be taken by a medical officer or registered doctor or nurse.

(4) In this section—

“controlled drug” has the meaning set out in section 4 of the Drugs (Misuse) Ordinance;

“intimate sample” means–

- (a) a sample of blood, semen or any other tissue, fluid or pubic hair;
- (b) a dental impression;
- (c) a swab taken from any part of a person’s genitals (including pubic hair) or from a person’s body orifice other than the mouth.”

Amendment of section 75.

3. After section 75(1)(k) insert the following–

- “(l) procedures for drugs and alcohol testing under section 49A including the conduct of testing, the type of samples which may be taken, and the information to be given to prisoners.”
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EXPLANATORY MEMORANDUM

The purpose of this Bill is to allow the Superintendent of the Prison and his staff to undertake compulsory testing for controlled drugs and alcohol upon admission and throughout a prisoner's sentence including temporary release and those held on remand.

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