

2018 No. 960

PRISONS, ENGLAND AND WALES

YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES

The Prison and Young Offender Institution (Amendment) (No. 2) Rules 2018

<i>Made</i> - - - -	<i>28th August 2018</i>
<i>Laid before Parliament</i>	<i>4th September 2018</i>
<i>Coming into force</i> - -	<i>19th October 2018</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) and (3A) of the Prison Act 1952(a).

Citation and commencement

1. These Rules may be cited as the Prison and Young Offender Institution (Amendment) (No. 2) Rules 2018 and come into force on 19th October 2018.

Amendment of the Prison Rules 1999

2. (1) The Prison Rules 1999(b) are amended as follows.
- (2) In rule 2(1) (interpretation)(c), for the definition of “specified drug”, substitute—

““specified drug” means any product or substance containing one or more of the chemical compounds listed in Schedule 2 to these Rules;”.
- (3) In rule 85(1) (revocations and savings), for “the Schedule,” substitute “Schedule 1”.
- (4) In the Schedule (revocations), for the heading “Schedule” substitute “Schedule 1”.
- (5) After Schedule 1 as renamed, insert Schedule 2 as set out in the Schedule to these Rules.

Amendment of the Young Offender Institution Rules 2000

3. (1) The Young Offender Institution Rules 2000(d) are amended as follows.
- (2) In each of the following, for “the Schedule” substitute “Schedule 1”—

(a) 1952 c. 52. Section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2). Section 47(3A) of the Prison Act 1952 was inserted by section 16(3) of the Criminal Justice and Courts Act 2015.

(b) S.I. 1999/728.

(c) Rule 2 was amended by S.I. 2000/2641, 2003/3301, 2005/869, 2005/3437, 2008/597, 2009/3082, 2013/235, 2014/2169, 2016/583, 2016/945, 2018/549.

(d) S.I. 2000/3371.

- (a) Rule 1(b) (citation and commencement), and
- (b) Rule 89(1) (revocations and savings).
- (3) In rule 2(1) (interpretation)(a), for the definition of “specified drug”, substitute—
 - ““specified drug” means any product or substance containing one or more of the chemical compounds listed in Schedule 2 to these Rules;”.
- (4) In the Schedule (revocations), for the heading “Schedule” substitute “Schedule 1”.
- (5) After Schedule 1 as renamed, insert Schedule 2 as set out in the Schedule to these Rules.

Lucy Frazer
Parliamentary Under-Secretary of State
Ministry of Justice

28th August 2018

SCHEDULE

Rules 2(5) and 3(5)

“SCHEDULE 2

Rule 2(1)

Definition of specified drug

- (a) AB-PINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide);
- (b) 5F-AB-PINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(5-Fluoropentyl)-1H-indazole-3-carboxamide);
- (c) AB-FUBINACA (N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide);
- (d) APICA (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide);
- (e) 5F-APICA (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide);
- (f) APINACA (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide);
- (g) 5F-APINACA (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide);
- (h) 5F-PB22 (1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid);
- (i) MDMB-CHMICA (methyl 2-{{[1-(cyclohexylmethyl)-1H-indol-3-yl]}formamido}-3,3-dimethylbutanoate);
- (j) PB-22 (Quinolin-8-yl-1-pentyl-1H-indole-3-carboxylate);
- (k) 5F-MDMB-PINACA (Methyl-[2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate]);
- (l) AB-CHMINACA (N-[1-(Aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- (m) 5F-AMB (Methyl 2-({[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl}amino)-3-methylbutanoate);
- (n) AMB-FUBINACA (Methyl-2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)-3-methylbutanoate);
- (o) Etizolam (4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine);

(a) Rule 2 was amended by S.I. 2002/2117, 2005/897, 2005/3438, 2008/599, 2009/3082, 2013/235, 2014/2169, 2016/583, 2016/945, 2018/549.

- (p) ADB-CHMINACA (N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- (q) MDMB-CHMCZCA (Methyl 2-(9-(cyclohexylmethyl)-9H-carbazole-3-carboxamido)-3,3-dimethylbutanoate);
- (r) EMB-FUBINACA (Ethyl 2-[[1-[(4-fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methyl-butanoate);
- (s) 5F-Cumyl-PINACA (5-(5-fluoropentyl)-2-(1-methyl-1-phenylethyl)-pyrido[4,3-b]indol-1-one);
- (t) THJ-018 (1-Naphthalenyl (1-pentyl-1H-indazol-3-yl)-methanone);
- (u) Cumyl-PEGACLONE (2-(1-Methyl-1-phenyl-ethyl)-5-pentyl-pyrido[4,3-b]indol-1-one);
- (v) Cumyl-PICA (1-Pentyl-N-(2-phenylpropan-2-yl)-1H-indole-3-carboxamide);
- (w) Cumyl-THPINACA (N-(2-phenylpropan-2-yl)-1-((tetrahydro-2H-pyran-4-yl)methyl)-1-H-indazole-3-carboxamide);
- (x) Norfludiazepam (7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one);
- (y) Nifoxipam 5-(2-fluorophenyl)-3-hydroxy-7-nitro-1H-benzo[e][1,4]diazepin-2(3H)-one;
- (z) Gabapentin - 1-(amino methyl)-cyclohexane acetic acid;
- (z1) Pregabalin - (S)-3-(aminomethyl)-5-methylhexanoic acid;
- (z2) Mirtazapine - 1,2,3,4,10,14b-Hexahydro-2-methylpyrazino[2,1-a]pyrido[2,3-c][2]benzazepine;
- (z3) Amitriptyline - 3-(5,6-dihydrodibenzo[2,1-b:1',2'-e][7]annulen-11-ylidene)-N,N-dimethylpropan-1-amine;
- (z4) Quetiapine - (2-(2-(4-dibenzo [b,f][1,4]thiazepine-11-yl-1-piperazinyl)ethoxy)ethanol);
- (z5) Sertraline - (1S, 4S)-4-(3,4-dichlorophenyl)-N-methyl-1,2,3,4-tetrahydronaphthalen-1-amine;
- (z6) Citalopram - 1-[3-(dimethylamino)propyl]-1-(4-fluorophenyl)-3H-2-benzofuran-5-carbonitrile;
- (z7) Venlafaxine - 1-[2-(dimethylamino)-1-(4-methoxyphenyl)ethyl]cyclohexan-1-ol;
- (z8) Carbamazepine – benzo[b][1]benzazepine-11-carboxamide;
- (z9) Cetirizine - 2-[2-[4-[(4-chlorophenyl)-phenylmethyl]piperazin-1-yl]ethoxy]acetic acid;
- (z10) Chlorpromazine - 3-(2-chlorophenothiazin-10-yl)-N,N-dimethylpropan-1-amine;
- (z11) Fluoxetine N-methyl-3-phenyl-3-[4-(trifluoromethyl)phenoxy]propan-1-amine;
- (z12) Haloperidol - 4-[4-(4-chlorophenyl)-4-hydroxypiperidin-1-yl]-1-(4-fluorophenyl)butan-1-one;
- (z13) Lamotrigine - 6-(2,3-Dichlorophenyl)-1,2,4-triazine-3,5-diamine;
- (z14) Naproxen - (2S)-2-(6-methoxynaphthalen-2-yl)propanoic acid;
- (z15) Nefopam - 5-methyl-1-phenyl-1,3,4,6-tetrahydro-2,5-benzoxazocine;
- (z16) Olanzapine - 2-methyl-4-(4-methyl-1-piperazinyl)-10H-thieno[2,3-b][1,5]benzodiazepine;
- (z17) Paroxetine - (3S,4R)-3-[(1,3-benzodioxol-5-yloxymethyl)-4-(4-fluorophenyl)-piperidine];
- (z18) Promethazine - N,N,α-Trimethyl-10H-phenothiazine-10-ethanamine;
- (z19) Sildenafil - 5-[2-ethoxy-5-(4-methylpiperazin-1-yl)sulfonylphenyl]-1-methyl-3-propyl-6H-pyrazolo[4,3-d]pyrimidin-7-one;

- (z20) Trazodone - 2-[3-[4-(3-chlorophenyl)piperazin-1-yl]propyl]-[1,2,4]triazolo[4,3-a]pyridin-3-one;
- (z21) Varenicline -7,8,9,10-tetrahydro-6,10-methanol-6H-ptyrazine[2,3-h][3]benzapine;
- (z22) Zopiclone - 6-(5-Chloro-2-pyridyl)-6,7-dihydro-7-oxo-5H-pyrrolo[3,4-b]pyrazin-5-yl 4-methylpiperazine-1-carboxylate;
- (z23) Zuclopenthixol - 2-[4-[(3Z)-3-(2-chlorothioxanthen-9-ylidene)propyl]piperazin-1-yl]ethanoldihydrochloride.”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”) and the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”). These Rules substitute the definition of “specified drug” in rule 2(1) of the 1999 Rules and rule 2(1) of the 2000 Rules with a revised definition in rule 2(1) and a new Schedule 2. Products or substances that fall within the revised definitions are “specified drugs” for the purposes of section 16A (testing prisoners for drugs) of the Prison Act 1952 (c. 52) (“the Act.”). The effect of section 16A of the Act is that a prison officer can require a prisoner or an inmate to provide a sample for the purpose of ascertaining whether there is a specified drug in the body of the prisoner or inmate. These Rules amend the definition of “specified drug” to include a number of additional chemical compounds. These comprise of a mixture of psychoactive substances, prescription only medicines and pharmacy medicines. The effect of the amendment is that prisoners and inmates can be tested for these additional substances.

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.