
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

OFFENCES AGAINST DISCIPLINE

Offences against discipline

- 51.** A prisoner is guilty of an offence against discipline if he—
- (1) commits any assault;
 - [^{F1}(1A) commits any racially aggravated assault;]
 - (2) detains any person against his will;
 - (3) denies access to any part of the prison to any officer or any person (other than a prisoner) who is at the prison for the purpose of working there;
 - (4) fights with any person;
 - (5) intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered;
 - (6) intentionally obstructs an officer in the execution of his duty, or any person (other than a prisoner) who is at the prison for the purpose of working there, in the performance of his work;
 - (7) escapes or absconds from prison or from legal custody;
 - (8) fails to comply with any condition upon which he is temporarily released under rule 9;
 - (9) administers a controlled drug to himself or fails to prevent the administration of a controlled drug to him by another person (but subject to rule 52);
 - (10) is intoxicated as a consequence of knowingly consuming any alcoholic beverage;
 - (11) knowingly consumes any alcoholic beverage other than that provided to him pursuant to a written order under rule 25(1);
 - (12) has in his possession—
 - (a) any unauthorised article, or
 - (b) a greater quantity of any article than he is authorised to have;
 - (13) sells or delivers to any person any unauthorised article;
 - (14) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;
 - (15) takes improperly any article belonging to another person or to a prison;
 - (16) intentionally or recklessly sets fire to any part of a prison or any other property, whether or not his own;

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(17) destroys or damages any part of a prison or any other property, other than his own;

[^{F2}(17A) causes racially aggravated damage to, or destruction of, any part of a prison or any other property, other than his own;]

(18) absents himself from any place he is required to be or is present at any place where he is not authorised to be;

(19) is disrespectful to any officer, or any person (other than a prisoner) who is at the prison for the purpose of working there, or any person visiting a prison;

(20) uses threatening, abusive or insulting words or behaviour;

[^{F3}(20A) uses threatening, abusive or insulting racist words or behaviour;]

(21) intentionally fails to work properly or, being required to work, refuses to do so;

(22) disobeys any lawful order;

(23) disobeys or fails to comply with any rule or regulation applying to him;

(24) receives any controlled drug, or, without the consent of an officer, any other article, during the course of a visit (not being an interview such as is mentioned in rule 38);

[^{F4}(24A) displays, attaches or draws on any part of a prison, or on any other property, threatening, abusive or insulting racist words, drawings, symbols or other material;]

(a) (25) (a) attempts to commit,

(b) incites another prisoner to commit, or

(c) assists another prisoner to commit or to attempt to commit, any of the foregoing offences.

Textual Amendments

F1 Rule 51(1A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(a\)](#)

F2 Rule 51(17A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(b\)](#)

F3 Rule 51(20A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(c\)](#)

F4 Rule 51(24A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(d\)](#)

[^{F5}Interpretation of rule 51

51A.—(2) For the purposes of rule 51 words, behaviour or material are racist if they demonstrate, or are motivated (wholly or partly) by, hostility to members of a racial group (whether identifiable or not) based on their membership (or presumed membership) of a racial group, and “membership”, “presumed”, “racial group” and “racially aggravated”, shall have the meanings assigned to them by section 28 of the Crime and Disorder Act 1998.]

Textual Amendments

F5 Rule 51A inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 4](#)

Defences to rule 51(9)

52. It shall be a defence for a prisoner charged with an offence under rule 51(9) to show that:

- (a) the controlled drug had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drug to him by another person;
- (b) the controlled drug was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
- (c) the controlled drug was administered by or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.

Disciplinary charges

53.—(1) Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence.

(2) Every charge shall be inquired into by the governor [^{F6}or, as the case may be, the adjudicator].

[^{F7}(3) Every charge shall be first inquired into not later, save in exceptional circumstances or in accordance with rule 55A(5), than:

- (a) where it is inquired into by the governor, the next day, not being a Sunday or public holiday, after it is laid;
- (b) where it is referred to the adjudicator under rule 53A(2), 28 days after it is so referred.]

(4) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending the governor's first inquiry [^{F8}or determination under rule 53A].

Textual Amendments

- F6** Words in rule 53(2) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 2\(a\)](#)
- F7** Rule 53(3) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 2\(b\)](#)
- F8** Words in rule 53(4) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 2\(c\)](#)

[^{F9}Determination of mode of inquiry

53A.—(1) Before inquiring into a charge the governor shall determine whether it is so serious that additional days should be awarded for the offence, if the prisoner is found guilty.

(2) Where the governor determines:

- (a) that it is so serious, he shall:
 - (i) refer the charge to the adjudicator forthwith for him to inquire into it;
 - (ii) refer any other charge arising out of the same incident to the adjudicator forthwith for him to inquire into it; and
 - (iii) inform the prisoner who has been charged that he has done so;
- (b) that it is not so serious, he shall proceed to inquire into the charge.

(3) If:

- (a) at any time during an inquiry into a charge by the governor; or
- (b) following such an inquiry, after the governor has found the prisoner guilty of an offence but before he has imposed a punishment for that offence,

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it appears to the governor that the charge is so serious that additional days should be awarded for the offence if (where sub-paragraph (a) applies) the prisoner is found guilty, the governor shall act in accordance with paragraph (2)(a)(i) to (iii) and the adjudicator shall first inquire into any charge referred to him under this paragraph not later than, save in exceptional circumstances, 28 days after the charge was referred.]

Textual Amendments

F9 Rule 53A inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 3](#)

Rights of prisoners charged

54.—(1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor [^{F10}or, as the case may be, the adjudicator].

(2) At an inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

[^{F11}(3) At an inquiry into a charge which has been referred to the adjudicator, the prisoner who has been charged shall be given the opportunity to be legally represented.]

Textual Amendments

F10 Words in rule 54(1) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 4\(a\)](#)

F11 Rule 54(3) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 4\(b\)](#)

Governor’s punishments

55.—(1) If he finds a prisoner guilty of an offence against discipline the governor may, subject to paragraph (2) and to rule 57, impose one or more of the following punishments:

- (a) caution;
- (b) forfeiture for a period not exceeding 42 days of any of the privileges under rule 8;
- (c) exclusion from associated work for a period not exceeding 21 days;
- (d) stoppage of or deduction from earnings for a period not exceeding 84 days ^{F12}...;
- (e) cellular confinement for a period not exceeding [^{F13}21 days];
- ^{F14}(f)
- (g) in the case of a prisoner otherwise entitled to them, forfeiture for any period of the right, under rule 43(1), to have the articles there mentioned;
- [^{F15}(h) removal from his wing or living unit for a period of 28 days.]

(2) ^{F16}... A caution shall not be combined with any other punishment for the same charge.

(3) If a prisoner is found guilty of more than one charge arising out of an incident, punishments under this rule may be ordered to run consecutively but [^{F17}in the case of a punishment of cellular confinement, the total period shall not exceed 21 days].

(4) In imposing a punishment under this rule, the governor shall take into account any guidelines that the Secretary of State may from time to time issue as to the level of punishment that should normally be imposed for a particular offence against discipline.

Textual Amendments

- F12** Words in rule 55(1)(d) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 5\(a\)](#)
- F13** Words in rule 55(1)(e) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 5\(b\)](#)
- F14** Rule 55(1)(f) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 5\(c\)](#)
- F15** Rule 55(1)(h) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 5\(d\)](#)
- F16** Words in rule 55(2) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 5\(e\)](#)
- F17** Words in rule 55(3) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 5\(f\)](#)

[^{F18} Adjudicator's punishments

55A.—(1) If he finds a prisoner guilty of an offence against discipline the adjudicator may, subject to paragraph (2) and to rule 57, impose one or more of the following punishments:

- (a) any of the punishments mentioned in rule 55(1);
- (b) in the case of a short-term prisoner or long-term prisoner, an award of additional days not exceeding 42 days.

(2) A caution shall not be combined with any other punishment for the same charge.

(3) If a prisoner is found guilty of more than one charge arising out of an incident, punishments under this rule may be ordered to run consecutively but, in the case of an award of additional days, the total period added shall not exceed 42 days and, in the case of a punishment of cellular confinement, the total period shall not exceed 21 days.

(4) This rule applies to a prisoner who has been charged with having committed an offence against discipline before the date on which the rule came into force, in the same way as it applies to a prisoner who has been charged with having committed an offence against discipline on or after that date, provided the charge is referred to the adjudicator no later than 60 days after that date.

(5) Rule 53(3) shall not apply to a charge where, by virtue of paragraph (4), this rule applies to the prisoner who has been charged.]

Textual Amendments

- F18** [Rule 55A](#) inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 6](#)

Forfeiture of remission to be treated as an award of additional days

56.—(1) In this rule, "existing prisoner" and "existing licensee" have the meanings assigned to them by paragraph 8(1) of Schedule 12 to the Criminal Justice Act 1991 ^{M1}.

(2) In relation to any existing prisoner or existing licensee who has forfeited any remission of his sentence, the provisions of Part II of the Criminal Justice Act 1991 shall apply as if he had been

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awarded such number of additional days as equals the numbers of days of remission which he has forfeited.

Marginal Citations

M1 1991 c. 53.

Offences committed by young persons

57.—(1) In the case of an offence against discipline committed by an inmate who was under the age of 21 when the offence was committed (other than an offender in relation to whom the Secretary of State has given a direction under section 13(1) of the Criminal Justice Act 1982 ^{M2} that he shall be treated as if he had been sentenced to imprisonment) rule 55 [^{F19}or, as the case may be, rule 55A] shall have effect, but—

- (a) the maximum period of forfeiture of privileges under rule 8 shall be 21 days;
- (b) the maximum period of stoppage of or deduction from earnings shall be 42 days ^{F20} ...;
- (c) the maximum period of cellular confinement shall be [^{F21}ten days];
- [^{F22}(d) the maximum period of removal from his cell or living unit shall be 21 days.]

(2) In the case of an inmate who has been sentenced to a term of youth custody or detention in a young offender institution, and by virtue of a direction of the Secretary of State under [^{F23}section 99 of the Powers of Criminal Courts (Sentencing) Act 2000], is treated as if he had been sentenced to imprisonment for that term, any punishment imposed on him for an offence against discipline before the said direction was given shall, if it has not been exhausted or remitted, [^{F24}continue to have effect:

- (a) if imposed by a governor, as if made pursuant to rule 55;
- (b) if imposed by an adjudicator, as if made pursuant to rule 55A].

Textual Amendments

- F19 Words in rule 57(1) inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 7\(a\)](#)
- F20 Words in rule 57(1)(b) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 7\(b\)](#)
- F21 Words in rule 57(1)(c) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 7\(c\)](#)
- F22 Rule 57(1)(d) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 7\(d\)](#)
- F23 Words in rule 57(2) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 7\(e\)\(i\)](#)
- F24 Words in rule 57(2) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 7\(e\)\(ii\)](#)

Marginal Citations

M2 1982 c. 48.

Cellular confinement

58. When it is proposed to impose a punishment of cellular confinement, the medical officer, or a medical practitioner such as is mentioned in rule 20(3), shall inform the governor whether there

are any medical reasons why the prisoner should not be so dealt with. The governor shall give effect to any recommendation which may be made under this rule.

Prospective award of additional days

59.—(1) Subject to paragraph (2), where an offence against discipline is committed by a prisoner who is detained only on remand, additional days may be awarded [^{F25}by the adjudicator] notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced.

(2) An award of additional days under paragraph (1) shall have effect only if the prisoner in question subsequently becomes a short-term or long-term prisoner whose sentence is reduced, under section 67 of the Criminal Justice Act 1967 ^{M3}, by a period which includes the time when the offence against discipline was committed.

Textual Amendments

F25 Words in [rule 59\(1\)](#) inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 8](#)

Marginal Citations

M3 1967 c. 80.

[^{F26}Removal from a cell or living unit

59A. Following the imposition of a punishment of removal from his cell or living unit, a prisoner shall be accommodated in a separate part of the prison under such restrictions of earnings and activities as the Secretary of State may direct.]

Textual Amendments

F26 [Rule 59A](#) inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), [rule 1](#), [Sch. para. 9](#)

Suspended punishments

60.—(1) Subject to any directions given by the Secretary of State, the power to impose a disciplinary punishment (other than a caution) shall include power to direct that the punishment is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction), the prisoner commits another offence against discipline and a direction is given under paragraph (2).

(2) Where a prisoner commits an offence against discipline during the period specified in a direction given under paragraph (1) the person dealing with that offence may—

- (a) direct that the suspended punishment shall take effect;
- (b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced;
- (c) vary the original direction by substituting for the period specified a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended punishment.

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[^{F27}(3) Where an award of additional days has been suspended under paragraph (1) and a prisoner is charged with committing an offence against discipline during the period specified in a direction given under that paragraph, the governor shall either:

- (a) inquire into the charge and give no direction with respect to the suspended award; or
- (b) refer the charge to the adjudicator for him to inquire into it.]

Textual Amendments

F27 Rule 60(3) added (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 10**

Remission and mitigation of punishments and quashing of findings of guilt

61.—(1) The Secretary of State may quash any finding of guilt and may remit any punishment or mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

(2) Subject to any directions given by the Secretary of State, the governor may remit or mitigate any punishment imposed by a governor or the board of visitors.

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