

1979 No. 155

YOUNG OFFENDERS CENTRES

Young Offenders Centre Rules (Northern Ireland) 1979

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Coming into operation 1st June 1979

To be laid before Parliament

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The Secretary of State in pursuance of section 13 of the Prison Act (Northern Ireland) 1953(a), as extended by section 2 of the Treatment of Offenders Act (Northern Ireland) 1968(b), hereby makes the following rules:

PART I

PRELIMINARY

Citation and commencement

1. These rules may be cited as the Young Offenders Centre Rules (Northern Ireland) 1979 and shall come into operation on 1st June 1979.

2. In these rules—

"appellant" means an appellant under the Criminal Appeal (Northern Ireland) Act 1968(c), or Part XIII of the Magistrates' Courts Act (Northern Ireland) 1964(d), and includes a person who has given notice of application for leave to appeal under the said Act of 1968;

(a) 1953 c. 18 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)

(b) 1968 c. 29 (N.I.) as modified by S.I. 1973/2163

(c) 1968 c. 21

(d) 1964 c. 21 (N.I.)

- “centre” means a young offenders centre provided under section 2(2) of the Treatment of Offenders Act (Northern Ireland) 1968;
- “chaplain” means a minister of any religious denomination appointed under section 9(1) of the Act;
- “civil inmate” has the meaning assigned to it by rule 74;
- “governor” means the officer appointed by the Secretary of State to take charge of a centre subject to the control and direction of the Secretary of State;
- “inmate” means a person required to be detained in a centre;
- “legal adviser” means, in relation to an inmate, the inmate’s counsel or solicitor;
- “medical officer” means the officer, being a registered medical practitioner, appointed by the Secretary of State to perform the medical services of a centre;
- “offence” has the meaning assigned to it by rule 30;
- “officer” means a person appointed by the Secretary of State to assist in the control of a centre;
- “the Act” means the Prison Act (Northern Ireland) 1953;
- “visiting committee” means the committee appointed by the Secretary of State under section 3 of the Treatment of Offenders Act (Northern Ireland) 1968.

PART II

CLASSIFICATION, TRAINING AND PRIVILEGES

Classification

3. Inmates may be classified, in accordance with any directions by the Secretary of State, having regard to their age, temperament and record and with a view to maintaining good order and facilitating training.

Privileges and earnings

4.—(1) The Secretary of State shall, in the interest of good conduct and training, establish at every centre a system or systems of privileges appropriate to different classes of inmate and to different methods of training.

(2) Every such system shall include arrangements under which money may be earned by inmates under these rules and may be spent on such articles and subject to such conditions as the Secretary of State may determine.

PART III

ACCOMMODATION

Sleeping accommodation

5.—(1) Sleeping accommodation for inmates shall be such as is approved by the Secretary of State and shall be of such size and be lighted, warmed, ventilated and fitted in such a manner as is requisite for health.

(2) Such accommodation shall be provided with the means whereby inmates locked therein can communicate at any time with an officer.

(3) Sleeping accommodation shall be provided for each inmate in a separate room:

Provided that, where necessary, the Secretary of State may authorise the accommodating of 2 or more inmates in a room.

Beds and bedding

6. Every inmate shall be provided with a separate bed and with separate bedding adequate for warmth and health.

PART IV

RECEPTION, TRANSFER, DISCHARGE AND DEATH

Initial transfer to centre

7.—(1) Where a person has been ordered to be detained in a centre he may be kept in custody in a prison until arrangements can be made for his transfer to a centre.

(2) While in custody in a prison an inmate shall, so far as possible, be kept separate from other prisoners.

(3) An inmate shall not be kept in prison under this rule for longer than 72 hours.

Search

8.—(1) Every inmate shall be searched when taken into custody by an officer on reception and at such subsequent times as the governor may order subject to any direction of the Secretary of State.

(2) Any unauthorised article found during the search shall be taken from the inmate.

(3) An inmate shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(4) An inmate shall not be stripped and searched in the sight of another inmate.

(5) An inmate shall be searched only by officers of his own sex.

Inmate's property

9.—(1) Anything which an inmate has at a centre and which he is not allowed to retain for his own use shall, subject to paragraph (3), be taken into the governor's custody.

(2) An inventory of an inmate's property shall be kept and he shall be required to sign it after having a proper opportunity to see that it is correct.

(3) Any cash which an inmate has at a centre shall be paid into the accounts of the centre and the inmate shall be credited with the amount and shall sign the record after having a proper opportunity to see that it is correct.

(4) Any article belonging to an inmate which remains unclaimed for a period of more than 3 years after he leaves a centre, or dies, may be sold or otherwise disposed of; and the net proceeds of any sale shall be disbursed for the benefit of discharged inmates subject to any direction by the Secretary of State.

Money and articles received at a centre

10.—(1) Any money or other article (other than a letter or other communication) sent to an inmate through the post office or otherwise received at a centre shall be dealt with in accordance with the provisions of this rule and the inmate shall be told how it is dealt with.

(2) Any cash shall, at the discretion of the governor, be—

(a) dealt with in accordance with rule 9(3); or

(b) returned to the sender.

(3) Any security for money shall, at the discretion of the governor, be—

(a) delivered to the inmate or placed with his property at the centre; or

(b) returned to the sender; or

(c) encashed and the cash dealt with in accordance with paragraph (2).

(4) Any other article to which this rule applies shall, at the discretion of the governor, be—

(a) delivered to the inmate or placed with his property at the centre; or

(b) returned to the sender; or

(c) in the case where the article is of such a nature that it would be unreasonable to return it, sold or otherwise disposed of and the net proceeds of any sale applied in accordance with paragraph (2).

Record, photograph and fingerprints

11.—(1) The name, age, height, weight, distinctive marks and any other measurements and particulars which may be required in regard to an inmate shall on his reception, and subsequently as necessary, be recorded in such a way as the Secretary of State may direct.

(2) An inmate may be photographed and fingerprinted on reception and subsequently.

Baths

12. Every inmate shall take a hot shower or bath on reception unless the governor or medical officer exempts him.

Medical examination on reception

13.—(1) Without prejudice to his duties under rules 19 and 44 and subject to paragraph (2) the medical officer shall separately examine every inmate as early as possible on the day of his reception and shall record his state of health.

(2) If an inmate is received too late to be examined on the day of his reception he shall be examined as soon as possible on the next day, and in any case within 24 hours of reception.

Interview with governor after reception

14. Without prejudice to his duties under rule 39 the governor shall interview all inmates as soon as possible after their reception.

Information to inmates

15.—(1) The governor shall ensure that every inmate receives a careful explanation of so much of these rules and of any other instructions of which he should have knowledge, including those relating to payments, to activities of the centre, to the proper methods of submitting petitions to the Secretary of the State and of making complaints, and to the disciplinary requirements of the centre.

(2) A copy of these rules shall be shown to any inmate on request.

Transfer

16.—(1) Subject to paragraph (2) an inmate whom the Secretary of State directs to be taken to any place shall be kept in the custody of the officers directed by the governor to take him to that place.

(2) An inmate whom the Secretary of State directs to be brought before a court of summary jurisdiction may be kept in the custody of police officers outside the centre.

(3) When an inmate is being transferred to or from the centre he shall be exposed to public view as little as possible.

Temporary release

17.—(1) An inmate undergoing detention may be temporarily released by the Secretary of State for a stated length of time and under conditions and for reasons approved by him.

(2) If the Secretary of State is satisfied that an inmate temporarily released has broken any of the conditions of release, he shall be liable to recall to the centre although the length of time referred to in paragraph (1) has not elapsed.

Final interview with governor

18. The governor shall interview every inmate before discharge or transfer.

Final interview with medical officer

19.—(1) The medical officer shall examine every inmate as short a time as is practicable before discharge or transfer.

(2) An inmate shall not be transferred unless the medical officer certifies that he is fit for transfer.

(3) An inmate due for discharge who is suffering from an acute or dangerous illness shall not be required to leave a centre if the medical officer believes he cannot be discharged without danger to himself or to other people.

Return of clothes and other property

20. An inmate's own clothes and other property shall be returned to him on discharge unless, on the authority of the governor, they have been destroyed or otherwise disposed of because of their filthy, infected or dilapidated condition, in which case suitable clothing shall be provided for the inmate.

Application of gratuity on discharge

21. Any gratuity given to an inmate on his discharge shall be paid in such a way and under such conditions as the Secretary of State may direct to prevent its being misapplied.

Death or serious illness of inmate

22.—(1) If an inmate dies, becomes seriously ill, sustains any severe injury, or is removed to hospital on account of mental disorder, the governor shall at once inform the nearest relative whose address is known and any other person whom the inmate has requested to be informed.

(2) If an inmate dies the governor shall immediately notify the coroner having jurisdiction, the visiting committee and the Secretary of State.

(3) If an inmate dies the medical officer shall record—

(a) when the deceased was taken ill;

- (b) the time at which he was first told of the illness;
- (c) the nature of the disease; and
- (d) when the inmate died;

and, in cases where a post-mortem examination is made, the medical officer shall report on its findings together with any further remarks he considers necessary.

PART V

DISCIPLINE AND CONTROL

General principles

23.—(1) Order and discipline shall be maintained with firmness, but with no more restriction than is required for safe custody and well-ordered community life.

(2) In the control of inmates, officers shall, so far as possible, seek to influence them through their own example and leadership and to enlist their willing co-operation.

(3) At all times the treatment of inmates shall be such as to encourage their self-respect and a sense of personal responsibility, but an inmate shall not be employed in any disciplinary capacity.

Removal from association

24.—(1) Where it appears desirable for the maintenance of good order or discipline, or in his own interests that an inmate should not associate with other inmates, either generally or for particular purposes, the governor may arrange for the inmate's removal from association accordingly.

(2) An inmate shall not be removed under this rule for a period of more than 24 hours unless a member of the visiting committee or the Secretary of State so authorises.

(3) An authority given under paragraph (2) shall be for a period not exceeding 14 days but may be renewed fortnightly.

(4) The governor may arrange at his discretion for such an inmate as aforesaid to resume association with other inmates and shall do so if in any case the medical officer so advises on medical grounds.

Remission and discharge

25.—(1) An inmate, other than a civil inmate, serving an actual term of detention of more than one month may, on the ground of his good conduct be granted remission in accordance with the provisions of this rule, but this rule shall not permit the reduction of the actual term to less than 31 days.

(2) The remission granted shall not exceed half the total of the actual term and any period spent in custody which is taken into account under section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (which relates to the duration of orders for detention).

(3) The foregoing provisions of this rule shall have effect subject to any disciplinary award of loss of remission.

(4) An inmate who would otherwise be discharged on any of the following days, that is to say—

(a) a Sunday, Christmas Day, Good Friday;

(b) a day which is a bank holiday in Northern Ireland;

(c) in the case of a person who is serving a term (as pronounced) of more than one month, a Saturday,

may be discharged on the next preceding day which is not one of those days.

(5) In this rule "actual term" means the term of detention as reduced by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 and, in the case of a sentence pronounced outside Northern Ireland which is being treated as an order for detention under section 14 of the Treatment of Offenders Act (Northern Ireland) 1968, any reference to the said section 26(2) includes a reference to any corresponding provision having effect where the sentence was pronounced.

(6) For the purposes of this rule—

(a) consecutive terms of detention shall be treated as a single term;

(b) a person committed to a centre in default of payment of a sum of money adjudged to be paid by a conviction shall be treated as serving a term of detention;

(c) a person ordered to be returned to a centre under article 3 of the Treatment of Offenders (Northern Ireland) Order 1976(e) shall be treated as serving a term of detention.

Inmates on report for offences against discipline

26.—(1) The officer having knowledge of any offence against discipline shall report it forthwith.

(2) Where an inmate has been reported for an offence the governor may order him to be kept apart from other inmates pending adjudication.

(3) Any report against an inmate shall be dealt with by the governor or by an officer to whom the governor has properly delegated authority.

(4) The governor shall investigate any report not later, save in exceptional circumstances, than the following day unless that day is a Sunday or public holiday.

Rights of inmates on report

27.—(1) Where an inmate is reported for an offence against discipline, he shall be told about the report as soon as possible and, in any case, before the time when it is investigated by the governor.

(2) At any investigation into a report against an inmate, he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

Unauthorised articles

28. The governor may deprive an inmate of any unauthorised article found in his room or in his possession.

Prohibited articles

29.—(1) Except with the authority of the governor, no person may bring or throw into or deposit in a centre, or bring or throw out of a centre, or bring to an inmate, or deposit in any place with intent that it shall come into an inmate's possession, any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever.

(2) The governor may confiscate anything so brought, thrown or deposited.

(3) An inmate shall not be given or allowed to have any intoxicating liquor unless the medical officer so orders in writing specifying the quantity to be given and the name of the inmate for whose use it is ordered.

(4) An inmate shall not be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the governor with the approval of the Secretary of State.

Offences against discipline

30. An inmate shall be guilty of an offence against discipline if he—

- (1) disobeys any lawful order, or neglects to conform to these rules;
- (2) treats with disrespect any officer or any person visiting the centre;
- (3) is idle, careless, or negligent at work, or refuses to work;
- (4) uses any abusive, insolent, threatening or other improper language;
- (5) is indecent in language, act or gesture;
- (6) commits any assault;
- (7) leaves without permission any place in which he is required to be;
- (8) loses by neglect property belonging to the centre;
- (9) wilfully disfigures or damages any part of the centre or any property which is not his own;
- (10) commits any nuisance;
- (11) takes improperly, or possesses without authorisation, any article;
- (12) gives to or receives from any person, or has in his room or possession any prohibited article;
- (13) commits an offence under the Act;
- (14) mutinies or incites other inmates to mutiny;
- (15) does gross personal violence to an officer;
- (16) does gross personal violence to any person not being an officer;
- (17) makes repeated and groundless complaints;
- (18) in any way offends against the security or good order and discipline of the centre;
- (19) makes false and malicious allegations against an officer;
- (20) fails to return to the centre when a period of temporary release expires or breaks any condition attached to the period of temporary release;
- (21) attempts to do any of the foregoing things.

Governor's awards

31.—(1) If the governor finds that an offence is proved, he may, subject to rule 32, make one or more of the following awards for an offence against discipline—

- (a) caution;

- (b) loss of remission for a period not exceeding 14 days;
- (c) loss or postponement of payment in whole or in part for work for a period not exceeding 14 days;
- (d) loss or postponement in whole or in part of privileges, other than payment for work, for a period not exceeding 28 days or 2 months in the case of evening association exercise;
- (e) exclusion from associated work for a period not exceeding 14 days;
- (f) confinement to room for a period not exceeding 3 days.

(2) An inmate found guilty of losing by neglect or wilfully damaging the property of a centre may, in addition to or in lieu of deprivation of the privilege of receiving payment for work by virtue of an award under paragraph (1)(c), be required to pay out of earnings thereafter made by him under rule 44 a sum in accordance with rates which the Secretary of State may from time to time authorise.

More serious offences—investigation and awards by the Secretary of State and visiting committee

32.—(1) Where an inmate is reported for any of the following offences—

- (a) an offence under the Act;
- (b) gross personal violence to an officer;
- (c) gross personal violence to any person not being an officer;
- (d) any serious or repeated offence against discipline for which in the view of the governor it may be desirable to award a more severe punishment than is provided in rule 31;

and the governor considers after investigation that such an offence has been committed, he may, and in the case of an offence under (a) shall, report the matter to the Secretary of State.

(2) The Secretary of State shall thereupon inquire into the report, the inquiry being on oath if he thinks it desirable, and, if he is satisfied that the offence has been committed, may make one or more of the following awards—

- (a) loss of remission for a period not exceeding 4 months;
- (b) loss or postponement of payment in whole or in part for work for a period not exceeding 28 days;
- (c) loss or postponement in whole or in part of privileges other than payment for work;
- (d) exclusion from associated work for a period not exceeding 28 days;
- (e) confinement to room for a period not exceeding 14 days or, where the inmate is found guilty of mutiny or incitement to mutiny or of gross personal violence to an officer, not exceeding 28 days.

(3) An inmate found guilty of losing by neglect or wilfully damaging the property of a centre may, in addition to or in lieu of deprivation of the privilege of receiving payment for work by virtue of an award under paragraph (2)(b), be required to pay out of earnings thereafter made by him under rule 44 a sum in accordance with rates which the Secretary of State may from time to time authorise.

(4) The Secretary of State may delegate his powers under this rule to the visiting committee in any particular case.

Confinement to room

33.—(1) No award of confinement to room shall be given effect unless the medical officer has certified that the inmate is in a fit condition of health to undergo it.

(2) The governor shall visit every inmate undergoing confinement to a room at least once a day, and an officer appointed for the purpose shall visit such an inmate at intervals of not more than 3 hours during the day.

(3) Without prejudice to rule 67 the medical officer shall visit every inmate undergoing confinement to a room at least once every weekday which is not a public holiday.

Suspended awards

34.—(1) Subject to any directions by the Secretary of State, the power to make a disciplinary award (other than a caution) shall include power to direct that the award is not to take effect unless, during a period specified in the direction (not being more than 6 months from the date of the direction), the inmate commits another offence against discipline and a direction is given under paragraph (2).

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

(a) direct that the suspended award shall take effect; or

(b) reduce the period or amount of the suspended award and direct that it shall take effect as so reduced; or

(c) vary the original direction by substituting for the period specified therein a period expiring not later than 6 months from the period of variation; or

(d) give no direction in respect of the suspended award.

Remission and mitigation of awards

35. A disciplinary award under rule 31 or rule 32 may be remitted or mitigated by the authority responsible for the award.

Use of force

36.—(1) An officer in dealing with inmates shall not use force unnecessarily and, when the application of force is necessary, no more force than is necessary shall be used.

(2) An officer shall not deliberately act in a manner calculated to provoke an inmate.

Temporary confinement

37. The governor may, to prevent disturbance, damage or injury, order any refractory or violent inmate to be temporarily confined in a special room which the Secretary of State has approved for the purpose, but an inmate shall not be confined in such a room as a punishment or after he has ceased to be refractory or violent.

Restraints

38.—(1) After consulting the medical officer, the governor may order an inmate to be put under restraint where this is necessary to prevent the inmate from injuring himself or others, damaging property, or creating a disturbance.

(2) Notice of any such restraint shall forthwith be given to a member of the visiting committee.

(3) Except as provided by this rule no inmate shall be put under restraint otherwise than for safe custody during transfer or on medical grounds by order of the medical officer.

(4) No inmate shall be put under restraint as a punishment.

(5) No inmate shall be kept under restraint longer than is necessary and in no case for longer than 24 hours without an order in writing given by a member of the visiting committee.

(6) Such an order shall state the grounds for the restraint and the time during which it may continue; the governor shall retain the order as his warrant.

(7) The governor shall forthwith record particulars of every case of restraint.

(8) Any means of restraint shall be of a pattern authorised by the Secretary of State and shall be used in such manner and under such conditions as he may direct.

Complaints by inmates

39.—(1) Every request by an inmate to see the governor, an officer of the Secretary of State visiting the centre, or a member of the visiting committee shall be recorded by the officer to whom it is made and reported without delay to the governor.

(2) The governor shall at a convenient hour on every day other than Sundays and public holidays, see all inmates who have made a request to see him.

(3) On the occasion of each visit to a centre by an officer of the Secretary of State or a member of the visiting committee, the governor shall inform such an officer or member of all outstanding requests by inmates to see him.

General control of admission to the centre

40.—(1) No person may enter the centre without the governor's permission, unless he is entitled to do so.

(2) All persons and vehicles entering or leaving the centre may be examined and searched.

(3) A person suspected of bringing any prohibited article into the centre or of carrying out a prohibited article or any property belonging to the centre, or while in a centre of being in possession of a prohibited article, or in improper possession of any property belonging to the centre, shall be stopped and immediate notice of this shall be given to the governor, who may order that he shall be examined and searched.

(4) The governor may refuse to admit a person to the centre if he refuses to be examined and searched.

(5) The governor may order that a person be removed from the centre if, whilst inside the centre, he refuses to be examined and searched or behaves improperly.

Visitors viewing the centre

41.—(1) Except as provided by statute or directed by the Secretary of State, the governor shall not allow any person to view the centre.

(2) The governor shall ensure that no person authorised to view the centre makes a sketch, or takes a photograph or communicates with an inmate unless the Secretary of State has authorised the person to do so.

Custody and supervision of female inmates

42. Female inmates shall in all cases be in the custody of female officers and, if working under a male instructor, shall be supervised by a female officer.

Pregnancy, confinement and babies

43.—(1) Where a female inmate is pregnant on committal and her confinement is expected to take place before the end of her period of detention, she shall, if possible, be temporarily removed from the centre to a suitable hospital for the confinement and for any period following delivery which the medical officer considers necessary.

(2) The Secretary of State shall be fully notified of any such impending confinement and may thereupon direct removal of the inmate under such conditions, if any, as he thinks fit.

(3) The Secretary of State may, subject to any conditions he thinks fit, permit a female inmate to have her baby with her in the centre and everything necessary for the baby's maintenance and care may be provided there.

PART VI

WORK, EDUCATION AND RECREATION

Work

44.—(1) Unless excused by the medical officer on medical grounds or by the governor as receiving education under rule 45(2), every inmate shall be employed on useful work or in vocational training, and he may receive payment in accordance with scales and under conditions laid down by the Secretary of State.

(2) No inmate shall be employed on any class of work unless the medical officer has certified him as fit for that class of work.

(3) No inmate shall be required to work at centre employments for more than 10 hours a day, and, so far as practicable, arrangements shall be made for inmates to work for at least 8 hours a day outside their rooms in association with other inmates.

(4) No inmate shall be employed except on work authorised by the Secretary of State.

(5) Except with the authority of the Secretary of State no inmate shall be employed in the service of any other inmate or of any officer or employee of the centre or for the private benefit of any person.

(6) Arrangements shall be made so as not to require inmates of the Christian religion to do any unnecessary work on Sunday, Christmas Day or Good Friday, or inmates of other religions on their recognised days of religious observance.

Education

45.—(1) Programmes of educational classes shall be arranged at every centre, and, subject to any direction by the Secretary of State, reasonable facilities shall be afforded to inmates who wish in their spare time to improve their education by correspondence courses or private study, or to practise handicrafts.

(2) Inmates whom the governor considers able and willing to profit from further education, and inmates who because of illiteracy require remedial education, may have provided for them special classes or facilities for private study, if necessary within the hours normally allotted to work.

(3) Every inmate able to profit by the educational facilities provided shall be encouraged to do so.

Libraries and books

46.—(1) A library shall be provided in every centre, and, subject to such conditions as the Secretary of State may determine, every inmate shall be allowed to have library books and to exchange them as often as practicable.

(2) Inmates may receive books, periodicals, or newspapers from outside the centre under such conditions as the Secretary of State may determine.

(3) Subject to the Secretary of State's approval the governor may make arrangements with the librarian of any public or private library for the loan of books to be used in the centre library and for periodical revision of the library contents.

Recreation

47.—(1) Subject to paragraph (2) inmates shall regularly be given such physical recreation, training and exercise as are required to promote health and physical well-being.

(2) The medical officer may, on medical grounds, modify physical recreation, training or exercise, or exempt an inmate from any or all of these.

PART VII

RELIGION, SOCIAL RELATIONS, LETTERS AND VISITS

Religious denomination

48. On reception each inmate shall be required to state his religious denomination, if any, and shall be treated as a member of that denomination unless and until he satisfies a member of the visiting committee or the Secretary of State that he has good grounds for wishing to be treated as a member of another denomination.

Chaplains

49.—(1) A chaplain shall conform to the rules relating to chaplains as well as to the centre regulations concerning the maintenance of order and discipline and the conduct of persons therein.

(2) It shall be a chaplain's duty to support the governor in his enforcement of such rules and regulations.

Special duties of chaplains

50.—(1) A chaplain shall interview individually every inmate who is recorded as belonging to his denomination and is willing to be interviewed—

- (a) as soon as possible after the inmate's reception;
- (b) from time to time as often as practicable during his detention; and
- (c) a short time before his discharge.

(2) A chaplain shall give such religious instruction as may be practicable to any inmate of his denomination wishing it.

(3) A chaplain shall conduct divine service for inmates of his denomination at such times as may be arranged.

(4) A chaplain shall, as often as possible, visit all inmates of his denomination who are sick, under restraint or confined to room.

(5) A chaplain shall, if no other arrangements are made, read the burial service at the funeral of any inmate of his denomination who dies in the centre.

(6) A chaplain shall inform the governor of any abuse or impropriety in the centre which may come to his knowledge.

(7) A chaplain shall, as soon as possible after 31st December in any year, report to the Secretary of State on the carrying out of his year's duties as a chaplain.

Substitute for chaplain

51. A person approved by the Secretary of State may act for the chaplain in his absence or assist the chaplain in his duties and any such person shall be subject to the rules and regulations of the centre in like manner as a chaplain.

Visits by other ministers

52.—(1) Where an inmate belongs to a denomination for which no chaplain has been appointed the governor shall do what he reasonably can, if so requested by the inmate, to arrange for him to be visited regularly by a minister of that denomination.

(2) Any minister as referred to in paragraph (1) shall be subject to these rules in like manner as a chaplain.

Religious books

53.—(1) Each inmate shall be provided with a Bible and, where appropriate, a Prayer Book approved for his denomination.

(2) There shall, so far as reasonably practicable, be available for every inmate's personal use such other religious books as his denomination recognises and the Secretary of State approves.

Family relationships

54.—(1) Special attention shall be paid to the maintenance of relations between an inmate and his family which are desirable in the best interests of both.

(2) So far as is practicable and in the governor's opinion desirable, an inmate shall be encouraged and assisted to maintain or establish relations with persons or agencies outside the centre which may promote the best interests of his family or his own social rehabilitation.

(3) The governor may at any time communicate to an inmate, or to his family or friends, any matter of importance to the inmate.

After-care

55. Before the release of every inmate the governor shall consult with the welfare officer or the appropriate after-care agency as to his future and the assistance to be given to him on and after his discharge; for this purpose the welfare officer or the officer of the appropriate after-care agency shall be given all necessary information and assistance.

Letters and visits generally

56.—(1) The Secretary of State may, with a view to securing discipline and good order or the prevention of crime or in the interests of any persons, impose restrictions, either generally or in a particular case, on the communications to be allowed between an inmate and other persons.

(2) The governor may at any time, having regard to circumstances obtaining or expected to obtain in the centre, suspend all or any visits for such period as the Secretary of State may approve.

(3) Except as provided in these rules, no person shall be allowed to communicate with an inmate without the authority of the Secretary of State.

(4) Except as provided in these rules, every letter or communication to or from an inmate may be read or examined by the governor or an officer deputed by him and the governor may, at his discretion, stop any letter or communication on the grounds that its contents are objectionable.

(5) Every visit to an inmate shall take place within the sight of an officer, and if the Secretary of State directs in any particular case, also within the hearing of an officer.

(6) Visits to an inmate shall not, except in an emergency, take place on a Sunday.

Personal letters and visits

57.—(1) An inmate shall be entitled:—

(a) to send and to receive a letter on his reception into a centre and thereafter once a week;

(b) to receive a visit once in 4 weeks.

(2) The Secretary of State may allow additional letters or visits as a privilege for any class of inmate, and the governor may allow additional letters or visits as a privilege in any particular case if the circumstances so warrant.

(3) The governor may allow an inmate entitled to a visit to send and to receive a letter instead.

(4) When an inmate is eligible to receive a visit the governor may, on the inmate's request, communicate with any friends whom the inmate wishes to visit him.

(5) The governor may defer the right of an inmate to a visit until the expiration of any period of confinement to room.

(6) An inmate shall not be entitled under this rule to communicate with any person in connection with any legal or other business or with any person other than a relative or a friend, except with the Secretary of State's permission.

(7) Any letter or visit under the succeeding provisions of these rules shall not be counted as a letter or visit for the purposes of this rule.

Police interviews

58. A police officer may, on production of an order issued by or on behalf of the Chief Constable of the Royal Ulster Constabulary, interview any inmate willing to see him.

Securing release

59.—(1) A person detained in a centre in default of finding a surety, or of payment of a sum of money, may communicate with, and be visited at any reasonable time on a weekday by any relative or friend to arrange for a surety or payment in order to secure his release from the centre.

(2) Every inmate detained as in paragraph (1) shall be told of this rule on his reception.

Facilities in connection with legal proceedings

60.—(1) Reasonable facilities shall be allowed for the legal adviser of an inmate who is party to legal proceedings, civil or criminal, to interview the inmate in connection with those proceedings in the sight but not in the hearing of an officer.

(2) An inmate's legal adviser may, with the Secretary of State's permission, interview the inmate in connection with any other legal business in the sight but not in the hearing of an officer.

(3) An inmate who is a party to any legal proceedings may correspond with his legal adviser in connection with the proceedings and unless the governor has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under rule 56(4).

(4) An inmate shall on request be provided with any writing materials necessary for the purposes of paragraph (3).

(5) Subject to any directions of the Secretary of State, an inmate may correspond with a solicitor for the purpose of obtaining legal advice concerning any cause of action in relation to which the inmate may become a party to civil proceedings or for the purpose of instructing the solicitor to issue such proceedings.

(6) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of an inmate to whom paragraph (1) applies shall be afforded reasonable facilities for examining him in connection with the proceedings and may do so out of hearing but in the sight of an officer.

Control of visitors to inmates

61.—(1) The governor may demand the name and address of any visitor to an inmate and if he has grounds for suspicion may require the visitor to be searched; and if the visitor refuses to be searched the governor may deny him admission and shall record his grounds for refusing admission as well as full details of any such incident.

(2) No search shall be made in the presence of any inmate or another visitor or by or in the presence of an officer of the other sex.

(3) If there are reasonable grounds for suspecting that anyone visiting an inmate is bringing in or taking out any article for an improper purpose, or contrary to the centre regulations, or that his conduct may tend to subvert the discipline or good order of the centre, the governor may suspend his visit and remove him from the centre, duly recording the fact and reporting it to the Secretary of State.

(4) A copy of the law regarding the introduction of prohibited articles into the centre shall be displayed in the visiting area and, before the inmate is brought into that area, the visitor's attention shall be drawn to it.

PART VIII

PHYSICAL WELFARE

Medical provision

62. At every centre either a separate hospital building or a suitable part of the centre shall be equipped and furnished in a way suited to the medical care and treatment of sick inmates and be staffed by suitably trained officers.

Hygiene

63.—(1) The medical officer shall oversee, and shall advise the governor on, the hygiene of the centre and the inmates, including arrangements for cleanliness, sanitation, heating, lighting and ventilation.

(2) Every inmate shall be provided with toilet articles necessary for his health and cleanliness which shall be replaced as necessary.

(3) Every inmate shall be required to wash at proper times and to have a hot shower or bath at least once a week.

(4) Every male inmate may, unless excused or excepted by the governor or the medical officer, be required to shave or be shaved daily and to have his hair cut as necessary but not closer than may be required for health and cleanliness.

(5) A female inmate's hair shall not be cut without her consent unless the medical officer considers it necessary for the eradication of vermin, dirt or disease.

(6) Every inmate shall keep his room, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged.

Food

64.—(1) Every inmate shall be supplied with food which is wholesome, nutritious, well-prepared and served, reasonably varied, sufficient in quantity and in accordance with any dietary scale authorised by the Secretary of State.

(2) Subject to any direction by the Secretary of State, no inmate shall be allowed, except as authorised by the medical officer, to have any food other than that ordinarily provided.

(3) After consulting the medical officer, the governor may reduce the diet of any inmate who persistently wastes his food.

(4) An inmate who has any complaint to make about the food supplied to him must make it to the governor as soon as possible after he has received the food.

(5) The medical officer shall frequently inspect the food both before and after it is cooked and shall report to the governor on the condition and quality of the food.

(6) In this rule "food" includes drink.

Clothing

65.—(1) An inmate shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State.

(2) The clothing provided under this rule shall include suitable protective clothing for use at work, where this is needed.

(3) Subject to paragraph (4), an inmate shall wear the clothing provided under this rule and no other, except on the directions of the Secretary of State.

(4) An inmate required to be taken in custody to any court shall wear his own clothing, if decent, but if his own clothing cannot be used he shall be provided with clothing different from the usual dress in the centre and any such clothing shall remain the property of the centre.

Medical officer

66.—(1) The medical officer of a centre shall have the general care of inmates' health.

(2) In the absence of the medical officer his duties shall be performed by a registered medical practitioner approved by the Secretary of State.

Duties of medical officer

67.—(1) The medical officer shall conform to the rules and regulations of the centre and shall support the governor in the maintenance of discipline and order and the safe custody of inmates.

(2) The medical officer shall report to the Secretary of State on, and inform the governor of, anything in the centre or the treatment of its inmates which appears to him to require consideration on medical grounds.

(3) The medical officer shall visit the centre at least once every weekday which is not a public holiday and shall see every inmate at least once a week so as to ascertain his state of health.

(4) The medical officer shall every day see those inmates who complain of illness and he shall report to the governor in writing on their fitness for work.

(5) The medical officer shall daily visit the sick in the centre hospital and at such other times as may be necessary.

(6) The medical officer shall attend at once when he is told of the serious illness of any inmate.

(7) The medical officer shall give written directions for separating from other inmates any inmate whose health makes such separation advisable in his own interest or that of other inmates.

(8) The medical officer shall at least once every weekday which is not a public holiday visit every inmate under restraint or confined to a room or any other inmate to whom his attention is specifically directed.

(9) The medical officer shall not apply any painful tests to an inmate for the purpose of detecting malingering or for any other purpose except with the permission of the visiting committee.

(10) The medical officer shall as often as practicable examine the washing and toilet facilities and any defect found in such facilities shall be reported to the governor.

(11) Every month the medical officer shall inspect the centre to ascertain that there is nothing present which might be injurious to the inmates and he shall record the result of his inspection.

Medical records and statistics

68.—(1) The medical officer shall record the condition of every sick inmate, the nature of his disease, the medicines and the diet prescribed and any other treatment which he may order.

(2) The medical officer shall keep such statistical records and provide such statistical returns as the Secretary of State may direct relevant to his duties as a medical officer.

(3) The medical officer shall, as soon as possible after 31st December in each year, submit a report to the Secretary of State concerning such matters relating to his duties during the year as the Secretary of State may direct.

(4) The medical officer shall notify the governor of any distinctive physical characteristic which he may discover in relation to any inmate and which might assist in the inmate's future identification through being recorded under rule 11.

Special medical reports

69.—(1) When the medical officer believes that an inmate's mental condition is becoming impaired by continued detention, or that there are signs of incipient insanity, he shall report the circumstances to the governor for the information of the Secretary of State and he shall state whether he wishes any special or additional advice.

(2) When the medical officer believes that an inmate's health is likely to be injuriously affected by the discipline or treatment under these rules, he shall report this in writing to the governor together with any recommendations he thinks appropriate.

(3) When the medical officer believes that an inmate's life will be endangered by continued detention, or that a sick inmate will not survive his detention, or is totally and permanently unfit for the discipline of the centre, or needs an operation or treatment which cannot be given in the centre, he shall give full written details to the governor, who shall forward these to the Secretary of State.

(4) The medical officer shall inform the governor when any inmate appears to him to be dangerously ill.

(5) Subject to the approval of the Secretary of State, the medical officer may obtain a second medical opinion or such other professional advice as he may think necessary.

Operations

70. Except in very urgent circumstances no serious surgical operation shall be performed in the centre.

PART IX

SPECIAL RULES RELATING TO APPELLANTS

Clothing

71.—(1) An appellant when absent from the centre in connection with his appeal shall wear his own clothing, or if this cannot be used, shall be provided with clothing different from that worn in the centre.

(2) Clothing so provided shall remain the property of the centre and the inmate shall give it back on his return to the centre, or, in the event of his sentence being quashed by the court, before he is discharged from custody.

Visits to appellants

72.—(1) In connection with his appeal an appellant may be visited by his legal adviser on any week day at any reasonable hour which the governor has previously approved.

(2) Any such visit shall not be in the hearing, nor so far as is consistent with security and the interests of justice, in the sight of any officer or other person, unless the inmate or his legal adviser so wish.

(3) In connection with his appeal an appellant may receive a visit from a registered medical practitioner chosen by him, his friends, or his legal adviser and the visit shall take place under the same conditions as apply to a visit under paragraph (1).

(4) An appellant may for the purpose of his appeal receive a visit from any other person.

Facilities for appellants

73.—(1) In connection with his appeal an appellant shall be allowed facilities which the governor considers reasonable, including the supply of writing materials, for communicating with his relatives and friends or for conducting correspondence with his legal adviser or preparing notes.

(2) An appellant may deliver personally to his legal adviser or his adviser's authorised clerk any confidential written communication prepared as instructions and such a communication shall not be examined by an officer of the centre unless the governor has reason to suppose that it contains matter not relating to such instructions.

PART X

SPECIAL RULES RELATING TO CIVIL INMATES

Meaning of "civil inmate"

74. A "civil inmate" means an inmate who has not on conviction been ordered to be detained in a centre, or been ordered to be so detained in default of payment of a sum adjudged to be paid by a conviction, or in default of entering into a recognisance to be of good behaviour or to keep the peace.

Association

75.—(1) Civil inmates may associate among themselves at such times and in such a manner as the Secretary of State may determine.

(2) Civil inmates shall not be allowed to associate with other inmates except as provided by paragraph (3).

(3) Where it is not practicable to make arrangements for the association of civil inmates, they may, if they so wish and the governor approves, be allowed to associate with other inmates at times and in a manner which the Secretary of State may determine.

Clothing

76.—(1) A civil inmate may, if he so wishes, wear his own clothing and have necessary changes of his own underclothing supplied from time to time, provided that the clothing is sufficient and suitable and that it shall be disinfected if the medical officer so requires.

(2) A civil inmate who does not wear his own clothing shall be required to wear the usual dress of the centre.

(3) A civil inmate may lose the privilege of wearing his own clothing if, having regard to any conduct by him, the governor considers withdrawal of this privilege necessary or desirable.

Letters and visits

77.—(1) A civil inmate may be visited at such times and under such restrictions as the Secretary of State may determine.

(2) Any such visit shall be a privilege which may be lost or postponed by an award under rule 31 or 32 so, however, that a civil inmate shall retain a right to receive one visit in every 4 weeks irrespective of any such award.

(3) A civil inmate may write and receive one letter a week.

(4) The governor or the visiting committee may allow additional letters to a reasonable extent in any special case.

(5) Letters referred to in paragraph (4) shall be a privilege which may be lost by an award under rule 31 or 32.

PART XI

GENERAL RULES RELATING TO CENTRE STAFF

General duties of officers

78.—(1) Every officer shall conform to these rules and to orders issued by the Secretary of State and by the governor for the running of the centre and shall support the governor in maintaining them.

(2) An officer shall obey the lawful instructions of the governor.

(3) An officer shall at once report to the governor any breach of these rules or any abuse or impropriety which comes to his knowledge.

(4) An officer shall inform the governor and the medical officer of any inmate who appears to be unwell or whose state of mind appears to require special care.

Transactions with inmates or ex-inmates

79.—(1) Except with the permission of the Secretary of State, an officer shall not carry out any pecuniary or business transactions with or on behalf of any inmate.

(2) Except with the permission of the governor, an officer shall not bring in or carry out, or attempt to bring in or carry out, or knowingly allow to be brought in or carried out, to or for any inmate, any article whatsoever.

(3) Except with the permission of the governor, an officer shall not communicate with any person whom he knows to be an ex-inmate or a relative or friend of an inmate or ex-inmate.

Gratuities forbidden

80. An officer shall not receive any unauthorised fee, gratuity or other consideration in connection with his office.

Contracts

81. An officer shall not, directly or indirectly, have any interest in any contract connected with the centre or receive any fee, gratuity or other consideration from any contractor, or from any person tendering, or any other person whatever in connection with any such contract or tender.

Communications to press

82. Except with the permission of the Secretary of State, an officer shall not, directly or indirectly, communicate to a press representative or any other person matters which he has come to know in the course of his official duties.

Code of discipline

83. The Secretary of State may approve a code of discipline to have effect in relation to officers, or such classes of officers as it may specify, setting out the offences against discipline, the awards which may be made in respect of them, and the procedure for dealing with charges.

PART XII

SPECIAL RULES RELATING TO GOVERNORS

Status of governor

84.—(1) The governor shall be in command of the centre.

(2) The governor shall be responsible for the safe custody of all inmates until they are discharged from his custody by the expiration of the term of detention to which they are subject or by order of a court or the Secretary of State.

(3) The governor shall be responsible for inmates' treatment according to law, for the safeguarding of their rights and for the maintenance of discipline among them.

(4) The governor shall have authority over all other officers and employees on the staff of the centre.

(5) The governor shall be responsible for the safe custody and proper disposal or use of all monies, equipment and materials in the centre and shall ensure that all records and accounts are properly kept.

Delegation by governor

85.—(1) In the governor's absence, the centre shall be in the charge of an officer approved by the Secretary of State, and the officer so approved shall, at such a time, be competent to perform and shall perform any duty required of the governor.

(2) The governor may delegate to an officer approved by the Secretary of State such duties as the Secretary of State may from time to time approve.

Other powers and duties relating to staff

86.—(1) In cases of misconduct the governor may suspend any officer and shall without delay report any such case fully to the Secretary of State whose directions, if any, he shall carry out.

(2) The governor shall send to the Secretary of State any report or complaint against an officer with which he is not competent or willing to deal, but in any such case the officer shall be allowed to see the charge and evidence against him and to reply thereto for the information of the Secretary of State.

(3) The governor shall forward without delay any report or complaint which an officer of the centre wishes to make to the Secretary of State and may add any remarks he feels appropriate.

(4) The governor shall record all his orders relating to the management and discipline of the centre and shall have such orders communicated to the proper officers.

(5) The governor shall keep such records of officers' conduct as the Secretary of State may determine.

(6) The governor shall make available, in such a manner as he considers appropriate, to all officers and other staff copies of any code of discipline, circulars from the Secretary of State and other documents relating to their duties, rights and responsibilities and shall ensure that such officers and staff have adequate opportunity to acquaint themselves with their contents.

Duties in relation to medical officer

87. Without prejudice to his other duties under these rules the governor shall—

- (a) without delay draw the attention of the medical officer to any inmate whose physical or mental condition appears to require attention;
- (b) at once notify the medical officer that any officer or inmate is sick;
- (c) provide the medical officer daily with a list of inmates who have reported sick in the centre;
- (d) provide the medical officer with a list of inmates under punishment;
- (e) support the medical officer in his care of inmates' health and to this end give as full effect as is practicable to recommendations by the medical officer.

Duties in relation to medical welfare of inmates and to inquests

88.—(1) The governor shall without delay report to the Secretary of State—

- (a) any case of insanity or apparent insanity occurring among the inmates, or any case in which the medical officer believes that an inmate's mental state is becoming impaired by continued detention;
- (b) any case in which the medical officer believes that an inmate's life will be endangered by further detention, or that an inmate will not survive his sentence or is totally or permanently unfit for the discipline of the centre.

(2) The governor shall ensure that proper arrangements are made for the safe custody of sick inmates and shall visit the centre hospital daily to see all inmates therein.

(3) The governor shall inform the appropriate chaplain when an inmate recorded as of his denomination is dangerously ill and shall allow such an inmate to see any minister of religion whom the inmate wishes to see.

(4) The governor shall supply to the coroner holding an inquest on an inmate who has died while in his custody the name of any inmate who claims to be able and willing to give relevant evidence.

(5) The governor shall report fully to the Secretary of State on any inquest held into the death of an inmate in the centre.

Discretion in granting privileges

89.—(1) For the purposes of this rule, “privilege” means any permission which an authority may give under these rules to any inmate or class of inmate and which is liable to be lost or postponed under rules 31, 32 or 76.

(2) The governor shall satisfy himself that any such privilege can be granted without interfering with the security, good order and government of the centre and its inmates.

(3) If the continuance of any privilege seems likely to cause interference as referred to in paragraph (2), or, if an inmate has abused such a privilege or has been guilty of an offence under these rules, the governor may suspend or withdraw such a privilege.

(4) Where the visiting committee has granted any privilege under these rules, the governor may in urgent circumstances suspend it, but shall report the suspension to the committee within 24 hours.

(5) The governor shall record full details of all cases in which privileges have been granted, suspended or withdrawn.

Other duties of governor

90.—(1) To assist in the identification of inmates the governor shall, on request, provide the governors of other centres or prisons, or the police with any information which it is within his power to give.

(2) The governor shall record any matters which these rules require of him as well as any occurrences of a significant or unusual nature.

(3) The governor shall provide such statistical or other information as the Secretary of State may direct, whether for the purpose of an annual report required by section 5 of the Act or otherwise.

PART XIII

POWERS AND DUTIES OF VISITING COMMITTEE

Term of office

91.—(1) The members of a visiting committee appointed under section 3 of the Treatment of Offenders Act (Northern Ireland) 1968 shall hold office for a period of 3 years or any less period which the Secretary of State may direct.

(2) The first business at the first meeting of a visiting committee after appointment shall be the election of a chairman.

(3) The chairman of a visiting committee may be elected for the whole term of office of the committee, or, at the discretion of the committee, he may be elected annually.

(4) A committee may elect for such term of office as they decide a deputy chairman who shall preside at any meeting at which the chairman is not present.

(5) The members shall continue in office until the date of the first meeting of their successors.

Procedure, meetings and visits to centre

92.—(1) The quorum at a meeting of a committee shall be 3.

(2) The powers of a committee shall not be affected by vacancies.

(3) A committee shall keep minutes of its proceedings and a copy of these minutes shall be sent to the Secretary of State as soon as is practicable after any meeting.

(4) A committee shall meet at the centre once a month to discharge its functions under these rules.

(5) The centre shall be visited by at least one member of the committee not less often than once a fortnight.

(6) At each meeting a committee shall select the members to visit the centre during the following month and such members shall report on their visits to the committee.

Access to centre and inmates

93.—(1) A committee jointly and its members severally shall have free access to all parts of the centre for which it is appointed, and to all inmates and may, if they so desire, interview any inmate in his own, or another room out of sight and hearing of officers.

(2) They shall hear and investigate any application which an inmate wishes to make to them and, if necessary, shall report on it with their views to the Secretary of State.

Offences and punishments

94.—(1) A committee shall investigate any report of an alleged offence against discipline which the Secretary of State refers to it under rule 32 and, if satisfied that the offence is proved, may award any one or more of the punishments set out in paragraphs (2) and (3) of the said rule.

(2) A committee shall record in their minutes each such case and the award made and shall report thereon to the Secretary of State.

(3) The powers of a committee under this rule shall be exercised at a special meeting consisting of not less than 2 members.

Further duties of committee

95.—(1) A committee shall co-operate with the Secretary of State and the governor in promoting the efficiency of the centre and shall inquire into any matter which the Secretary of State refers to them.

(2) In the exercise of any of their powers a committee shall satisfy themselves, in consultation with the governor, that the power can be exercised without interfering with the security, good order and proper government of the centre and its inmates.

(3) A committee shall immediately bring to the notice of the Secretary of State any abuse which comes to their knowledge in connection with the centre.

(4) A committee shall from time to time inspect the inmates' food and, if they find the quality unsatisfactory, shall report the fact to the governor.

(5) Having assured themselves that the request is genuine, a committee shall investigate and decide on any request which an inmate may make to them to change his recorded religious denomination.

(6) A committee shall, as soon as possible after 31st December in any year, report to the Secretary of State on all or any of their year's duties under these rules together with any advice or suggestions they may wish to make.

(7) A committee shall from time to time report to the Secretary of State on any matters relating to the centre which they believe merit attention.

Further powers of committee

96.—(1) A committee may inquire into the state of the centre buildings and, if any repairs, additions or alterations appear to them to be necessary, they shall send their advice and suggestions thereon to the Secretary of State.

(2) A committee may at any time inspect any of the books of the centre and a note of any such inspection shall be made in their minutes.

(3) A committee may assist the Secretary of State in the selection of library books for the use of inmates and in the provision of special facilities for study by inmates.

Northern Ireland Office
30th April 1979

Roy Mason
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules regulate the management of young offenders centres provided under the Treatment of Offenders Act (Northern Ireland) 1968 and set out the conditions governing the treatment and control of inmates of such centres.