

1982 No. 170

## PRISONS

## The Prison Rules (Northern Ireland) 1982

Made 3rd June 1982

Coming into operation 1st September 1982

To be laid before Parliament

## TABLE OF CONTENTS

PART I	PRELIMINARY	rule
	Citation and commencement	1
	Interpretation and application	2
	Revocations	3
PART II	CLASSIFICATION, TRAINING AND PRIVILEGES	
	Application of Parts II — VIII	4
	Classification	5
	Privileges and earnings	6
PART III	ACCOMMODATION	
	Sleeping accommodation	7
	Beds and bedding	8
PART IV	RECEPTION, TRANSFER AND DISCHARGE	
	Search	9
	Prisoners' property	10
	Money and articles received at a prison	11
	Record, photograph and finger-prints	12
	Baths	13
	Medical examination on reception	14
	Interview with governor after reception	15
	Information to prisoners	16
	Transfer	17
	Temporary release	18
	Final interview with governor	19
	Final interview with medical officer	20
	Return of clothes and other property	21
	Application of gratuity on discharge	22
	Death or serious illness of prisoner	23
PART V	DISCIPLINE AND CONTROL	
	General principles	24
	Removal from association	25
	Remission and discharge	26
	Unauthorised articles	27
	Prohibited articles	28
	Disciplinary charges	29
	Rights of prisoners charged	30
	Offences against discipline	31
	Governor's awards	32

	<i>rule</i>
More serious offences — inquiry and awards by the Secretary of State or board of visitors	33
Provisions in relation to particular awards	34
Prospective loss of remission	35
Suspended awards	36
Remission and mitigation of awards	37
Use of force	38
Temporary confinement	39
Restraints	40
Complaints by prisoners	41
General control of admission to the prison	42
Visitors viewing the prison	43
Custody and supervision of female prisoners	44
Pregnancy, confinement and babies	45
<b>PART VI WORK, EDUCATION AND RECREATION</b>	
Work	46
Education	47
Libraries and books	48
Recreation	49
<b>PART VII RELIGION, SOCIAL RELATIONS, LETTERS AND VISITS</b>	
Religious denomination	50
Chaplains	51
Duties of chaplains	52
Substitute for chaplain	53
Visits by chaplains of other denominations	54
Visits by other ministers	55
Religious books	56
Family relationships, welfare and after-care	57
Letters and visits	58
Personal letters and visits	59
Police interviews	60
Securing release	61
Facilities in connection with legal proceedings	62
Control of visitors to prisoners	63
<b>PART VIII PHYSICAL WELFARE</b>	
Medical provision	64
Hygiene	65
Food	66
Clothing	67
Medical officer	68
Duties of a medical officer	69
Medical records and statistics	70
Special medical reports	71
Operations	72
<b>PART IX UNTRIED PRISONERS</b>	
General	73
Photographing and measuring	74
Separation from each other	75
Application of prisoners' money	76
Food	77
Prohibition of sale	78

	<i>rule</i>
Appearance; cleanliness; health	79
Books, etc.	80
Private property	81
Work	82
Letters and visits	83
<b>PART X PRISONERS COMMITTED FOR CONTEMPT, ETC.</b>	
Letters and visits	84
Association	85
Remission	86
<b>PART XI GENERAL RULES RELATING TO OFFICERS</b>	
General duties of officers	87
Medical welfare of prisoners	88
Contact with prisoners	89
Contact with ex-prisoners	90
Gratuities	91
Contracts	92
Communications to press, etc.	93
Code of discipline	94
<b>PART XII SPECIAL RULES RELATING TO GOVERNORS</b>	
Status of governor	95
Delegation by governor	96
Powers and duties relating to officers	97
Duties in relation to medical officer	98
Duties in relation to medical welfare of prisoners and to inquests	99
Other duties of governor	100
<b>PART XIII POWERS AND DUTIES OF BOARDS OF VISITORS</b>	
Disqualification for membership	101
Appointment of members	102
Proceedings of boards	103
General duties of boards	104
Adjudication procedure by boards	105
Other duties	106
Visits by board members	107
Annual report	108
<b>SCHEDULE</b>	
Rules revoked	

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 Prison Rules (Northern Ireland) 1982 and shall come into operation on 1st September 1982.

(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

*Interpretation and application*

2.—(1) In these rules—

“board of visitors” means a board of visitors appointed for a prison under section 10 of the Act;

“chaplain” means a minister of any religious denomination appointed under section 9(1) of the Act;

“chief medical officer” means the chief medical officer of the Department of Health and Social Services;

“code of discipline” means, in relation to an officer, the code of discipline approved by the Secretary of State under rule 94;

“legal adviser” means, in relation to a prisoner, the prisoner’s counsel or solicitor;

“medical officer” means the officer, being a registered medical practitioner, appointed by the Secretary of State to perform the functions of that officer;

“officer” means an officer of a prison;

“privilege” means any of the privileges under rule 6;

“the Act” means the Prison Act (Northern Ireland) 1953.

(2) Subject to paragraph (3) and to rule 35, nothing in these rules shall apply to a young offenders centre or a person detained in such a centre.

(3) Subject to paragraph (4), where a person ordered to be detained in a young offenders centre is kept in custody in a prison other than such a centre until arrangements are made for his transfer to a centre, any disciplinary award made under these rules in respect of any offence against discipline committed by him while in such custody shall have effect as if made under any rules applying to the centre to which he is transferred to the extent (if any) that the award has not been exhausted at the time of such transfer.

(4) No award shall have effect by virtue of paragraph (3) to the extent, if any, that the award made was more severe than could, at the time it was made, have been made under the rules applying to the centre.

*Revocations*

3. The rules specified in the Schedule are revoked.

## PART II

## CLASSIFICATION, TRAINING AND PRIVILEGES

*Application of Parts II – VIII*

4. Parts II to VIII have effect subject to Parts IX and X (untried prisoners and prisoners committed for contempt, etc.).

*Classification*

5.—(1) Prisoners may be classified, in accordance with any directions by the Secretary of State, having regard to their age, temperament and record.

(2) The governor may transfer a prisoner to another class if he considers it necessary to do so with a view to maintaining good order and discipline or to facilitate training.

(3) Nothing under this rule shall require a prisoner to be deprived unduly of the society of other persons.

*Privileges and earnings*

6. There shall be established at every prison systems of privileges approved by the Secretary of State and appropriate to the classes of prisoners there which shall include arrangements under which money earned by prisoners in prison may be spent by them within the prison.

## PART III

## ACCOMMODATION

*Sleeping accommodation*

7.—(1) Sleeping accommodation for prisoners 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 prisoners locked therein can communicate at any time with an officer.

(3) Sleeping accommodation shall be provided for each prisoner in a separate room or cell, but where necessary the Secretary of State may authorise the accommodating of 2 or more prisoners in a room or cell.

*Beds and bedding*

8. Every prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health.

## PART IV

## RECEPTION, TRANSFER AND DISCHARGE

*Search*

9.—(1) Every prisoner shall be searched by an officer on reception into prison, 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 prisoner.

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

(4) A prisoner shall not be stripped and searched in the sight of another prisoner.

(5) A prisoner shall be searched only by, and only in the presence of, officers of the same sex as the prisoner.

*Prisoners' property*

10.—(1) Property which a prisoner has at a prison 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 such property shall be kept and the prisoner shall be required to sign it after having a proper opportunity to see that it is correct.

(3) Any cash which a prisoner has at a prison shall be paid into an account under the control of the governor and the prisoner shall be credited with the amount in the books of the prison.

(4) Any article belonging to a prisoner which remains unclaimed for a period of more than one year after he leaves prison, or dies, may be sold or otherwise disposed of subject to any direction by the Secretary of State.

*Money and articles received at a prison*

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

(2) Where a prisoner has been committed to prison in default of payment of a sum of money, cash received at the prison shall be applied in or towards the satisfaction of the amount due from him unless the prisoner objects to it being so applied.

(3) Subject to paragraph (2) any cash shall, at the discretion of the governor, be—

(a) dealt with in accordance with rule 10(3); or

(b) returned to the sender if his name and address are known; or

(c) where the sender's name and address are unknown, otherwise disposed of subject to any direction by the Secretary of State.

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

(a) placed with the prisoner's property at the prison; or

(b) returned to the sender if his name and address are known; or

(c) encashed and the cash dealt with in accordance with paragraph (2) or (3) as the case may be.

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

(a) delivered to the prisoner or placed with his property at the prison; or

(b) returned to the sender if his name and address are known; or

(c) if the sender's name and address are not known or if 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 dealt with in accordance with paragraph (2) or (3).

*Record, photograph and finger-prints*

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

(2) A convicted prisoner may be photographed, palm-printed and finger-printed on reception and at subsequent times as may be necessary.

(3) No copy of a photograph of a prisoner shall be given to any person not authorised to receive it.

*Baths*

13. Every prisoner on his reception shall have a hot bath or shower as directed by the governor or medical officer unless exempted by either from doing so.

*Medical examination on reception*

14.—(1) Subject to paragraph (2) the medical officer shall separately examine every prisoner as early as possible on the day of his reception and shall record his state of health.

(2) If a prisoner 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 or where that is not possible within 48 hours of his reception.

(3) If any prisoner is found to have any infectious disease or to be in a verminous condition, the medical officer shall report the matter to the governor and the chief

medical officer and steps shall at once be taken to treat the condition and as far as possible to prevent it from spreading to other prisoners.

#### *Interview with governor after reception*

15. The governor shall interview every prisoner as soon as possible after his reception.

#### *Information to prisoners*

16.—(1) Every prisoner shall be provided with information in writing as to those provisions of these rules and any other matters which it is necessary that he should know for an understanding of his duties and rights including the proper methods of making complaints and of petitioning the Secretary of State.

(2) The governor shall ensure that every prisoner has as soon as possible after his reception into prison, and in any case within 24 hours, read the information so provided or, in the case of a prisoner who cannot read or has difficulty in understanding, had it so explained to him that he can understand his rights and duties.

(3) A copy of these rules shall be shown to any prisoner on request.

#### *Transfer*

17.—(1) Subject to paragraphs (2) and (4) a prisoner who is directed by any court or by the Secretary of State to be taken to any place shall be kept in the custody of the officers ordered by the governor to take him to that place.

(2) A prisoner who is directed to be brought before a court of summary jurisdiction may be kept in the custody of police officers outside the prison.

(3) When a prisoner is being transferred to or from prison, he shall be exposed to public view as little as possible.

(4) A prisoner having been removed from prison and detained in hospital shall remain under the control of the governor of that prison and may be kept in the custody of an officer, a police officer or any other person to whose custody he may temporarily be committed with the approval of the governor.

#### *Temporary release*

18.—(1) A prisoner to whom this rule applies may be temporarily released for any period or periods and subject to any conditions.

(2) A prisoner may be temporarily released under this rule for any special purpose or to enable him to engage in employment, to receive instruction or training or to assist him in his transition from prison to outside life.

(3) A prisoner released under this rule may be recalled to prison at any time whether the conditions of his release have been broken or not.

(4) This rule applies to prisoners other than persons—

(a) remanded in custody by any court; or

(b) committed in custody for trial; or

(c) committed to be sentenced or otherwise dealt with before or by the Crown Court.

#### *Final interview with governor*

19. Every prisoner shall be interviewed by the governor before discharge and, where practicable, before transfer.

#### *Final interview with medical officer*

20.—(1) The medical officer shall examine every prisoner as short a time as is practicable before his discharge or transfer to another prison.

(2) A prisoner shall not be so transferred unless the medical officer certifies that he is fit for such transfer.

*Return of clothes and other property*

21.—(1) On the discharge of a prisoner his own clothes and other property shall, subject to paragraph (2), be returned to him.

(2) If on the authority of the governor, a prisoner's clothes have been destroyed or otherwise disposed of because of their filthy, infected or dilapidated condition, suitable clothing shall be provided for him.

*Application of gratuity on discharge*

22. Any gratuity which is due to a prisoner 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 prisoner*

23.—(1) If a prisoner dies, becomes seriously ill, sustains any severe injury or is removed to hospital, the governor shall, if he knows his address, at once inform the prisoner's spouse or next of kin, and also any person whom the prisoner may reasonably have asked should be informed.

(2) If a prisoner dies, the governor shall immediately notify the coroner having jurisdiction, the board of visitors and the Secretary of State.

(3) If a prisoner dies, the medical officer shall record and report to the governor and the chief medical officer—

- (a) when the deceased was injured or taken ill;
- (b) the time at which he was first told of the injury or illness;
- (c) the nature of the injury or disease;
- (d) when the prisoner died;

and in cases where a post-mortem examination is made, the medical officer shall report on its findings and make any observations which he considers appropriate.

PART V

DISCIPLINE AND CONTROL

*General principles*

24.—(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 prisoners, officers shall seek to influence them through their own example and leadership and to enlist their willing co-operation.

(3) At all times the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility.

(4) A prisoner shall not be employed in any disciplinary capacity, but prisoners selected as suitable by the governor may be given positions of responsibility.

*Removal from association*

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

(2) A prisoner shall not be removed under this rule for a period of more than 24 hours without the authority of a member of the board of visitors or of the Secretary of State.

(3) An authority given under paragraph (2) shall be for a period not exceeding one month, but may be renewed from month to month.

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

#### *Remission and discharge*

26.—(1) A prisoner serving a sentence of imprisonment for an actual term of more than 5 days 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 5 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 sentences).

(3) The foregoing provisions of this rule shall have effect subject to any disciplinary award of loss of remission and shall not apply to a sentence of imprisonment for life.

(4) A prisoner 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 or public-holiday in Northern Ireland;
- (c) in the case of a person who is serving a term (as pronounced) of more than 5 days, 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 a sentence of imprisonment 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, 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 imprisonment and, in the case of terms of imprisonment imposed before 1st March 1976, terms which are wholly or partly concurrent shall be treated as a single term;
- (b) a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as serving a sentence of imprisonment;
- (c) a person ordered to be returned to prison under article 3 of the Treatment of Offenders (Northern Ireland) Order 1976(a) shall be treated as serving a sentence of imprisonment.

#### *Unauthorised articles*

27. The governor may deprive a prisoner of any unauthorised article found in his possession after reception into prison or found concealed or deposited anywhere within a prison.

#### *Prohibited articles*

28.—(1) Except with the authority of the governor, no person may bring or throw into or deposit in a prison, or bring or throw out of a prison, or bring to a prisoner, or deposit in any place with intent that it shall come into a prisoner’s possession, any

---

(a) S.I. 1976/226 (N.I. 4)

money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever.

(2) The governor may confiscate anything so brought, thrown or deposited and shall dispose of anything so confiscated in such manner as the Secretary of State may direct.

(3) A prisoner 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 prisoner for whose use it is ordered.

(4) A prisoner shall not be allowed to smoke or 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.

#### *Disciplinary charges*

29.—(1) Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible.

(2) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending adjudication.

(3) Every charge against a prisoner shall be dealt with by the governor or, in a prison where a deputy governor has been appointed, by the deputy governor; but where neither the governor nor the deputy governor is available, the governor may authorise another officer to deal with the charge.

(4) A reference to a governor in paragraph (5) and rules 30, 32 and 33 shall include a reference to a deputy governor or other officer authorised to deal with the charge.

(5) The governor shall inquire into any charge not later, save in exceptional circumstances, than the next day unless that day is a Sunday or public holiday.

#### *Rights of prisoners charged*

30.—(1) Where a prisoner is charged with an offence against discipline, he shall be told about the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.

(2) At any 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.

#### *Offences against discipline*

31. A prisoner shall be guilty of an offence against discipline, if he—

- (1) mutinies or incites another prisoner to mutiny;
- (2) does gross personal violence to an officer;
- (3) does gross personal violence to any person not being an officer;
- (4) commits an offence under the Act;
- (5) commits any assault;
- (6) absents himself without permission from any place in which he is required to be, whether within or outside prison;
- (7) gives to or receives from any person, or has in his cell, room or possession any unauthorised article;
- (8) sells or delivers to any other person, without permission, anything he is allowed to have only for his own use;
- (9) takes improperly, or is in unauthorised possession of any article belonging to another person or to a prison;
- (10) wilfully disfigures or damages any part of the prison or any property which is not his own;

- (11) loses or damages by neglect property belonging to the prison;
- (12) makes any false and malicious allegation against an officer;
- (13) treats with disrespect any officer or any person visiting the prison;
- (14) uses any abusive, insolent, threatening or other improper language;
- (15) is indecent in language, act or gesture;
- (16) makes repeated and groundless complaints;
- (17) is idle, careless or negligent at work, or being required to work, refuses to do so;
- (18) disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the prison;
- (19) in any way offends against security or good order and discipline;
- (20) does not return to prison when he should have returned after being temporarily released from prison under rule 18 of these rules, or does not comply with any condition upon which he was released;
- (21) attempts to do any of the foregoing things.

*Governor's awards*

32.—(1) The governor may, subject to rules 33 and 34, make one or more of the following awards for an offence against discipline—

- (a) caution;
- (b) loss of remission for a period not exceeding 28 days;
- (c) stoppage of earnings for a period not exceeding 28 days;
- (d) stoppage of any or all privileges other than earnings, for a period not exceeding 28 days or 90 days in the case of evening association;
- (e) exclusion from associated work for a period not exceeding 14 days;
- (f) cellular confinement for a period not exceeding 3 days.

(2) A prisoner found guilty of an offence against discipline under rule 31(10) or (11) may, in addition to or in lieu of an award of stoppage of earnings under paragraph (1)(c), be required to pay a sum out of earnings thereafter made by him.

(3) Such a sum shall not exceed 10 times the amount of the prisoner's earnings for the week in which the offence was committed, and the rate of deduction from earnings shall not exceed one half of the prisoner's earnings in any one week.

*More serious offences – inquiry and awards by the Secretary of State or board of visitors*

33.—(1) Where a prisoner is charged with any of the following offences—

- (a) mutiny or incitement to mutiny;
- (b) an offence under the Act;
- (c) gross personal violence to an officer;
- (d) gross personal violence to any person not being an officer;
- (e) 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 32;

the governor, unless he dismisses the charge, may, and in the case of an offence under (b) shall, refer the charge to the Secretary of State.

(2) The Secretary of State shall thereupon inquire into the charge and, if he is satisfied that the offence has been committed, may make one or more of the following awards—

- (a) caution;
- (b) loss of remission for a period not exceeding 180 days;
- (c) stoppage of earnings for a period not exceeding 56 days;
- (d) stoppage of any or all privileges other than earnings, for any specified period;
- (e) exclusion from associated work for a period not exceeding 56 days;
- (f) cellular confinement for a period not exceeding 56 days.

(3) A prisoner found guilty of an offence against discipline under rule 31(10) or (11) may, in addition to or in lieu of an award of stoppage of earnings under paragraph (2)(c), be required to pay a sum out of earnings thereafter made by him.

(4) Such a sum shall not exceed 10 times the amount of the prisoner's earnings for the week in which the offence was committed, and the rate of deduction from earnings shall not exceed one half of the prisoner's earnings in any one week.

(5) The Secretary of State may delegate his powers under this rule to the board of visitors in any particular case.

#### *Provisions in relation to particular awards*

34.—(1) An award of stoppage of earnings may, instead of forfeiting all a prisoner's earnings for a specified period not exceeding 28 days, or as the case may be 56 days, be expressed so as to forfeit a proportion (not being less than one half) of his earnings for a specified period not exceeding a correspondingly greater number of days.

(2) No award of cellular confinement shall be given effect unless the medical officer has certified that the prisoner is in a fit state of health to undergo it.

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

#### *Prospective loss of remission*

35.—(1) In the case of an offence against discipline committed by a prisoner who is detained only on remand or to await trial or sentence, an award of loss of remission may be made as provided in rules 32 and 33 notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced to imprisonment or ordered to be detained in a young offenders centre.

(2) An award under paragraph (1) shall have effect only where the sentence of imprisonment or term of detention in a young offenders centre being imposed is reduced by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 by a period which includes the time when the offence against discipline was committed.

(3) As regards a person detained in a young offenders centre, no award under this rule shall have effect to the extent, if any, that the award made was more severe than could, at the time it was made, have been made under the rules applying to the centre.

#### *Suspended awards*

36.—(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 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 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*

37.—(1) The Secretary of State may remit any award or mitigate it.

(2) Subject to any directions of the Secretary of State, the governor may remit or mitigate any award made by a governor and the board of visitors may remit or mitigate any award by a board of visitors.

(3) In this rule "mitigate" means reducing the award or substituting another award which is in the opinion of the Secretary of State, the governor or, as the case may be the board of visitors, less severe.

#### *Use of force*

38.—(1) An officer in dealing with a prisoner 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 a prisoner.

#### *Temporary confinement*

39.—(1) For the purpose of preventing disturbance, damage or injury, a refractory or violent prisoner may be temporarily confined in a special cell or protected room approved for the purpose by the Secretary of State; but a prisoner shall not be confined in such a cell or room as a punishment or after he has ceased to be refractory or violent.

(2) The governor shall inform the medical officer of the intended removal of any prisoner to a special cell or protected room, but where this is not possible the medical officer shall be informed as soon as possible thereafter.

(3) Notwithstanding the provisions of paragraphs (1) and (2) the medical officer may, for the purpose of preventing a prisoner from causing injury to himself or to others, order that he may be temporarily confined in a protected room and to be confined there for as long as the medical officer considers necessary.

(4) The governor and the Secretary of State shall be informed of any prisoner who is so confined.

(5) Every prisoner who is temporarily confined in a special cell or protected room shall be visited at least once a day by the governor and by the medical officer.

(6) Every prisoner so confined shall be observed at least once every 15 minutes during the night as well as during the day by an officer detailed by the governor for the purpose, and a record shall be kept of such observations.

#### *Restraints*

40.—(1) Where it is necessary to prevent a prisoner from injuring himself or others, damaging property, or creating a disturbance, the governor may order him to be put under restraint.

(2) Before making such an order the governor shall consult the medical officer but where this is impracticable he shall inform the medical officer as soon as possible.

(3) Notice of any such restraint shall forthwith be given to a member of the board of visitors.

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

(5) No prisoner shall be put under restraint as a punishment.

(6) No prisoner 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 board of visitors.

(7) Such an order shall state the grounds for the restraint and the time during which it may continue.

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

(9) 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 prisoners*

41.—(1) Every request by a prisoner to see the governor, an officer of the Secretary of State visiting the prison or a member of the board of visitors 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 Saturdays, Sundays and public holidays, see all prisoners who have made a request to see him.

(3) On the occasion of each visit to the prison by an officer of the Secretary of State or a member of the board of visitors, the governor shall inform such an officer or member of all outstanding requests by prisoners to see him.

#### *General control of admission to the prison*

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

(2) Any person or vehicle entering or leaving the prison may be stopped, examined and searched.

(3) Such person shall be searched only by, and only in the presence of, officers of the same sex as that person.

(4) The governor may direct the removal from the prison of any person who does not leave on being required to do so.

#### *Visitors viewing the prison*

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

(2) The governor shall ensure that no person authorised to view the prison makes a sketch, or takes a photograph, or makes a film or sound recording, or communicates with a prisoner unless authorised to do so by statute or by the Secretary of State.

(3) In paragraph (2) "film" includes any record however made of a sequence of visual images which is a record capable of being used as a means of showing that sequence as a moving picture.

#### *Custody and supervision of female prisoners*

44. Female prisoners 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*

45.—(1) Where a female prisoner is pregnant on committal and her confinement is expected to take place before the end of her sentence, she shall, if possible, be temporarily removed from the prison 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 notified of any such impending confinement and may thereupon direct removal of the prisoner 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 prisoner to have her baby with her in prison and everything necessary for the baby's maintenance and care may be provided there.

## PART VI

### WORK, EDUCATION AND RECREATION

#### *Work*

46.—(1) Unless excused by the medical officer on medical grounds or by the governor as receiving education under rule 47(3), every prisoner shall be required to engage in useful work for not more than 10 hours a day.

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

(3) As far as practicable, work shall be provided outside the cells and in association with other prisoners.

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

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

(6) Arrangements shall be made so as not to require prisoners of the Christian religion to do any unnecessary work on Sunday, Christmas Day, Good Friday or 17th March, or prisoners of other religions on their recognised days of religious observance.

(7) For the purpose of these rules "work" includes employment in the ordinary service of the prison, in prison industries and participation in vocational training.

#### *Education*

47.—(1) Every prisoner able to profit from the educational facilities provided at a prison shall be encouraged to do so.

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

(3) Prisoners whom the governor considers able and willing to profit from further education, and prisoners who because of illiteracy require remedial education, may have provided for them special classes or facilities for private study; these classes or facilities may, if the governor approves, be provided in the hours normally allotted to work.

#### *Libraries and books*

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

(2) Prisoners may receive books, periodicals or newspapers from outside the prison 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 prison library and for periodical revision of the library contents.

*Recreation*

49.—(1) A prisoner not engaged in outdoor work shall be given exercise in the open air for not less than one hour each day, if weather permits; exercise consisting of physical training may, however, be given indoors instead of in the open air.

(2) Means shall be provided, as far as reasonably possible, for exercise to take place under cover in wet weather.

(3) The medical officer shall decide upon the fitness of every prisoner for exercise and physical training and may excuse a prisoner from, or modify, any activity on medical grounds.

## PART VII

## RELIGION, SOCIAL RELATIONS, LETTERS AND VISITS

*Religious denomination*

50.—(1) On reception each prisoner shall be required to state his religious denomination, if any, and the governor shall record the denomination so stated.

(2) A prisoner shall be treated as a member of that denomination unless and until he satisfies the board of visitors that he should be treated as a member of another denomination.

*Chaplains*

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

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

*Duties of chaplains*

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

(a) as soon as possible after his reception;

(b) from time to time as often as practicable during his imprisonment; and

(c) a short time before his discharge.

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

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

(4) A chaplain shall, as often as possible, visit all prisoners of his denomination who are sick, under restraint, or confined to a cell and shall pay special attention to young prisoners.

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

(6) 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*

53.—(1) A person or persons, not exceeding 3 in number, approved by the Secretary of State may act for the chaplain in his absence, and any such person or persons shall be subject to the rules and regulations of the prison in like manner as a chaplain.

(2) Any person or persons approved by the Secretary of State may assist the chaplain in the carrying out of religious services or in such other duties as may be approved.

(3) The Secretary of State may withdraw any such approval so granted.

*Visits by chaplains of other denominations*

54.—(1) As far as is practicable access to a chaplain of any religious denomination shall not be refused to any prisoner.

(2) Any request by a prisoner to see a chaplain of a denomination other than that of his recorded denomination shall be passed to the chaplain concerned but the chaplain of the prisoner's denomination shall be informed.

(3) If a prisoner objects to the visit of any religious representative, he shall not be compelled to receive the visit.

*Visits by other ministers*

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

(2) Without prejudice to paragraph (1), any other request by a prisoner to see a minister of any denomination may be permitted at the governor's discretion and the chaplain of the prisoner's denomination shall be informed.

(3) Any minister as referred to in paragraphs (1) and (2) shall be subject to the rules and regulations of the prison in like manner as a chaplain.

*Religious books*

56.—(1) Every prisoner shall be provided with a Bible and, where appropriate, a Prayer Book approved by his denomination.

(2) There shall, as far as reasonably practicable, be available for every prisoner's personal use such other religious books as his denomination recognises.

(3) So far as is practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by having in his possession any other necessary books not provided under paragraphs (1) and (2).

*Family relationships, welfare and after-care*

57.—(1) Special attention shall be paid to the maintenance of such relations between a prisoner and his family as are desirable in the best interests of both.

(2) So far as is practicable, a prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may, in the opinion of the governor, best promote the interests of his family and his own social rehabilitation.

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

(4) From the beginning of a prisoner's sentence consideration shall be given, in consultation with the welfare officer and any appropriate agency, to the prisoner's future and to the assistance which he may be given while in prison and on and after discharge.

*Letters and visits*

58.—(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 permitted between a prisoner and other persons.

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

(3) Except as provided by statute or in these rules, a prisoner shall not be permitted to communicate with any outside person, or that person with him, without the authority of the Secretary of State.

(4) Except as provided in these rules, every letter or communication to or from a prisoner may be read or examined by the governor who may, at his discretion, stop any such letter or communication on the grounds that its contents are objectionable.

(5) Every visit to a prisoner shall take place within the sight of an officer, unless the Secretary of State otherwise directs.

(6) Except as provided by these rules, every visit to a prisoner shall take place within the hearing of an officer, unless the Secretary of State otherwise directs.

(7) The Secretary of State may give directions, generally or in relation to any visit or class of visits, concerning the days and times when a prisoner may be visited and the duration of such visits.

(8) Except in an emergency, visits to a prisoner shall not take place on a Sunday.

#### *Personal letters and visits*

**59.**—(1) A prisoner shall be entitled—

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

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

(2) The Secretary of State may allow additional letters or visits for any class of prisoner.

(3) The governor may allow additional letters or visits in any particular case.

(4) The governor may allow a prisoner entitled to a visit to send and to receive a letter instead.

(5) The governor may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(6) A prisoner shall not be entitled under this rule to communicate with any person in connection with any legal or other business, 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*

**60.** 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 prisoner willing to see him.

#### *Securing release*

**61.**—(1) A person detained in prison 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 prison.

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

#### *Facilities in connection with legal proceedings*

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

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

(3) A prisoner 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 58(4).

(4) A prisoner shall on request be provided with any writing materials necessary for the purpose of paragraph (3).

(5) Subject to any directions of the Secretary of State, a prisoner may correspond with a solicitor for the purpose of obtaining legal advice concerning any cause of action in relation to which the prisoner 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 a prisoner 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 prisoners*

63.—(1) The governor may demand the name and address of any visitor to a prisoner and may require the visitor to be searched; 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 prisoner 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 a prisoner is bringing in or taking out any article for an improper purpose, or contrary to the rules and regulations of the prison, or that his conduct may tend to subvert discipline or good order, the governor may suspend his visit and remove him from the prison.

(4) Where a visit is suspended under paragraph (3) the fact shall be recorded and reported to the Secretary of State.

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

### PART VIII

#### PHYSICAL WELFARE

##### *Medical provision*

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

##### *Hygiene*

65.—(1) Every prisoner shall be provided with toilet articles necessary for his health and cleanliness which shall be replaced as necessary.

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

(3) Every male prisoner 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.

(4) A female prisoner's hair shall not be cut without her consent unless the medical officer considers it necessary for the sake of health and cleanliness.

(5) Every prisoner shall keep his cell, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged.

(6) Every prisoner shall clean and sweep the yards, passages and other parts of the prison as may be directed.

#### *Food*

**66.**—(1) Every prisoner shall be supplied with food which is wholesome, nutritious and well prepared, 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 prisoner 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 prisoner who persistently and needlessly wastes his food.

(4) A prisoner who has any complaint to make about the food supplied to him must make it 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*

**67.**—(1) A prisoner shall wear clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State (including any special clothing which the governor considers is required for any particular work or activity), and shall be provided with such clothing except to the extent that he provides his own clothing under paragraph (2).

(2) A prisoner may provide his own clothing except to the extent that—

(a) his own clothing is required for the purposes of justice; or

(b) his own clothing is prohibited under paragraph (3); or

(c) the governor considers that special clothing is required for any particular work or activity.

(3) The governor may prohibit clothing of any particular description or any particular item of clothing if he considers that the wearing of that clothing or item would be prejudicial to security, good order or discipline.

(4) Where such clothing as is provided under paragraph (1) is worn by a prisoner who is required to be taken in custody to court, it shall be such as does not indicate that he is a prisoner.

#### *Medical officer*

**68.**—(1) The medical officer of a prison shall have the general care of prisoners' health.

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

#### *Duties of a medical officer*

**69.**—(1) The medical officer shall conform to the rules and regulations of the prison and shall support the governor in the maintenance of discipline and order and the safe custody of prisoners.

(2) The medical officer shall report to the chief medical officer on, and inform the governor of, anything in the prison or the treatment of prisoners which appears to him to require consideration on medical grounds.

(3) The medical officer shall oversee, and shall advise the governor on, the hygiene of the prison and the prisoners, including arrangements for cleanliness, sanitation, heating, lighting and ventilation.

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

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

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

(7) The medical officer shall at least once every day visit every prisoner under restraint, confined to a room or in cellular confinement, or any other prisoner to whom his attention is specifically directed.

(8) The medical officer shall not apply any painful tests to a prisoner for the purpose of detecting malingering or for any other purpose except with the permission of the board of visitors.

#### *Medical records and statistics*

70.—(1) The medical officer shall record the condition of every sick prisoner, the nature of his disease, the medicines and the diet provided 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 relative 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 prisoner which might usefully be noted on the record made under rule 12 to assist in his future identification.

#### *Special medical reports*

71.—(1) When the medical officer believes that a prisoner's health is likely to be injuriously affected by continued imprisonment, or any conditions of imprisonment, he shall report the circumstances to the governor and to the chief medical officer for the information of the Secretary of State and in doing so he shall state whether he wishes any special or additional advice.

(2) The medical officer shall pay special attention to any prisoner whose mental condition appears to require it, and make any special arrangements which appear necessary for his supervision or care.

(3) The medical officer shall inform the governor and the chief medical officer if he suspects that any prisoner is dangerously ill or has suicidal intentions, and the prisoner shall be placed under special observation.

(4) The medical officer may, with the approval of the chief medical officer, call another member of the medical profession or a member of an associated profession into consultation.

#### *Operations*

72. Except in very urgent circumstances no serious surgical operation shall be performed in the prison.

## PART IX

## UNTRIED PRISONERS

*General*

73. This Part shall apply to any person (in these rules referred to as "an untried prisoner") committed to prison for safe custody in any of the following circumstances—

- (a) on his committal for trial for any indictable offence;
- (b) pending the preliminary investigation or inquiry into an indictable offence by a magistrates' court or pending the hearing of a complaint;
- (c) awaiting sentence or pending inquiries after a conviction; or
- (d) being held in lawful custody other than on conviction or where rule 84 applies.

*Photographing and measuring*

74. An untried prisoner shall not be photographed or measured while in prison except with the authority of the Secretary of State.

*Separation from each other*

75.—(1) Untried prisoners shall be kept out of contact with other prisoners as far as this can reasonably be done.

(2) Nothing in this rule shall require a prisoner to be deprived unduly of the society of other persons.

*Application of prisoners' money*

76. Any money which an untried prisoner has at a prison may be applied to the purpose of making special provision for him in cases where the prisoner is, by these rules, required to make any payment in respect of such special provision.

*Food*

77. Subject to any directions of the Secretary of State, an untried prisoner may be supplied with food or other necessaries at his own expense or that of his friends.

*Prohibition of sale*

78. An untried prisoner shall not sell or transfer to any other person any article whatsoever allowed to be introduced for his use; and any prisoner offending against this rule may be prohibited from procuring any such article for such a period as the Secretary of State considers proper.

*Appearance; cleanliness; health*

79.—(1) An untried prisoner shall, so far as practicable, maintain his external appearance as on committal and shall shave or be shaved as necessary for this purpose.

(2) Notwithstanding the provisions of paragraph (1), the medical officer may direct that an untried prisoner's hair be cut for the sake of health and cleanliness.

(3) If an untried prisoner desires the attendance of a registered medical practitioner or dentist, and will pay any expense incurred, the governor shall, if he is satisfied that there are reasonable grounds for the request and unless the Secretary of State otherwise directs, allow him to be visited and treated by that practitioner or dentist in consultation with the medical officer.

*Books, etc.*

80.—(1) Subject to any directions of the Secretary of State an untried prisoner may, at the discretion of the governor, have supplied to him at his own expense books, newspapers, writing materials and other means of occupation.

(2) If the privilege allowed by this rule is abused at any time it may be withdrawn by the governor.

#### *Private property*

**81.** The governor may, on the application of an untried prisoner, allow him, so far as is consistent with discipline and the good order of the prison, to have in his room or cell any articles which were in his possession at the time of arrest and are not required for the purposes of justice or reasonably suspected of forming part of property improperly acquired by him.

#### *Work*

**82.** An untried prisoner shall not be required to work under rule 46(1) but shall be permitted to work in accordance with the provisions of that rule if he wishes.

#### *Letters and visits*

**83.—(1)** An untried prisoner may send and receive as many letters and may receive as many visits as he wishes within such limits and subject to such conditions as the Secretary of State may direct, either generally or in a particular case.

(2) A confidential written communication prepared as instructions for the legal adviser of an untried prisoner may be delivered with seal unbroken to a messenger authorised, in writing, by the legal adviser to receive it, unless the governor has reason to suppose that it contains matter not relating to such instructions.

(3) Subject to the provisions of paragraphs (1) and (2), an untried prisoner shall be treated as any other prisoner for the purposes of receiving letters and visits.

### PART X

#### PRISONERS COMMITTED FOR CONTEMPT, ETC.

#### *Letters and visits*

**84.** Rule 83 shall have effect in relation to a prisoner committed or attached for contempt of court, or for failing to do or abstain from doing anything required to be done or left undone, as it has effect in relation to an untried prisoner.

#### *Association*

**85.** Such prisoners shall be treated as a separate class for the purposes of rule 5 but prisoners may be permitted to associate with any other class of prisoners if they are willing to do so.

#### *Remission*

**86.** A person detained in a prison for a stated term of more than 5 days on committal or attachment for contempt of court shall, for the purposes of rule 26, be treated as serving a sentence of imprisonment for a like term.

### PART XI

#### GENERAL RULES RELATING TO OFFICERS

#### *General duties of officers*

**87.—(1)** Every officer shall conform to these rules and whatever rules and regulations may be in force in the prison and shall assist and support the governor in maintaining them.

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

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

*Medical welfare of prisoners*

**88.** An officer shall inform the governor of any prisoner who appears to be unwell or whose state of mind appears to require attention.

*Contact with prisoners*

**89.**—(1) An officer shall ensure that in his dealings with prisoners his conduct is correct and proper at all times.

(2) Except with the permission of the governor, an officer shall not discuss his duties or any matters of discipline or prison arrangements within the hearing of a prisoner.

(3) No officer shall take part in any business or pecuniary transaction with, or on behalf of, a prisoner without the permission of the Secretary of State.

(4) Except with the permission of the governor, no officer shall bring in or take out, or attempt to bring in or take out, or knowingly allow to be brought in or taken out, to or for a prisoner, or deposit in any place with intent that it shall come into the possession of a prisoner, any article whatsoever.

*Contact with ex-prisoners*

**90.** No officer shall, without the permission of the governor, communicate with any person whom he knows to be a former prisoner or a relative or friend of a prisoner or former prisoner.

*Gratuities*

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

*Contracts*

**92.** Except with the permission of the Secretary of State, an officer shall not, directly or indirectly, have any interest in any contract or tender connected with the prison 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, etc.*

**93.**—(1) Except with the permission of the Secretary of State, an officer shall not directly or indirectly communicate to a representative of the press, television or radio or any other person matters which he has come to know in the course of his official duties.

(2) An officer shall not, without the permission of the Secretary of State, publish any matter or make any public pronouncement relating to the administration of any prison or to any of its prisoners.

*Code of discipline*

**94.** 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 offences by officers 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*

**95.**—(1) The governor shall be in command of the prison.

(2) The governor shall be responsible for the safe custody of all prisoners until they are discharged from his custody by the expiration of their sentence or by order of a court or by Royal Warrant or by order of the Secretary of State.

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

(4) Subject to any direction from the Secretary of State, the governor shall have authority over all officers and employees on the staff of the prison.

(5) The governor shall ensure the safe custody and proper disposal or use of all monies, equipment and materials in the prison and shall keep whatever records and accounts are required by direction of the Secretary of State.

#### *Delegation by governor*

**96.**—(1) In the governor's absence, the prison 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) Subject to the Act and except for the purposes of rules 29, 30, 32 and 33, the governor may, with the approval of the Secretary of State, delegate to another officer any of his functions including any function under these rules.

#### *Powers and duties relating to officers*

**97.**—(1) The governor shall superintend the conduct of the officers under his authority.

(2) The governor may suspend an officer if there is prima facie evidence of misconduct and shall, without delay, report the matter fully to the Secretary of State and shall carry out any directions given by the Secretary of State.

(3) The governor shall deal with offences against discipline as empowered by the Secretary of State under the code of discipline.

(4) The governor shall record all his orders relating to the management and discipline of the prison 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 forward without delay any report or complaint which an officer wishes to make to the Secretary of State and may add any remarks he feels appropriate.

(7) The governor shall—

(a) make available, as he considers appropriate, to all officers copies of the code of discipline, and to all officers and other staff circulars from the Secretary of State and other documents relating to their duties, rights and responsibilities; and

(b) also ensure that such officers and staff have adequate opportunity to acquaint themselves with the contents of those documents.

#### *Duties in relation to medical officer*

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

(a) without delay draw the attention of the medical officer to any prisoner whose physical or mental condition appears to require attention;

(b) at once notify the medical officer of any prisoner who is sick or any officer who is in need of urgent medical attention;

(c) provide the medical officer daily with a list of prisoners who have reported sick;

- (d) provide the medical officer with a list of prisoners under punishment or confined in special cells;
- (e) support the medical officer in his care of prisoners' 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 prisoners and to inquests*

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

- (a) any case of mental disorder or apparent mental disorder occurring among the prisoners, or any case in which the medical officer believes that a prisoner's mental state is becoming impaired by continued imprisonment;
  - (b) any case in which the medical officer believes that a prisoner's life will be endangered by further imprisonment, or that a prisoner will not survive his sentence or is totally or permanently unfit for the discipline of the prison.
- (2) The governor shall ensure that proper arrangements are made for the safe custody of sick prisoners and shall visit the prison hospital daily to see all prisoners who have been admitted there.
- (3) The governor shall inform the appropriate chaplain when a prisoner recorded as of his denomination is dangerously ill, and shall allow such a prisoner to see any minister of religion whom the prisoner wishes to see.
- (4) The governor shall supply to the coroner holding an inquest on a prisoner who has died while in his custody the name of any prisoner who claims to be able and willing to give relevant evidence.
- (5) The governor shall report to the Secretary of State on the findings of any inquest held into the death of a prisoner in the prison.

*Other duties of governor*

- 100.**—(1) To assist in the identification of prisoners the governor shall, on request, provide the police with any information which it is within his power to give.
- (2) The governor shall keep a journal in which he shall record, with the time thereof, any matter or 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.
- (4) The provisions of rules 91, 92 and 93 shall have effect in relation to governors as well as to other officers.

## PART XIII

### POWERS AND DUTIES OF BOARDS OF VISITORS

*Disqualification for membership*

**101.** Any person interested in any contract for the supply of goods or services to a prison shall not be a member of the board of visitors for that prison.

*Appointment of members*

- 102.**—(1) The members of a board of visitors appointed under section 10 of the Act shall hold office for a period of 3 years, or such less period as the Secretary of State may direct.
- (2) The first business at the first meeting of a board of visitors after appointment shall be the election of a chairman.
- (3) The chairman of a board of visitors may be elected for the whole term of office of the board, or, at the discretion of the board, he may be elected annually.

(4) The board may elect, for such a term of office as it decides, 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.

#### *Proceedings of boards*

**103.**—(1) The quorum at a meeting of the board shall be 3 except as provided under rule 105(3).

(2) The powers of the board shall not be affected by vacancies in its membership or any defect in the appointment of a member.

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

(4) The board shall meet at the prison once a month to discharge its functions under these rules.

(5) At each meeting the board shall select the members to visit the prison during the following month and the prison shall be visited by at least one member not less frequently than once in each fortnight.

(6) A member visiting a prison shall report on his visit to the board.

#### *General duties of boards*

**104.**—(1) The board of visitors for a prison shall satisfy itself as to the state of the prison premises, the administration of the prison and the treatment of the prisoners.

(2) The board shall co-operate with the Secretary of State and the governor in promoting the efficiency of the prison, and shall inquire into any matter which the Secretary of State refers to it.

(3) The board shall direct the attention of the governor to any matter which it considers calls for his attention, and shall report to the Secretary of State any matter which it considers should be reported to him.

(4) The board shall inform the Secretary of State immediately of any abuse which comes to its knowledge in connection with the prison.

(5) In the exercise of any of its powers a board shall satisfy itself, in consultation with the governor, that the power can be exercised without interfering with the security, good order or proper government of the prison and the prisoners therein.

#### *Adjudication procedure by boards*

**105.**—(1) The board shall inquire into any alleged offence against discipline where the Secretary of State has delegated to it his powers under rule 33.

(2) The board shall record in its minutes each such case and the award made and shall report thereon to the Secretary of State.

(3) The powers of the board under this rule shall be exercised at a special meeting consisting of not less than 2 members or more than 5 members.

#### *Other duties*

**106.**—(1) The board of visitors for a prison or any member of the board shall hear any complaint or request which a prisoner wishes to make to it or him.

(2) The board shall investigate and decide on any request which a prisoner may make to it to change his recorded religious denomination, having assured itself as far as possible that the request is genuine.

(3) The board shall arrange for the prisoners' food to be inspected by a member of the board at frequent intervals.

*Visits by board members*

**107.**—(1) The board jointly and its members severally shall have free access at any time to all parts of the prison to which they are appointed, and to all prisoners, and may, if they so desire, interview any prisoner out of sight and hearing of officers.

(2) The board may have reasonable access to any of the records of the prison and a note of any such inspection shall be made in their minutes.

*Annual report*

**108.** The board 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.

Northern Ireland Office  
3rd June 1982

*James Prior*  
One of Her Majesty's Principal  
Secretaries of State

## SCHEDULE

Rule 3

## Rules Revoked

<i>Rules</i>	<i>Reference No.</i>
The Prison Rules (Northern Ireland) 1954	S.R. & O. (N.I.) 1954 No. 7
The Prison (Amendment) Rules (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 223
The Prison (Amendment) Rules (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 166
The Prison (Amendment) Rules (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 46
The Prison (Amendment) Rules (Northern Ireland) 1976	S.R. 1976 No. 53
The Prison Rules (Northern Ireland) 1978	S.R. 1978 No. 336

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These rules make provision for the management of prisons, including the treatment of prisoners, the conduct of officers of prisons and the functions of boards of visitors. The rules revoke all the previous prison rules, which are listed in the schedule. The principal changes in the rules are referred to below.

Consequent upon the abolition of borstal training by the Treatment of Offenders (Northern Ireland) Order 1980 (S.I. 1980 1084 (N.I. 10)) any reference to borstal prisoners and borstal training has been omitted.

The provisions of the previous rules relating to dietary punishment have been omitted. Provision is made for the suspension of disciplinary awards (rule 36).

The number of letters which a prisoner is entitled to send and receive is increased from one in 4 weeks to one a week (rule 59(1)).

The rule providing for remission of sentence has been amended to provide that a term of imprisonment of more than 5 days may be subject to remission and that such term may be reduced by remission to not less than 5 days (rule 26).

Prisoners committed for contempt for a stated term will be eligible for remission (rule 86).