

**EXPLANATORY MEMORANDUM TO  
THE PRISON AND YOUNG OFFENDERS CENTRE (AMENDMENT) RULES  
(NORTHERN IRELAND) 2009**

**2009 No. 429**

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 This instrument amends the Prison and Young Offenders Centre Rules (Northern Ireland) 1995 (“the Principal Rules”) to introduce changes to a number of policy areas of the Northern Ireland Prison Service. These include:
    - 2.2 Amendments to rules relating to prisoners’ healthcare following the transfer of responsibility for healthcare provision within prisons to the local Health & Social Care trust.
    - 2.3 New rules to allow for the compulsory testing of prisoners for drugs and alcohol.
    - 2.4 New rules to allow for complaints from visitors to prisoners to be investigated (upon exhaustion of the internal complaints system) by the Prisoner Ombudsman for Northern Ireland.
    - 2.5 A new rule to enhance the care and supervision of prisoners who are at risk of suicide or self-harm.
    - 2.6 A number of minor amendments to assist with the operational running of prison establishments or to bring the Principal Rules into line with those in England and Wales.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 This instrument is being made in exercise of the powers conferred by section 13(1) of the Prison Act (Northern Ireland) Act 1953 (“the Prison Act”), as extended by section 2 of the Treatment of Offenders Act (Northern Ireland) 1968.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to Northern Ireland only.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Responsibility for the provision of healthcare within prisons in Northern Ireland was transferred to the Department of Health, Social Services and Public Safety during 2008. A number of rules require amendment in order to deal with this transfer.

7.2 New rules 48B and 48C enable prison officers to require a prisoner to provide a sample that, when tested, will indicate if either substance is present in his body. The introduction of these rules will help with efforts to minimise the damaging effects of substance abuse among the prison population. It will also have implications for prisoners sentenced under the new public protection framework, particularly those who have received indeterminate or extended custodial sentences in that they will be required to demonstrate to Parole Commissioners that they have addressed their offending behaviour and those risk factors which contribute to offending behaviour such as alcohol and drug addiction.

7.3 A report into the complaints system by the Criminal Justice Inspectorate Northern Ireland in July 2007 recommended the development of a complaints system for visitors to prisons in a similar format to the system available to prisoners. This instrument enables complaints by visitors to be investigated by the Prisoner Ombudsman. The Rules also simplify the prisoner complaints system.

7.4 The rules relating to vulnerable prisoners and those prisoners who might be at risk of suicide or self-harm required amendment in order to more easily differentiate between confinement for disciplinary reasons and confinement for care reasons. New rule 88A will allow a vulnerable prisoner to be confined in a cell specifically designed or adapted for care and supervision, where he can be cared for more readily under the Self-harm and Suicide Prevention policy.

## **8. Consultation outcome**

8.1 A consultation paper was launched on 24 July 2009 for a 12 week period. A number of comments were received from a variety of stakeholders. All comments were carefully considered by the Northern Ireland Prison Service and a number of comments and suggestions were incorporated into the final draft of the Rules.

## **9. Guidance**

9.1 Appropriate guidance will be issued to prisoners, visitors and prison service staff.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The Northern Ireland Prison Service will review the operation of the new rules and make any necessary amendments.

## **13. Contact**

David Moore at the Northern Ireland Office Tel: 02890 525119 or email:  
[David.C.Moore@nio.x.gsi.gov.uk](mailto:David.C.Moore@nio.x.gsi.gov.uk) can answer any queries regarding the instrument.