

1983 No. 568

PRISONS

The Prison (Amendment) Rules 1983

<i>Made - - - -</i>	<i>13th April 1983</i>
<i>Laid before Parliament</i>	<i>22nd April 1983</i>
<i>Coming into Operation</i>	<i>24th May 1983</i>

In pursuance of sections 25 and 47 of the Prison Act 1952(a), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Prison (Amendment) Rules 1983 and shall come into operation on 24th May 1983.

(2) In these Rules, “the principal Rules” means the Prison Rules 1964(b).

2. Rule 5 of the principal Rules (which relates to remission of sentence) shall be amended as follows:—

(a) in paragraph (2)(b), the words “or who was under the age of twenty-one when sentence was passed on him” shall be omitted;

(b) in paragraph (3)(a), after the word “conviction” there shall be inserted the words “, or detained in prison by virtue of a detention centre order, a youth custody sentence or an order committing him to be detained under section 9 of the Criminal Justice Act 1982,”; and

(c) there shall be inserted after paragraph (4) the following paragraph:—

“(4A) In the case of a prisoner who is received into a prison from another institution (other than a prison) to which the Prison Act 1952 applies and who, immediately before his reception, was subject to a disciplinary award of forfeiture of remission imposed, or having effect as if imposed, under rules made under section 47 of that Act in relation to that other institution, the award shall have effect for the purposes of this Rule as if it had been imposed under these Rules.”.

(a) 1952 c. 52; section 47 was extended by the Criminal Justice Act 1961 (c. 39), section 23(2) and the Criminal Justice Act 1982 (c. 48), section 13(5) and Schedule 17, paragraph 9; and amended by the Criminal Justice Act 1961, Schedule 4, the Criminal Justice Act 1967 (c. 80), section 66(5), the Courts Act 1971 (c. 23), Schedule 8, paragraph 33 and the Criminal Justice Act 1982, Schedule 14, paragraph 7. Section 47 of the 1952 Act was also affected by an amendment to section 52(2) of that Act by the Criminal Justice Act 1967, section 66(4).

(b) S.I. 1964/388, amended by S.I. 1968/440, 1971/2019, 1972/1860, 1974/713, 1976/503, 1981/70, 1982/260.

3. For Rule 7 of the principal Rules (which relates to the giving of information to prisoners) there shall be substituted the Rule set out in Part I of the Schedule to these Rules.

4. Paragraph (8) of Rule 34 of the principal Rules (which relates to letters and visits), shall be amended by substituting for the words “communicate with any person in connection with any legal or other business, or with” the words “receive a visit from”.

5. Rule 50 of the principal Rules (which relates to governors’ awards for offences against discipline), shall be amended by substituting for the words “and 52” the words “, 52 and 52A”.

6. Paragraph (4) of Rule 51 of the principal Rules (which relates to awards made by boards of visitors for graver disciplinary offences) and paragraph (3) of Rule 52 of those Rules (which relates to awards so made for especially grave offences) shall be amended, in each case by inserting after the word “shall” in the second place where it occurs the words “, subject to Rule 52A of these Rules,”.

7. Rule 54 of the principal Rules (which relates to prospective forfeiture of remission) shall be amended as follows:—

- (a) in paragraph (1) the words “has attained the age of 21 years and” and “to imprisonment” shall be omitted; and
- (b) in paragraph (2), after the word “imprisonment” there shall be inserted the words “or youth custody”.

8. There shall be inserted in the principal Rules in numerical order the Rules numbered 52A, 54A and 54B set out in Part II of the Schedule to these Rules.

W. S. I. Whitelaw,
One of Her Majesty’s Principal
Secretaries of State.

Home Office.
13th April 1983.

SCHEDULE

PART I

Rule 3

RULE TO BE SUBSTITUTED FOR RULE 7 OF THE PRINCIPAL RULES

Information to prisoners

7.—(1) Every prisoner shall be provided, as soon as possible after his reception into prison, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which it is necessary that he should know, including earnings and privileges, and the proper method of making requests and complaints and of petitioning the Secretary of State.

(2) In the case of a prisoner aged less than 18, or a prisoner aged 18 or over who cannot read or appears to have difficulty in understanding the information so provided, the governor, or an officer deputed by him, shall so explain it to him that he can understand his rights and obligations.

(3) A copy of these Rules shall be made available to any prisoner who requests it.

Rule 8

PART II

RULES TO BE INSERTED IN THE PRINCIPAL RULES

Offences committed by young persons

52A. In the case of an offence against discipline committed by a person detained in a prison who was under the age of 21 when the offence was committed (other than an offender in relation to whom the Secretary of State has given a direction under section 13(1) of the Criminal Justice Act 1982 that he shall be treated as if he had been sentenced to imprisonment)—

- (a) Rule 50 of these Rules shall have effect with the substitution in each of paragraphs (b) and (d) thereof of “14” for “28”;
- (b) paragraph (4) of Rule 51 of these Rules shall have effect as if—
 - (i) in sub-paragraph (b), there were substituted for the words “for any period” the words “for a period not exceeding 28 days”;
 - (ii) in sub-paragraphs (c) and (d) there were substituted “28” for “56”;
 - (iii) in sub-paragraph (e) there were substituted “7” for “56”; and
 - (iv) in sub-paragraph (f) there were inserted after the words “180 days” the words “in the case of an offence of assaulting an officer or doing gross personal violence to any person not being an officer and 90 days in the case of any other offence”; and
- (c) paragraph (3) of Rule 52 of these Rules shall have effect as if there were inserted after the word “exceed” the words “90 days but may not exceed”.

Conversion of sentence of youth custody to sentence of imprisonment

54A. In the case of a prisoner who has been sentenced to a term of youth custody and who, by virtue of a direction of the Secretary of State under section 13 of the Criminal Justice Act 1982, is treated as if he had been sentenced to imprisonment for that term, any award made in respect of him for an offence against discipline before the said direction was given shall, if it has not been exhausted or remitted, continue to have effect as if made under Rule 50 or 51 of these Rules.

Disciplinary awards: transitional

54B.—(1) In the case of a person detained in a prison who, by virtue of paragraph 4 of Schedule 17 to the Criminal Justice Act 1982, on 24th May 1983 falls to be treated for purposes of detention, release and supervision as if his sentence had been a youth custody sentence, any award for an offence against discipline made in respect of him before that date under Rule 49 or 50 of the Borstal Rules 1964(a) shall, if it has not been exhausted or remitted, continue to have effect, subject to the provisions of paragraph (2) of this Rule, as if it had been made under Rule 50 or 51 respectively of these Rules.

(a) S.I. 1964/387; the relevant amending instrument is S.I. 1974/1923.

(2) An award of reduction in grade, or postponement of promotion to a higher grade, for a specified period made under Rule 49(e) or 50(4)(e) of the Borstal Rules 1964 shall continue to have effect under this Rule as if it had been an award of loss of remission of a like period.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Prison Rules 1964, principally in their application to young offenders who may in certain circumstances be detained in prisons in accordance with the provisions of section 12 of the Criminal Justice Act 1982, Part I of which comes into force on 24th May 1983 (S.I. 1983/182). The amendments enable such young offenders to be granted remission, and bring disciplinary awards in respect of them into line with those available in youth custody centres. They also enable prospective awards of forfeiture of remission to be made in respect of young persons on remand. Provision is made for disciplinary awards in youth custody centres to remain effective upon the conversion of a youth custody sentence to one of imprisonment under section 13 of the Criminal Justice Act 1982; and there is a transitional provision to preserve the effect of disciplinary awards made in borstals. In addition, Rule 7 of the 1964 Rules is amended to require information to be given to prisoners in writing, but not necessarily provided in cells; and Rule 34(8) of those Rules is amended to remove the restriction on communications between prisoners and persons other than relatives or friends in relation to letters (but not visits).

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