
STATUTORY INSTRUMENTS

1988 No. 1422

The Young Offender Institution Rules 1988

PART II

INMATES

Release

Remission of sentence

5.—(1) An inmate serving a sentence of detention in a young offender institution for an actual term of more than 5 days may, on the ground of his industry and good conduct, be granted remission not exceeding, in the case of a sentence for a term of more than 12 months, one-third of the total of the actual term and any period taken into account under section 67 of the Criminal Justice Act 1967(1) (which relates to the computation of custodial sentences) and, in the case of a sentence for a term not exceeding 12 months, one-half of that total:

Provided that this rule shall not permit the reduction of the actual term to less than 5 days, or in the case of an inmate who has been released on licence and recalled, permit his release before the thirtieth day following his return to a young offender institution on recall.

(2) For the purposes of this rule—

- (a) an inmate committed to be detained under section 9 of the Criminal Justice Act 1982 for default in payment of a fine or any other sum of money, or for contempt of court or any kindred offence, shall be treated as serving a sentence of detention in a young offender institution;
- (b) a woman aged 21 years or over who is serving a sentence of imprisonment (other than a sentence of imprisonment for life) or who has been committed to prison for default in payment of a sum of money and is detained in a young offender institution instead of a prison shall be treated as serving a sentence of detention in a young offender institution; and
- (c) consecutive terms of detention in a young offender institution shall be treated as one term.

(3) In the case of a woman aged 21 years or over in respect of whom a sentence of imprisonment for an offence has been passed with an order under subsection (1) of section 47 of the Criminal Law Act 1977(2) (partly suspended sentences):—

- (a) if she has not been released from an institution to which the Prison Act 1952(3) applies since the sentence for the offence was passed, she shall be treated for the purposes of this rule as if her only sentence for that offence were any portion of it that she is required to serve in prison under subsection (1) or (3) of the said section 47; and

(1) 1967 c. 80; section 67 was amended by the Criminal Justice Act 1972 (c. 71), Schedule 5, the Powers of Criminal Courts Act 1973 (c. 62), Schedule 5 and the Criminal Justice Act 1982, sections 10 and 34, Schedule 14, paragraph 22 and Schedule 16.
(2) 1977 c. 45; section 47 was amended by section 30 of the Criminal Justice Act 1982.
(3) 1952 c. 52.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) if she has been released from such an institution but part of her sentence for the offence has subsequently been restored under subsection (3) of that section, she shall be treated for the purposes of this rule as if her only sentence for that offence were the part of the sentence so restored.
- (4) This rule shall have effect subject to any disciplinary award of forfeiture of remission.
- (5) In the case of an inmate who is received into a young offender institution from another institution (other than a young offender institution) 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.
- (6) In this rule—
 - (a) “actual term” means the term of a sentence of detention in a young offender institution as reduced by section 67 of the Criminal Justice Act 1967;
 - (b) a reference to a person being recalled shall include a reference to the revocation of a licence by a court.