
STATUTORY INSTRUMENTS

1993 No. 3075

PRISONS

The Prison (Amendment) (No. 2) Rules 1993

Made - - - - *5th December 1993*
Laid before Parliament *10th December 1993*
Coming into force - - *1st January 1994*

In exercise of the powers conferred upon me by section 47 of the Prison Act 1952(1), I hereby make the following Rules:

1. These Rules may be cited as the Prison (Amendment) (No.2) Rules 1993 and shall come into force on 1st January 1994.
2. The Prison Rules 1964(2) shall have effect subject to the amendments set out in the Schedule to these Rules. Home Office Michael Howard 5th December 1993 One of Her Majesty's Principal Secretaries of State

(1) 1952 c. 52; section 47 was affected by an amendment to section 52(2) of that Act by section 66(4) of the Criminal Justice Act 1967 (c. 80).
(2) S.I.1964/388; relevant amending instruments are S.I.1972/1860, 1976/503, 1989/330, 1989/214, 1992/514 and 1992/2080.

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SCHEDULE

Rule 2.

1. In rule 17, there shall be added after paragraph (4) the following—

“(5) 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 who is a party to any legal proceedings 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.”

2. For rule 37A there shall be substituted the following—

“Correspondence with legal advisers and courts

37A.—(1) A prisoner may correspond with his legal adviser and any court and such correspondence may only be opened, read or stopped by the governor in accordance with the provisions of this rule.

(2) Correspondence to which this rule applies may be opened if the governor has reasonable cause to believe that it contains an illicit enclosure and any such enclosure shall be dealt with in accordance with the other provisions of these Rules.

(3) Correspondence to which this rule applies may be opened, read and stopped if the governor has reasonable cause to believe its contents endanger prison security or the safety of others or are otherwise of a criminal nature.

(4) A prisoner shall be given the opportunity to be present when any correspondence to which this rule applies is opened and shall be informed if it or any enclosure is to be read or stopped.

(5) A prisoner shall on request be provided with any writing materials necessary for the purposes of paragraph (1) of this rule.

(6) In this rule, “court” includes the European Commission of Human Rights, the European Court of Human Rights and the European Court of Justice; and “illicit enclosure” includes any article possession of which has not been authorised in accordance with the other provisions of these Rules and any correspondence to or from a person other than the prisoner concerned, his legal adviser or a court.”

3. In rule 50(1)(e), there shall be substituted for the words “3 days”, the words “14 days”.
4. In rule 52(1)(a), there shall be substituted for paragraph (ii) the following—

“(ii) the maximum period of stoppage of or deduction from earnings shall be 28 days and the maximum amount shall be 14 days.”
5. In rule 52(1)(a), there shall be added after paragraph (ii) the following—

“(iii) the maximum period of cellular confinement shall be 7 days.”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1964 as amended in three respects.

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Firstly, the Rules substitute a new rule for rule 37A dealing with legal correspondence. The rule now applies to all correspondence between a prisoner and his legal adviser or a court, whether or not legal proceedings have been commenced and sets out the circumstances in which such correspondence may be opened, read or stopped.

Secondly, the Rules increase the maximum period for which a governor may impose a punishment of cellular confinement from 3 days to 14 days.

Thirdly, the Rules limit the punishments normally available in relation to inmates aged under 21 when the offences were committed to the punishments available in relation to young offenders pursuant to the Young Offender Institution Rules 1988 (S.I.1988/1422) as amended.