
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

COMMUNICATIONS

Communications generally

[^{F1}34.—(1) Without prejudice to sections 6 and 19 of the Prison Act 1952 and except as provided by these Rules, a prisoner shall not be permitted to communicate with any person outside the prison, or such person with him, except with the leave of the Secretary of State or as a privilege under rule 8.

(2) Notwithstanding paragraph (1) above, and except as otherwise provided in these Rules, the Secretary of State may impose any restriction or condition, either generally or in a particular case, upon the communications to be permitted between a prisoner and other persons if he considers that the restriction or condition to be imposed—

- (a) does not interfere with the convention rights of any person; or
- (b) (i) is necessary on grounds specified in paragraph (3) below;
(ii) reliance on the grounds is compatible with the convention right to be interfered with;
and
(iii) the restriction or condition is proportionate to what is sought to be achieved.

(3) The grounds referred to in paragraph (2) above are—

- (a) the interests of national security;
- (b) the prevention, detection, investigation or prosecution of crime;
- (c) the interests of public safety;
- (d) securing or maintaining prison security or good order and discipline in prison;
- (e) the protection of health or morals;
- (f) the protection of the reputation of others;
- (g) maintaining the authority and impartiality of the judiciary; or
- (h) the protection of the rights and freedoms of any person.

(4) Subject to paragraph (2) above, the Secretary of State may require that any visit, or class of visits, shall be held in facilities which include special features restricting or preventing physical contact between a prisoner and a visitor.

(5) Every visit to a prisoner shall take place within the sight of an officer or employee of the prison authorised for the purposes of this rule by the governor (in this rule referred to as an “authorised employee”), unless the Secretary of State otherwise directs, and for the purposes of this paragraph a visit to a prisoner shall be taken to take place within the sight of an officer or authorised employee

if it can be seen by an officer or authorised employee by means of an overt closed circuit television system.

(6) Subject to rule 38, every visit to a prisoner shall take place within the hearing of an officer or authorised employee, unless the Secretary of State otherwise directs.

(7) The Secretary of State may give directions, either generally or in relation to any visit or class of visits, concerning the day and times when prisoners may be visited.

(8) In this rule—

- (a) references to communications include references to communications during visits;
- (b) references to restrictions and conditions upon communications include references to restrictions and conditions in relation to the length, duration and frequency of communications; and
- (c) references to convention rights are to the convention rights within the meaning of the Human Rights Act 1998.]

Textual Amendments

- F1** [Rule 34](#) substituted (24.10.2000) by [The Prison \(Amendment\) \(No. 2\) Rules 2000 \(S.I. 2000/2641\)](#), [rules 1, 4](#)

Changes to legislation:

There are currently no known outstanding effects for the The Prison Rules 1999, Section 34.