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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*COMMUNICATIONS*

**Personal letters and visits**

**35.**—(1) Subject to paragraph (8), an unconvicted prisoner may send and receive as many letters and may receive as many visits as he wishes within such limits and subject to such conditions as the Secretary of State may direct, either generally or in a particular case.

(2) Subject to [<sup>F1</sup>paragraphs (2A) and (8)], a convicted prisoner shall be entitled—

- (a) to send and to receive a letter on his reception into a prison and thereafter once a week; and
- (b) to receive a visit twice in every period of four weeks, but only once in every such period if the Secretary of State so directs.

[<sup>F2</sup>(2A) A prisoner serving a sentence of imprisonment to which an intermittent custody order relates shall be entitled to receive a visit only where the governor considers that desirable having regard to the extent to which he has been unable to meet with his friends and family in the periods during which he has been temporarily released on licence.]

[<sup>F3</sup>(2B) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1), (2)(b) and (2A), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to prisoners or the prison and proportionate to what is sought to be achieved.]

(3) The governor may allow a prisoner an additional letter or visit as a privilege under rule 8 or where necessary for his welfare or that of his family.

(4) The governor may allow a prisoner entitled to a visit to send and to receive a letter instead.

(5) The governor may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(6) The [<sup>F4</sup>independent monitoring board] may allow a prisoner an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(7) The Secretary of State may allow additional letters and visits in relation to any prisoner or class of prisoners.

(8) A prisoner shall not be entitled under this rule to receive a visit from:

- (a) any person, whether or not a relative or friend, during any period of time that person is the subject of a prohibition imposed under rule 73; or

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*Changes to legislation: There are currently no known outstanding effects for the The Prison Rules 1999, Section 35. (See end of Document for details)*

(b) any other person, other than a relative or friend, except with the leave of the Secretary of State.

(9) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this rule.

#### **Textual Amendments**

- F1** Words in rule 35(2) substituted (26.1.2004) by [The Prison \(Amendment\) Rules 2003 \(S.I. 2003/3301\)](#), rules 1, **4(a)**
- F2** Rule 35(2A) inserted (26.1.2004) by [The Prison \(Amendment\) Rules 2003 \(S.I. 2003/3301\)](#), rules 1, **4(b)**
- F3** Rule 35(2B) inserted (temp.) (15.5.2020) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) \(No. 2\) Rules 2020 \(S.I. 2020/508\)](#), rule 1(1), **Sch. 1 para. 7** (with rule 1(3))
- F4** Words in rule 35(6) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, **4(a)**

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**Changes to legislation:**

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