
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

COMMUNICATIONS

[^{F1}Delivery and receipt of legally privileged material]

39.—[^{F2}(1) A prisoner may deliver to, or receive from, the prisoner’s legal adviser and any court, either by post or during a legal visit under rule 38, any legally privileged material and such material may only be opened, read or stopped by the governor in accordance with the provisions of this rule.]

(2) [^{F3}Material] 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 enclosures shall be dealt with in accordance with the other provision of these Rules.

(3) [^{F4}Material] 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 [^{F5}material] 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).

(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 [^{F6}material] to or from a person other than the prisoner concerned, his legal adviser or a court.

Textual Amendments

- F1** Rule 39 heading substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 1 para. 7\(a\)](#)
- F2** Rule 39(1) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 1 para. 7\(b\)](#)
- F3** Word in rule 39(2) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 1 para. 7\(c\)](#)
- F4** Word in rule 39(3) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 1 para. 7\(c\)](#)
- F5** Word in rule 39(4) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 1 para. 7\(c\)](#)

Changes to legislation: There are currently no known outstanding effects
for the The Prison Rules 1999, Section 39. (See end of Document for details)

F6 Word in rule 39(6) substituted (1.1.2010) by The Prison and Young Offender Institution (Amendment) Rules 2009 (S.I. 2009/3082), rule 1, **Sch. 1 para. 7(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Prison Rules 1999, Section 39.