

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for the management of prisons, including the treatment of prisoners, the conduct of prison officers and the powers and duties of boards of visitors. They revoke and replace the Prison Rules 1964 (S.I. 1964/388), as amended.

The provisions of the new Rules generally re-enact those of the previous Rules, but certain modifications have been made to the latter. The principal changes of substance are listed below. Provision is made to provide for the possibility of distance learning in rule 32 (Education). In rule 34 (Communications) references to restrictions on telecommunications and visits have been added.

A search under rule 41(3) shall not take place in the sight of a person of the opposite sex. Any confinement in a special cell which lasts beyond 24 hours has to be authorised by a member of the board of visitors (rule 48).

In rule 51 (Offences against discipline) a new offence of receiving an article or controlled drugs during a visit has been added, and the general offence of "in any way offends against good order and discipline" has been removed.

Rule 55 (Governor's punishments) has been changed so that a caution shall not be combined with any other punishment and the total award of cellular confinement shall not exceed 14 days, and the Secretary of State has been given a power to issue guidelines for punishments.

Rule 73 (Visitors) adds powers to prohibit certain visitors.

Rules 74 and 75 (Boards of visitors) have been changed so as to amplify the circumstances in which a person is prohibited from being a member of a board of visitors and to give to the Secretary of State a discretion to terminate the appointment of a board member with a conflict of interest.

In addition to these and other minor changes, certain provisions from the Prison Rules 1964 are omitted as obsolete, for example, the rules dealing with prisoners under sentence of death.

Changes to legislation:

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