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## STATUTORY INSTRUMENTS

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# 1999 No. 728

## The Prison Rules 1999

### PART I

#### Citation and commencement

1. These Rules may be cited as the Prison Rules 1999 and shall come into force on 1st April 1999.

#### Interpretation

- 2.—(1) In these Rules, where the context so admits, the expression—

[<sup>F1</sup>“adjudicator” means a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts) approved by the Lord Chancellor for the purpose of inquiring into a charge which has been referred to him;]

[<sup>F2</sup>“communication” includes any written or drawn communication from a prisoner to any other person, whether intended to be transmitted by means of a postal service or not, and any communication from a prisoner to any other person transmitted by means of a telecommunications system;]

<sup>M1</sup>“controlled drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971 ;

“convicted prisoner” means, subject to the provisions of rule 7(3), a prisoner who has been convicted or found guilty of an offence or committed or attached for contempt of court or for failing to do or abstain from doing anything required to be done or left undone, and the expression “unconvicted prisoner” shall be construed accordingly;

[<sup>F3</sup>“coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);]

“coronavirus period” means the period of time inclusive of a transmission control period and the transition period which follows it;]

[<sup>F4</sup>“electronic cigarette” means a product that can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank, and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill cartridge and a tank, or rechargeable with single use cartridges);]

[<sup>F5</sup>“fixed term prisoner” has the meaning assigned to it by section 237(1) of the Criminal Justice Act 2003;]

“governor” includes an officer for the time being in charge of a prison;

[<sup>F6</sup>“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 and who is working within the prison <sup>F7</sup> ...;]

[<sup>F8</sup>“health care provider” includes any provider of health services, whether or not commissioned by an NHS body (within the meaning given by [<sup>F9</sup>section 275(1)] of the National Health Service 2006);]

[<sup>F10</sup>“information technology equipment” includes any laptop or notebook computer, desktop computer, gaming console, handheld computing device, personal organiser or any electronic device containing a computer processor and capable of connecting to the internet, and any reference to information technology equipment includes a reference to—

- (a) a component part of a device of that description; or
- (b) any article designed or adapted for use with any information technology equipment (including any disk, film or other separate article on which images, sounds, computer code or other information may be stored or recorded);]

[<sup>F2</sup>“intercepted material” means the contents of any communication intercepted pursuant to these Rules;]

[<sup>F11</sup>“intermittent custody order” has the meaning assigned to it by section 183 of the Criminal Justice Act 2003;]

“legal adviser” means, in relation to a prisoner, his counsel or solicitor, and includes a clerk acting on behalf of his solicitor;

<sup>M2</sup>“officer” means an officer of a prison and, for the purposes of rule 40(2), includes a prisoner custody officer who is authorised to perform escort functions in accordance with section 89 of the Criminal Justice Act 1991 ;

[<sup>F12</sup>“payback punishment” means a requirement to complete unpaid work that is rehabilitative or reparative in nature;]

[<sup>F13</sup>“pharmacy medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;

“prescription only medicine” has the meaning as given in regulation 8 of the Human Medicines Regulations 2012;]

“prison minister” means, in relation to a prison, a minister appointed to that prison under section 10 of the Prison Act 1952;

[<sup>F14</sup>“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016;]

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[<sup>F2</sup>“telecommunications system” means any system (including the apparatus comprised in it) which exists for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electro-magnetic energy;]

[<sup>F18</sup>“the 2003 Act” means the Criminal Justice Act 2003;]

[<sup>F19</sup>“the 2020 Act” means the Coronavirus Act 2020;

“transition period” means the period of 3 months starting on the date on which a transmission control period ends;

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.]

(2) In these Rules—

- (a) a reference to an award of additional days means additional days awarded under these Rules by virtue of section 42 of the Criminal Justice Act 1991 [<sup>F20</sup>or by virtue of section 257 of the 2003 Act];
- (b) a reference to the Church of England includes a reference to the Church in Wales; and
- (c) a reference to a numbered rule is, unless otherwise stated, a reference to the rule of that number in these Rules and a reference in a rule to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that rule.

### Textual Amendments

- F1** Words in rule 2(1) substituted (18.4.2005) by The Prison (Amendment) Rules 2005 (S.I. 2005/869), rule 1(1), **Sch. 1 para. 1** (with rule 1(2))
- F2** Words in rule 2(1) added (24.10.2000) by The Prison (Amendment) (No. 2) Rules 2000 (S.I. 2000/2641), rules 1, **3**
- F3** Words in rule 2(1) 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. 2(a)** (with rule 1(3))
- F4** Words in rule 2(1) inserted (22.5.2018) by The Prison and Young Offender Institution (Amendment) Rules 2018 (S.I. 2018/549), rules 1, **2(2)**
- F5** Words in rule 2(1) inserted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 1(a)(i)**
- F6** Words in rule 2(1) inserted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 1(a)(ii)**
- F7** Words in rule 2 omitted (1.1.2010) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2009 (S.I. 2009/3082), rule 1, **Sch. 1 para. 1(a)**
- F8** Words in rule 2 inserted (1.1.2010) by The Prison and Young Offender Institution (Amendment) Rules 2009 (S.I. 2009/3082), rule 1, **Sch. 1 para. 1(b)**
- F9** Words in rule 2(1) substituted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 35**
- F10** Words in rule 2(1) added (1.4.2008) by The Prison (Amendment) Rules 2008 (S.I. 2008/597), rules 1, **3**
- F11** Words in rule 2(1) added (26.1.2004) by The Prison (Amendment) Rules 2003 (S.I. 2003/3301), rules 1, **3**
- F12** Words in rule 2 inserted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **2(2)**
- F13** Words in rule 2(1) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by The Prison and Young Offender Institution (Amendment) Rules 2021 (S.I. 2021/1279), rules 1(3), **2(2)(a)**; S.I. 2021/1280, reg. 2
- F14** Words in rule 2(1) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by The Prison and Young Offender Institution (Amendment) Rules 2021 (S.I. 2021/1279), rules 1(3), **2(2)(b)**; S.I. 2021/1280, reg. 2
- F15** Words in rule 2(1) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(3)(a)**, 3(2); S.I. 2021/1280, reg. 2
- F16** Words in rule 2 omitted (1.1.2010) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2009 (S.I. 2009/3082), rule 1, **Sch. 1 para. 1(c)**
- F17** Words in rule 2(1) omitted (13.8.2014 at 5.00 p.m.) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, **2(2)**
- F18** Words in rule 2(1) inserted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 1(a)(iv)**
- F19** Words in rule 2(1) 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. 2(b)** (with

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

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rule 1(3)) (as amended (26.10.2020) by *The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020 (S.I. 2020/1077)*, rules 1, **4(2)**)

**F20** Words in rule 2(2)(a) added (3.1.2006) by *The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437)*, rule 1, **Sch. 1 para. 1(b)**

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**Modifications etc. (not altering text)**

**C1** Rule 2(1) applied (with modifications) (23.12.2011) by *The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866)*, arts. 1(2), **8(3)**, **Sch. 3**

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**Marginal Citations**

**M1** 1971 c. 38.

**M2** 1991 c. 53.

**Coronavirus period – transition period**

<sup>F21</sup>**2A.** . . . . .

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**Textual Amendments**

**F21** Rule 2A (which was inserted (temp.) 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. 3** (with rule 1(3))) falls as a result of its inserting provision being omitted (26.10.2020) by virtue of *The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020 (S.I. 2020/1077)*, rules 1, **4(3)**

**Changes to legislation:**

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