
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

OFFENCES AGAINST DISCIPLINE

Offences against discipline

- 51.** A prisoner is guilty of an offence against discipline if he—
- (1) commits any assault;
 - (2) detains any person against his will;
 - (3) denies access to any part of the prison to any officer or any person (other than a prisoner) who is at the prison for the purpose of working there;
 - (4) fights with any person;
 - (5) intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered;
 - (6) intentionally obstructs an officer in the execution of his duty, or any person (other than a prisoner) who is at the prison for the purpose of working there, in the performance of his work;
 - (7) escapes or absconds from prison or from legal custody;
 - (8) fails to comply with any condition upon which he is temporarily released under rule 9;
 - (9) administers a controlled drug to himself or fails to prevent the administration of a controlled drug to him by another person (but subject to rule 52);
 - (10) is intoxicated as a consequence of knowingly consuming any alcoholic beverage;
 - (11) knowingly consumes any alcoholic beverage other than that provided to him pursuant to a written order under rule 25(1);
 - (12) has in his possession—
 - (a) any unauthorised article, or
 - (b) a greater quantity of any article than he is authorised to have;
 - (13) sells or delivers to any person any unauthorised article;
 - (14) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;
 - (15) takes improperly any article belonging to another person or to a prison;
 - (16) intentionally or recklessly sets fire to any part of a prison or any other property, whether or not his own;
 - (17) destroys or damages any part of a prison or any other property, other than his own;

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- (18) absents himself from any place he is required to be or is present at any place where he is not authorised to be;
- (19) is disrespectful to any officer, or any person (other than a prisoner) who is at the prison for the purpose of working there, or any person visiting a prison;
- (20) uses threatening, abusive or insulting words or behaviour;
- (21) intentionally fails to work properly or, being required to work, refuses to do so;
- (22) disobeys any lawful order;
- (23) disobeys or fails to comply with any rule or regulation applying to him;
- (24) receives any controlled drug, or, without the consent of an officer, any other article, during the course of a visit (not being an interview such as is mentioned in rule 38);
 - (a) (25) (a) attempts to commit,
 - (b) incites another prisoner to commit, or
 - (c) assists another prisoner to commit or to attempt to commit, any of the foregoing offences.

Defences to rule 51(9)

- 52.** It shall be a defence for a prisoner charged with an offence under rule 51(9) to show that:
- (a) the controlled drug had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drug to him by another person;
 - (b) the controlled drug was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
 - (c) the controlled drug was administered by or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.

Disciplinary charges

53.—(1) Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence.

(2) Every charge shall be inquired into by the governor.

(3) Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Sunday or public holiday, after it is laid.

(4) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending the governor's first inquiry.

Rights of prisoners charged

54.—(1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.

(2) At an inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

Governor's punishments

55.—(1) If he finds a prisoner guilty of an offence against discipline the governor may, subject to paragraph (2) and to rule 57, impose one or more of the following punishments:

- (a) caution;
 - (b) forfeiture for a period not exceeding 42 days of any of the privileges under rule 8;
 - (c) exclusion from associated work for a period not exceeding 21 days;
 - (d) stoppage of or deduction from earnings for a period not exceeding 84 days and of an amount not exceeding 42 days earnings;
 - (e) cellular confinement for a period not exceeding 14 days;
 - (f) in the case of a short-term or long-term prisoner, an award of additional days not exceeding 42 days;
 - (g) in the case of a prisoner otherwise entitled to them, forfeiture for any period of the right, under rule 43(1), to have the articles there mentioned.
- (2) An award of a caution shall not be combined with any other punishment for the same charge.
- (3) If a prisoner is found guilty of more than one charge arising out of an incident, punishments under this rule may be ordered to run consecutively but, in the case of an award of additional days, the total period added shall not exceed 42 days and, in the case of an award of cellular confinement, the total period shall not exceed 14 days.
- (4) In imposing a punishment under this rule, the governor shall take into account any guidelines that the Secretary of State may from time to time issue as to the level of punishment that should normally be imposed for a particular offence against discipline.

Forfeiture of remission to be treated as an award of additional days

- 56.—(1) In this rule, “existing prisoner” and “existing licensee” have the meanings assigned to them by paragraph 8(1) of Schedule 12 to the Criminal Justice Act 1991 ^{M1}.
- (2) In relation to any existing prisoner or existing licensee who has forfeited any remission of his sentence, the provisions of Part II of the Criminal Justice Act 1991 shall apply as if he had been awarded such number of additional days as equals the numbers of days of remission which he has forfeited.

Marginal Citations

M1 1991 c. 53.

Offences committed by young persons

- 57.—(1) In the case of an offence against discipline committed by an inmate who was under the age of 21 when the offence was committed (other than an offender in relation to whom the Secretary of State has given a direction under section 13(1) of the Criminal Justice Act 1982 ^{M2} that he shall be treated as if he had been sentenced to imprisonment) rule 55 shall have effect, but—
- (a) the maximum period of forfeiture of privileges under rule 8 shall be 21 days;
 - (b) the maximum period of stoppage of or deduction from earnings shall be 42 days and the maximum amount shall be 21 days;
 - (c) the maximum period of cellular confinement shall be 7 days.
- (2) In the case of an inmate who has been sentenced to a term of youth custody or detention in a young offender institution, and by virtue of a direction of the Secretary of State under section 13 of the Criminal Justice Act 1982, is treated as if he had been sentenced to imprisonment for that term, any punishment imposed on him for an offence against discipline before the said direction was given shall, if it has not been exhausted or remitted, continue to have effect as if made pursuant to rule 55.

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Marginal Citations

M2 1982 c. 48.

Cellular confinement

58. When it is proposed to impose a punishment of cellular confinement, the medical officer, or a medical practitioner such as is mentioned in rule 20(3), shall inform the governor whether there are any medical reasons why the prisoner should not be so dealt with. The governor shall give effect to any recommendation which may be made under this rule.

Prospective award of additional days

59.—(1) Subject to paragraph (2), where an offence against discipline is committed by a prisoner who is detained only on remand, additional days may be awarded notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced.

(2) An award of additional days under paragraph (1) shall have effect only if the prisoner in question subsequently becomes a short-term or long-term prisoner whose sentence is reduced, under section 67 of the Criminal Justice Act 1967^{M3}, by a period which includes the time when the offence against discipline was committed.

Marginal Citations

M3 1967 c. 80.

Suspended punishments

60.—(1) Subject to any directions given by the Secretary of State, the power to impose a disciplinary punishment (other than a caution) shall include power to direct that the punishment is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction), the prisoner commits another offence against discipline and a direction is given under paragraph (2).

(2) Where a prisoner commits an offence against discipline during the period specified in a direction given under paragraph (1) the person dealing with that offence may—

- (a) direct that the suspended punishment shall take effect;
- (b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced;
- (c) vary the original direction by substituting for the period specified a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended punishment.

Remission and mitigation of punishments and quashing of findings of guilt

61.—(1) The Secretary of State may quash any finding of guilt and may remit any punishment or mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

(2) Subject to any directions given by the Secretary of State, the governor may remit or mitigate any punishment imposed by a governor or the board of visitors.

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