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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART VI**  
**SUPPLEMENTAL**

**Delegation by governor**

**81.** The governor of a prison may, with the leave of the Secretary of State, delegate any of his powers and duties under these Rules to another officer of that prison.

**Contracted out prisons**

**82.—(1)** Where the Secretary of State has entered into a contract for the running of a prison under section 84 of the Criminal Justice Act 1991 <sup>M1</sup> ("the 1991 Act") these Rules shall have effect in relation to that prison with the following modifications—

- (a) references to an officer in the Rules shall include references to a prisoner custody officer certified as such under section 89(1) of the 1991 Act and performing custodial duties;
- (b) references to a governor in the Rules shall include references to a director approved by the Secretary of State for the purposes of section 85(1)(a) of the 1991 Act except—

[<sup>F1</sup>(i) in rule 81 the reference to a governor shall include a reference to a controller appointed by the Secretary of State under section 85(1)(b) of the 1991 Act;]

(ii) in rules 62(1), 66 and 77 where references to a governor shall include references to the director and the controller; and

[<sup>F2</sup>(iii) in rules 45, 48, 49, 53, 53A, [<sup>F3</sup>53B,] 54, 55, [<sup>F4</sup>55AB,] 57, 60, 61 [<sup>F4</sup>and 61A] where references to a governor shall include a reference to the director or the controller;]

- (c) rule 68 shall not apply in relation to a prisoner custody officer certified as such under section 89(1) of the 1991 Act and performing custodial duties.

[<sup>F5</sup>(1A) The director of a prison may, with the leave of the Secretary of State, delegate any of his powers and duties under rules 45, 48, 49, 53, 53A, [<sup>F6</sup>53B,] 55, [<sup>F7</sup>55AB,] 57, 60, 61 [<sup>F7</sup>and 61A] to another officer of that prison.]

<sup>F8</sup>(2) .....

**Textual Amendments**

**F1** Rule 82(1)(b)(i) substituted (1.11.2007) by [The Prison \(Amendment\) Rules 2007 \(S.I. 2007/2954\)](#), rules 1, 4

**F2** Rule 82(1)(b)(iii) inserted (2.11.2007) by [The Prison \(Amendment No. 2\) Rules 2007 \(S.I. 2007/3149\)](#), rules 1, **2(2)(a)**

*Status: Point in time view as at 01/12/2020.*

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

- F3** Word in rule 82(1)(b)(iii) 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. 13(a)** (with rule 1(3))
- F4** Words in rule 82(1)(b)(iii) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 1 para. 5** (with rule 4)
- F5** Rule 82(1A) inserted (2.11.2007) by The Prison (Amendment No. 2) Rules 2007 (S.I. 2007/3149), rules 1, **2(2)(b)**
- F6** Word in rule 82(1A) 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. 13(b)** (with rule 1(3))
- F7** Words in rule 82(1A) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 1 para. 5** (with rule 4)
- F8** Rule 82(2) omitted (2.11.2007) by virtue of The Prison (Amendment No. 2) Rules 2007 (S.I. 2007/3149), rules 1, **2(2)(c)**

#### Marginal Citations

- M1** 1991 c. 53.

### Contracted out parts of prisons

**83.** Where the Secretary of State has entered into a contract for the running of part of a prison under section 84(1) of the Criminal Justice Act 1991, that part and the remaining part shall each be treated for the purposes of Parts II to IV and Part VI of these Rules as if they were separate prisons.

### Contracted out functions at directly managed prisons

**84.—**(1) Where the Secretary of State has entered into a contract under section 88A(1) of the Criminal Justice Act 1991 ("the 1991 Act") for any functions at a directly managed prison to be performed by prisoner custody officers who are authorised to perform custodial duties under section 89(1) of the 1991 Act, references to an officer in these Rules shall, subject to paragraph (2), include references to a prisoner custody officer who is so authorised and who is performing contracted out functions for the purposes of, or for purposes connected with, the prison.

(2) Paragraph (1) shall not apply to references to an officer in rule 68.

(3) In this rule, "directly managed prison" has the meaning assigned to it by section 88A(5) of the 1991 Act.

### Revocations and savings

**85.—**(1) Subject to paragraphs (2) and (3) below, the Rules specified in [<sup>F9</sup>Schedule 1] to these Rules are hereby revoked.

(2) Without prejudice to the Interpretation Act 1978 <sup>M2</sup>, where a prisoner committed an offence against discipline contrary to rule 47 of the Prison Rules 1964 <sup>M3</sup> prior to the coming into force of these Rules, those rules shall continue to have effect to permit the prisoner to be charged with such an offence, disciplinary proceedings in relation to such an offence to be continued, and the governor to impose punishment for such an offence.

(3) Without prejudice to the Interpretation Act 1978, any award of additional days or other punishment or suspended punishment for an offence against discipline awarded or imposed under any provision of the rules revoked by this rule, or those rules as saved by paragraph (2), or treated by any such provision as having been awarded or imposed under the rules revoked by this rule, shall have effect as if awarded or imposed under the corresponding provision of these Rules.

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**Textual Amendments**

- F9** Words in rule 85(1) substituted (19.10.2018) by [The Prison and Young Offender Institution \(Amendment\) \(No. 2\) Rules 2018 \(S.I. 2018/960\)](#), rules 1, **2(3)**

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**Marginal Citations**

- M2** 1978 c. 30.  
**M3** S.I. 1964/388.

**Status:**

Point in time view as at 01/12/2020.

**Changes to legislation:**

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