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STATUTORY INSTRUMENTS

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**2000 No. 3371**

**The Young Offender Institution Rules 2000**

**PART II**

**INMATES**

*Conditions*

**Privileges**

6.—(1) There shall be established at every young offender institution systems of privileges approved by the Secretary of State and appropriate to the classes of inmates thereof and their ages, characters and circumstances, which shall include arrangements under which money earned by inmates may be spent by them within the young offender institution.

(2) Systems of privileges approved under paragraph (1) may include arrangements under which inmates may be allowed time outside the cells and in association with one another, in excess of the minimum time which, subject to the other provisions of these Rules apart from this rule, is otherwise allowed to inmates at the young offender institution for this purpose.

(3) Systems of privileges approved under paragraph (1) may include arrangements under which privileges may be granted to inmates only in so far as they have met, and for so long as they continue to meet, specified standards in their behaviour and their performance in work or other activities.

(4) Systems of privileges which include arrangements of the kind referred to in paragraph (3) shall include procedures to be followed in determining whether or not any of the privileges concerned shall be granted, or shall continue to be granted, to an inmate; such procedures shall include a requirement that the inmate be given reasons for any decision adverse to him together with a statement of the means by which he may appeal against it.

(5) Nothing in this rule shall be taken to confer on an inmate any entitlement to any privilege or to affect any provision in these Rules other than this rule as a result of which any privilege may be forfeited or otherwise lost or an inmate deprived of association with other inmates.

**Information to inmates**

7.—(1) Every inmate shall be provided, as soon as possible after his reception into the young offender institution, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which it is necessary that he should know, including earnings and privileges, and the proper method of making requests and complaints.

(2) In the case of an inmate aged under 18, or an inmate aged 18 or over who cannot read or appears to have difficulty in understanding the information so provided, the governor, or an officer deputed by him, shall so explain it to him that he can understand his rights and obligations.

(3) A copy of these Rules shall be made available to any inmate who requests it.

*Status: Point in time view as at 26/09/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Young Offender Institution Rules 2000, Cross Heading: Conditions. (See end of Document for details)*

## Requests and complaints

8.—<sup>F1</sup>(1) An inmate may make a request or complaint to the governor or independent monitoring board relating to the inmate's detention.]

(2) <sup>F2</sup>... The governor shall [<sup>F3</sup>consider as soon as possible any] requests and complaints that are made to him under paragraph (1).

(3) A written request or complaint under paragraph (1) may be made in confidence.

### Textual Amendments

**F1** Rule 8(1) substituted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 2 para. 1\(a\)](#)

**F2** Words in rule 8(2) omitted (26.9.2011) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 2 para. 1\(b\)\(i\)](#)

**F3** Words in rule 8(2) substituted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 2 para. 1\(b\)\(ii\)](#)

## Communications generally

9.—(1) Without prejudice to sections 6 and 19 of the Prison Act 1952 and except as provided by these Rules, an inmate shall not be permitted to communicate with any person outside the young offender institution, or such person with him, except with the leave of the Secretary of State or as a privilege under rule 7.

(2) Notwithstanding paragraph (1), and except as otherwise provided in these Rules, the Secretary of State may impose any restriction or condition, either generally or in a particular case, upon the communications to be permitted between an inmate and other persons if he considers that the restriction or condition to be imposed—

- (a) does not interfere with the Convention rights of any person; or
- (b) is necessary on grounds specified in paragraph (3) below, provided that:
  - (i) reliance on the grounds is compatible with the Convention right to be interfered with; and
  - (ii) the restriction or condition is proportionate to what is sought to be achieved.

(3) The grounds referred to in paragraph (2) are—

- (a) the interests of national security;
- (b) the prevention, detection, investigation or prosecution of crime;
- (c) the interests of public safety;
- (d) securing or maintaining security or good order and discipline in the young offender institution;
- (e) the protection of health or morals;
- (f) the protection of the reputation of others;
- (g) maintaining the authority and impartiality of the judiciary; or
- (h) the protection of the rights and freedoms of any person.

(4) Subject to paragraph (2), the Secretary of State may require that any visit, or class of visits, shall be held in facilities which include special features restricting or preventing physical contact between an inmate and a visitor.

(5) Every visit to an inmate shall take place within the sight of an officer or employee of the young offender institution authorised for the purposes of this rule by the governor (in this rule referred to as an “authorised employee”), unless the Secretary of State otherwise directs, and for the purposes of this paragraph a visit to an inmate shall be taken to take place within the sight of an officer or authorised employee if it can be seen by an officer or authorised employee by means of an overt closed circuit television system.

(6) Subject to rule 13, every visit to an inmate shall take place within the hearing of an officer or authorised employee, unless the Secretary of State otherwise directs.

(7) The Secretary of State may give directions, either generally or in relation to any visit or class of visits, concerning the day and times when inmates may be visited.

(8) In this rule—

- (a) references to communications include references to communications during visits;
- (b) references to restrictions and conditions upon communications include references to restrictions and conditions in relation to the length, duration and frequency of communications; and
- (c) references to Convention rights are to the Convention rights within the meaning of the Human Rights Act 1998 <sup>M1</sup>.

**Marginal Citations**

M1 1998 c. 42.

**Personal letters and visits**

10.—(1) Subject to paragraph (7) an inmate shall be entitled—

- (a) to send and to receive a letter on his reception into a young offender institution and thereafter once a week; and
- (b) to receive a visit twice in every period of four weeks, but only once in every such period if the Secretary of State so directs.

(2) The governor may allow an inmate an additional letter or visit as a privilege under rule 6 or when necessary for his welfare or that of his family.

(3) The governor may allow an inmate entitled to a visit to send and to receive a letter instead.

(4) The governor may defer the right of an inmate to a visit until the expiration of any period of confinement to a cell or room.

(5) The [<sup>F4</sup>independent monitoring board] may allow an inmate an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(6) The Secretary of State may allow additional letters and visits in relation to any inmate or class of inmates.

(7) An inmate shall not be entitled under this rule to receive a visit from—

- (a) any person, whether or not a relative or friend, during any period of time that person is the subject of a prohibition imposed under rule 77; or
- (b) any other person, other than a relative or friend, except with the leave of the Secretary of State.

(8) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this rule.

*Status: Point in time view as at 26/09/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Young Offender Institution Rules 2000, Cross Heading: Conditions. (See end of Document for details)*

### Textual Amendments

- F4** Words in [rule 10\(5\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), [rules 1, 4\(a\)](#)

### Interception of communications

**11.**—(1) The Secretary of State may give directions to any governor concerning the interception in a young offender institution of any communication by any inmate or class of inmates if the Secretary of State considers that the directions are—

- (a) necessary on grounds specified in paragraph (4); and
- (b) proportionate to what is sought to be achieved.

(2) Subject to any directions given by the Secretary of State, the governor may make arrangements for any communication by an inmate or class of inmates to be intercepted in a young offender institution by an officer or an employee of the young offender institution authorised by the governor for the purposes of this rule (referred to in this rule as an “authorised employee”) if he considers that the arrangements are—

- (a) necessary on grounds specified in paragraph (4); and
- (b) proportionate to what is sought to be achieved.

[<sup>F5</sup>(2A) The governor may not make arrangements for interception of any communication between an inmate and

- (a) the inmate’s legal adviser; or
- (b) any body or organisation with which the Secretary of State has made arrangements for the confidential handling of correspondence,

unless the governor has reasonable cause to believe that the communication is being made with the intention of furthering a criminal purpose and unless authorised by [<sup>F6</sup>any one of the following: the chief executive officer of the National Offender Management Service; the director responsible for national operational services of that service; or the duty director of that service].]

(3) Any communication by an inmate may, during the course of its transmission in a young offender institution, be terminated by an officer or an authorised employee if he considers that to terminate the communication is—

- (a) necessary on grounds specified in paragraph (4); and
  - (b) proportionate to what is sought to be achieved by the termination.
- (4) The grounds referred to in paragraphs (1)(a), (2)(a) and (3)(a) are—

- (a) the interests of national security;
- (b) the prevention, detection, investigation or prosecution of crime;
- (c) the interests of public safety;
- (d) securing or maintaining security or good order and discipline in the young offender institution;
- (e) the protection of health or morals; or
- (f) the protection of the rights and freedoms of any person.

(5) Any reference to the grounds specified in paragraph (4) in relation to the interception of a communication by means of a telecommunications system in a young offender institution, or the disclosure or retention of intercepted material from such a communication, shall be taken to be a reference to those grounds with the omission of sub-paragraph (f).

- (6) For the purposes of this rule “interception”—
- (a) in relation to a communication by means of a telecommunications system, means any action taken in relation to the system or its operation so as to make some or all of the contents of the communications available, while being transmitted, to a person other than the sender or intended recipient of the communication; and the contents of a communication are to be taken to be made available to a person while being transmitted where the contents of the communication, while being transmitted, are diverted or recorded so as to be available to a person subsequently; and
  - (b) in relation to any written or drawn communication, includes opening, reading, examining and copying the communication.

#### Textual Amendments

- F5** Rule 11(2A) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 5**
- F6** Words in rule 11(2A) substituted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, **Sch. 2 para. 2**

#### Permanent log of communications

**12.**—(1) The governor may arrange for a permanent log to be kept of all communications by or to an inmate.

(2) The log referred to in paragraph (1) may include, in relation to a communication by means of a telecommunications system in a young offender institution, a record of the destination, duration and cost of the communication and, in relation to any written or drawn communication, a record of the sender and addressee of the communication.

#### Disclosure of material

**[<sup>F7</sup>13.**—(1) Except in accordance with paragraph (2), the governor may not disclose to any person who is not

- (a) an officer of a young offender institution;
- (b) an officer of the Secretary of State;
- (c) an officer of the Youth Justice Board for England and Wales, where the Board has entered into a contract for the provision or running, or both, of the young offender institution; or
- (d) an employee of the young offender institution authorised by the governor for the purpose of this rule,

any intercepted material, information retained pursuant to rule 12 or material obtained by means of an overt closed circuit television system used during a visit.

(2) The governor may disclose the material and information identified in paragraph (1) to persons, other than those mentioned in that paragraph, if:

- (a) he considers that such disclosure is—
  - (i) necessary on the grounds specified in rule 11(4); and
  - (ii) proportionate to what is sought to be achieved by the disclosure;
- (b) in the case of intercepted material or material obtained by means of an overt closed circuit television system used during a visit, all parties to the communication or visit consent to the disclosure; or

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- (c) in the case of information retained pursuant to rule 12, the inmate to whose communication the information relates, consents to the disclosure.]

#### Textual Amendments

- F7** Rule 13 substituted (7.12.2008) by [The Youth Justice Board for England and Wales \(Amendment\) Order 2008 \(S.I. 2008/3155\)](#), arts. 1, 3

#### Retention of material

**14.**—(1) The governor shall not retain any intercepted material or material obtained by means of an overt closed circuit television system used during a visit for a period longer than 3 months beginning with the day on which the material was intercepted or obtained unless he is satisfied that continued retention of it is—

- (a) necessary on grounds specified in rule 11(4); and  
 (b) proportionate to what is sought to be achieved by the continued retention.

(2) Where such material is retained for longer than three months pursuant to paragraph (1) the governor shall review its continued retention at periodic intervals until such time as it is no longer held by the governor.

(3) The first review referred to in paragraph (2) shall take place not more than three months after the decision to retain the material taken pursuant to paragraph (1) and subsequent reviews shall take place not more than three months apart thereafter.

(4) If the governor, on a review conducted pursuant to paragraph (2) or at any other time, is not satisfied that the continued retention of the material satisfies the requirements set out in paragraph (1), he shall arrange for the material to be destroyed.

#### Police interviews

**15.** A police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any inmate willing to see him.

#### [<sup>F8</sup>Visits from] legal advisers

**16.**—(1) [<sup>F9</sup>Where] the legal adviser of an inmate in any legal proceedings, civil or criminal, to which the inmate is a party [<sup>F10</sup>visits the inmate, the legal adviser] shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing of an officer.

(2) [<sup>F11</sup>On such a visit,] an inmate's legal adviser may, with the leave of the Secretary of State, interview the inmate in connection with any other legal business.

#### Textual Amendments

- F8** Words in rule 16 heading inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 6(a)**
- F9** Word in rule 16(1) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 6(b)**
- F10** Words in rule 16(1) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 6(b)**

**F11** Words in rule 16(2) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 6\(c\)](#)

### **[<sup>F12</sup>Delivery and receipt of legally privileged material]**

17.—<sup>F13</sup>(1) An inmate may deliver to, or receive from, the inmate’s legal adviser and any court, either by post or during a legal visit under rule 16, 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) [<sup>F14</sup>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 enclosure shall be dealt with in accordance with the other provisions of these Rules.

(3) [<sup>F15</sup>Material] to which this rule applies may be opened, read and stopped if the governor has reasonable cause to believe its contents endanger prison or young offender institution security or the safety of others or are otherwise of a criminal nature.

(4) An inmate shall be given the opportunity to be present when any [<sup>F16</sup>material] to which this rule applies is opened and shall be informed if it or any enclosure is to be read or stopped.

(5) An inmate shall on request be provided with any writing materials necessary for the purposes of paragraph (1).

(6) In this rule, “court” includes 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 [<sup>F17</sup>material] to or from a person other than the inmate concerned, his legal adviser or a court.

#### **Textual Amendments**

- F12** Rule 17 heading substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 7\(a\)](#)
- F13** Rule 17(1) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 7\(b\)](#)
- F14** Word in rule 17(2) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 7\(c\)](#)
- F15** Word in rule 17(3) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 7\(c\)](#)
- F16** Word in rule 17(4) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 7\(c\)](#)
- F17** Word in rule 17(6) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 7\(c\)](#)

### **Securing release of defaulters**

18. An inmate detained in a young offender institution in default of payment of a fine or any other sum of money may communicate with, and be visited at any reasonable time on a weekday by, any relative or friend for payment in order to secure his release.

### **Clothing**

19.—(1) An inmate shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State.

*Status: Point in time view as at 26/09/2011.*

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(2) The clothing provided under this rule shall include suitable protective clothing for use at work, where this is needed.

(3) Subject to the provisions of rule 45(3), an inmate shall wear clothing provided under this rule and no other, except on the directions of the Secretary of State or as a privilege under rule 6.

(4) An inmate shall where necessary be provided with suitable and adequate clothing on his release.

## Food

**20.**—(1) Subject to any directions of the Secretary of State, no inmate shall be allowed, except as authorised by [<sup>F18</sup>a health care professional][<sup>F19</sup>working within the young offender institution], to have any food other than that ordinarily provided.

(2) The food provided shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.

(3) <sup>F20</sup>... Any person deemed by the governor to be competent, shall from time to time inspect the food both before and after it is cooked, and shall report any deficiency or defect to the governor.

(4) In this rule, "food" includes drink.

### Textual Amendments

**F18** Words in rule 20(1) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, **Sch. para. 3(a)**

**F19** Words in rule 20(1) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 4(a)**

**F20** Words in rule 20(3) omitted (3.1.2006) by virtue of [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, **Sch. para. 3(b)**

## Alcohol and tobacco

**21.**—(1) No inmate shall be allowed to have any intoxicating liquor <sup>F21</sup>....

(2) No inmate shall be allowed to smoke or to have any tobacco except in accordance with any directions of the Secretary of State.

### Textual Amendments

**F21** Words in rule 21(1) omitted (3.1.2006) by virtue of [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, **Sch. para. 4**

## Sleeping accommodation

**22.**—(1) No room or cell shall be used as sleeping accommodation for an inmate unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.

(2) A certificate given under this rule shall specify the maximum number of inmates who may sleep in the room or cell at one time, and the number so specified shall not be exceeded without the leave of the Secretary of State.



### **Beds and bedding**

**23.** Each inmate shall be provided with a separate bed and with separate bedding adequate for warmth and health.

### **Hygiene**

**24.—(1)** Every inmate shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(2) Every inmate shall be required to wash at proper times, have a hot bath or shower on reception and thereafter at least once a week.

(3) An inmate's hair shall not be cut without his consent.

### **Female inmates**

**25.** The Secretary of State may, subject to any conditions he thinks fit, permit a female inmate to have her baby with her in a young offender institution, and everything necessary for the baby's maintenance and care may be provided there.

### **Library books**

**26.** A library shall be provided in every young offender institution and, subject to any directions of the Secretary of State, every inmate shall be allowed to have library books and to exchange them.

**Status:**

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**Changes to legislation:**

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