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STATUTORY INSTRUMENTS

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**2000 No. 3371**

**The Young Offender Institution Rules 2000**

**PART VI**

*Supplemental*

**Delegation by governor**

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

**Contracted out young offender institutions**

**86.—**(1) <sup>M1</sup>Where the Secretary of State has entered into a contract for the running of a young offender institution under section 84 of the Criminal Justice Act 1991 (in this rule “the 1991 Act”) these Rules shall have effect in relation to that young offender institution with the following modifications—

- (a) references to an officer shall include references to a prisoner custody officer certified as such under section 89(1) of the 1991 Act;
- (b) references to a governor 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 85 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; and]
  - (ii) in rules 67(1), 71 and 81 where references to a governor shall include references to a director and a controller;
  - [<sup>F2</sup>(iii) in rules 49, 51, 52, 58, 58A, [<sup>F3</sup>58B,] 60, [<sup>F4</sup>60AB,] 63, 64 [<sup>F4</sup>, 64A] and 65 where references to a governor shall include a reference to the director or the controller;]
- (c) rule 73 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 49, 51, 52, 58, 58A, [<sup>F6</sup>58B,] 60, [<sup>F7</sup>60AB,] 63, 64 [<sup>F7</sup>, 64A] and 65 to another officer of that prison.]

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

**Textual Amendments**

- F1** Rule 86(1)(b)(i) substituted (1.11.2007) by [The Young Offender Institution \(Amendment\) Rules 2007 \(S.I. 2007/2953\)](#), rules 1, 2
- F2** Rule 86(1)(b)(iii) inserted (11.11.2007) by [The Young Offender Institution \(Amendment No. 2\) Rules 2007 \(S.I. 2007/3220\)](#), rules 1, **2(2)(a)**

*Status: Point in time view as at 15/05/2020.*

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

- F3** Word in rule 86(1)(a)(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. 2 para. 15(a)** (with rule 1(3))
- F4** Word in rule 86(1)(b)(iii) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 5** (with art. 4)
- F5** Rule 86(1A) inserted (11.11.2007) by The Young Offender Institution (Amendment No. 2) Rules 2007 (S.I. 2007/3220), rules 1, **2(2)(b)**
- F6** Word in rule 86(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. 2 para. 15(b)** (with rule 1(3))
- F7** Word in rule 86(1A) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 5** (with art. 4)
- F8** Rule 86(2) omitted (11.11.2007) by virtue of The Young Offender Institution (Amendment No. 2) Rules 2007 (S.I. 2007/3220), rules 1, **2(2)(c)**

#### Marginal Citations

- M1** Section 84 was substituted by section 96 of the Criminal Justice and Public Order Act 1994.

#### Contracted out parts of young offender institutions

**87.** Where the Secretary of State has entered into a contract for the running of part of a young offender institution 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 I to IV and Part VI of these Rules as if they were separate young offender institutions.

#### Contracted out functions at directly managed young offender institutions

**88.—**(1) Where the Secretary of State has entered into a contract under section 88A(1) of the Criminal Justice Act 1991 <sup>M2</sup> for any functions at a directly managed young offender institution too be performed by prisoner custody officers who are authorised to perform custodial duties under section 89(1) of that 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 young offender institution.

(2) Paragraph (1) shall not apply to references to an officer in rule 73.

(3) In this rule “directly managed young offender institution” means a young offender institution which is not a contracted out young offender institution.

#### Marginal Citations

- M2** Section 88A was inserted by section 99 of the Criminal Justice and Public Order Act 1994.

#### Revocations and savings

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

(2) Without prejudice to the Interpretation Act 1978 <sup>M3</sup> (“the 1978 Act”), where an inmate committed an offence against discipline contrary to rule 50 of the Young Offender Institution Rules 1988 <sup>M4</sup> (“the 1988 Rules”) prior to the coming into force of these Rules, the 1988 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 1978 Act, 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 the 1988 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.

**Textual Amendments**

**F9** Words in [rule 89\(1\)](#) substituted (19.10.2018) by [The Prison and Young Offender Institution \(Amendment\) \(No. 2\) Rules 2018 \(S.I. 2018/960\)](#), rules 1, **3(2)(b)**

**Marginal Citations**

**M3** [1978 c. 30.](#)

**M4** [S.I. 1988/1422.](#)

**Status:**

Point in time view as at 15/05/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Young Offender Institution Rules 2000, PART VI.