

2005 No. 3438

**YOUNG OFFENDER INSTITUTIONS, ENGLAND
AND WALES**

**The Young Offender Institution (Amendment) (No. 2)
Rules 2005**

<i>Made</i> - - - -	<i>13th December 2005</i>
<i>Laid before Parliament</i>	<i>14th December 2005</i>
<i>Coming into force</i> - -	<i>3rd January 2006</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47 of the Prison Act 1952(a):

1. These Rules may be cited as the Young Offender Institution (Amendment) (No. 2) Rules 2005 and shall come into force on 3rd January 2006.

2. The Young Offender Institution Rules 2000(b) shall have effect subject to the amendments set out in the Schedule to these Rules.

Home Office
13th December 2005

Scotland of Asthal, Q.C.
Minister of State

(a) 1952 c.52. Section 47 was extended by section 43(5) of the same Act. There are amendments which are not relevant to the subject matter of these Rules.
(b) S.I. 2000/3371. There are amendments to the Young Offender Institution Rules 2000 which are not relevant to the subject matter of these Rules.

SCHEDULE

Rule 2

Amendments to the Young Offender Institution Rules 2000

1. In rule 2 (interpretation)—
 - (a) in paragraph (1)—
 - (i) after the definition of “controlled drug” insert—

““fixed-term prisoner” has the meaning assigned to it by section 237(1) of the Criminal Justice Act 2003(a);”;
 - (ii) after the definition of “governor” insert—

““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(b) and who is working within the young offender institution pursuant to rule 27(3);”;
 - (iii) after the definition of “officer” insert—

““registered medical practitioner” and “registered nurse” mean a practitioner or nurse who is working within the young offender institution pursuant to rule 27(3);”;

and
 - (iv) after the definition of “telecommunications system” insert—

““the 2003 Act” means the Criminal Justice Act 2003.”;

and
 - (b) in paragraph (2)(a) after “the Criminal Justice Act 1991(c) add “or by virtue of section 257 of the 2003 Act”.
 2. In rule 5 (temporary release)—
 - (a) paragraph (3)(i) is deleted;
 - (b) in paragraph (7)(a) at the end add “or Chapter 6 of Part 12 of the 2003 Act”;
 - (c) in paragraph (7)(b) after “Part II of the Crime (Sentences) Act 1997 add “or Chapter 6 of Part 12 of the 2003 Act”;
 - (d) for paragraph (10), substitute—

“(10) For the purposes of any reference in this rule to an inmate’s sentence, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.”.
 3. In rule 20 (food)—
 - (a) in paragraph (1) for the words “the medical officer or a medical practitioner” substitute “a health care professional”;
 - (b) in paragraph (3) omit the words “The medical officer, a medical practitioner such as is mentioned in rule 27(3) or”.
 4. In rule 21 (alcohol and tobacco), in paragraph (1) omit from “except under a written order” to the end of that paragraph.
 5. In rule 27 (medical attendance)—
 - (a) for paragraph (2) substitute—

“(2) Every request by an inmate to see a registered medical practitioner, a registered nurse or other health care professional such as is mentioned in paragraph (3) of this rule shall be recorded by the officer to whom it is made and promptly passed on to the medical officer”.
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(a) 2003 c.44.
(b) 2002c.17.
(c) 1991. c. 53.

- (b) for paragraph (3) substitute —
 - “(3) The medical officer may consult—
 - (a) a registered medical practitioner,
 - (b) a registered nurse, or
 - (c) any other health care professional,
 and such a person may work within the young offender institution under the general supervision of the medical officer.”;
 - (c) omit paragraph (4).
- 6.** In rule 28 (special illnesses and conditions)—
 - (a) in paragraph (1) for the words “The medical officer or a medical practitioner” substitute “A registered medical practitioner”;
 - (b) omit paragraph (2).
- 7.** In rule 49 (removal from association)—
 - (a) for paragraph (2) substitute—
 - “(2) An inmate shall not be removed under this rule for a period of more than 72 hours without the authority of the Secretary of State and authority given under this paragraph shall be for a period not exceeding 14 days but it may be renewed from time to time for a like period.”;
 - (b) for paragraph (3) substitute—
 - “(3) The governor may arrange at his discretion for an inmate removed under this rule to resume association with other inmates at any time, and in exercising that discretion the governor must fully consider any recommendation that the inmate resumes association on medical grounds made by a registered medical practitioner or registered nurse such as is mentioned in rule 27(3)”.
- 8.** In rule 51 (temporary confinement), in paragraph (4) omit the words “by a member of a board of visitors or” and “not being an officer of the young offender institution”.
- 9.** In rule 52 (restraints)—
 - (a) in paragraph (3) for the words “the medical officer or a medical practitioner” substitute “the registered medical practitioner or registered nurse”;
 - (b) in paragraph (4) for the words “the medical officer or the medical practitioner” substitute “the registered medical practitioner or registered nurse”;
 - (c) in paragraph (7) for the words “the medical officer or a medical practitioner” substitute “the registered medical practitioner or registered nurse”.
- 10.** In rule 56A(a) (defences), omit paragraph (c)
- 11.** In rule 60A(1)(b)(b) (governor’s punishments), after “long-term prisoner” add “or fixed-term prisoner”.
- 12.** In rule 61 (confinement to a cell or room), for paragraph (1), substitute—
 - “(1) Before deciding whether to impose a punishment of confinement to a cell or room, the governor, adjudicator or reviewer shall first enquire of a registered medical practitioner or registered nurse, such as is mentioned in rule 27(3), as to whether there are any medical reasons why the punishment is unsuitable and shall take this into account when making his decision.”.

(a) Rule 56A was inserted by the Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897).
 (b) Rule 60A was inserted by the Young Offender Institution (Amendment) Rules 2002 (S.I.2002/2117).

13. In rule 65(1A)(b)(a) (adult female inmates: disciplinary punishments), after “long-term prisoner” add “or fixed-term prisoner”.

(a) Rule 65(1A) was inserted by the Young Offender Institution (Amendment) Rules 2002 (S.I.2002/2117).

EXPLANATORY NOTE

(This note is not part of the Rules)

The Schedule to these Rules amends the Young Offender Institution Rules 2000 as follows.

Paragraph 1 amends rule 2 to include a definition of “fixed-term prisoner”, “health care professional” and “the 2003 Act”. It also clarifies that an award of additional days referred to in the Rules includes an award made under section 257 of the Criminal Justice Act 2003 (“the 2003 Act”).

Paragraph 2 amends rule 5 in two ways. First, it deletes sub-paragraph (3)(i) with the result that release on temporary licence for the purpose of making local visits can no longer be earned as privilege. Second, it confirms that all sentences being served consecutively or concurrently are to be treated as a single term for the purposes of calculating eligibility and adds various references to relevant provisions of the 2003 Act.

Paragraph 3 amends rule 20 to enable any person deemed by the governor to be competent to inspect and report on food deficiencies.

Paragraph 4 amends rule 21(1) with the effect that medical officers or practitioners are no longer to prescribe intoxicating liquor to inmates.

Paragraph 5 amends rule 27 to enable registered medical practitioners, registered nurses and other health care professionals to work with medical officers in providing health care for inmates.

Paragraph 6 amends rule 28 to enable the relevant medical practitioner to report to the governor on a prisoner’s health.

Paragraph 7 amends rule 49 to provide that the decision to remove an inmate from association rests with the Secretary of State, and to require the governor to consider any recommendation of a registered medical practitioner when considering whether to return an inmate to association.

Paragraph 8 amends rule 51 removing the role of boards of visitors in authorising temporary confinement of an inmate.

Paragraph 9 amends rule 52 so that registered medical practitioners and registered nurses must be involved in assessing whether inmates can be put in restraints.

Paragraph 10 makes an amendment consequential on the amendment to rule 21.

Paragraph 11 amends rule 60A(1)(b) by inserting a reference to “fixed-term prisoner”.

Paragraph 12 amends rule 61 to enable the governor, adjudicator or reviewer to enquire of a registered medical practitioner or registered nurse whether there are medical reasons why confinement in a cell or room is unsuitable.

Paragraph 13 amends rule 65(1A)(b) by inserting a reference to “fixed-term prisoner”.

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