
STATUTORY INSTRUMENTS

2007 No. 2954

PRISONS, ENGLAND AND WALES

The Prison (Amendment) Rules 2007

Made - - - - *10th October 2007*
Laid before Parliament *11th October 2007*
Coming into force - - *1st November 2007*

The Secretary of State, in exercise of the power conferred by section 47 of the Prison Act 1952(1), makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Prison (Amendment) Rules 2007 and shall come into force on 1st November 2007.

Amendment of the Prison Rules 1999

2. The Prison Rules 1999(2) are amended as follows.

3. In rule 79—

- (a) in paragraph (1) for “board of visitors” substitute “independent monitoring board”;
- (b) for paragraph (3) substitute—

“(3) A member of the board shall have access to the records of the prison, except that members of the board shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 2 of the Regulation of Investigatory Powers Act 2000(3).”

4. For rule 82(1)(b)(i) substitute—

“(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; and”.

(1) 1952 c.52
(2) S.I. 1999/728. Rule 82 has been amended by S.I.2002/2116.
(3) 2000 c.23.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by the authority of the Secretary of State

10th October 2007

David Hanson
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (“the 1999 Rules”). They provide for the change of name from “boards of visitors” to “independent monitoring boards” in line with recent amendments to the Prison Act 1952 (c.52) introduced in the Offender Management Act 2007(c.21).

They also make amendments to rule 79(3) which relates to access to the records of the prison by members of the independent monitoring board. They provide that members of the board shall have access to the records of the prison, except that they shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 2 of the Regulation of Investigatory Powers Act 2000 (c.23), which relates to surveillance and covert human intelligence sources.

They also amend the Rules to reflect changes to the powers and responsibilities of directors in contracted out prisons within the meaning of the Criminal Justice Act 1991. The changes in question are made by section 19 of the Offender Management Act 2007 (c. 21) so as to enable a director to conduct certain disciplinary hearings relating to prisoners and to take specified measures relating to the segregation and restraint of prisoners, whether or not the need for those measures is urgent.

These Rules remove references from the 1999 Rules that reflected the prohibition on directors carrying out those tasks which was in place prior to the changes made by the 2007 Act.