

**2007 No. 3149**

**PRISONS, ENGLAND AND WALES**

**The Prison (Amendment No. 2) Rules 2007**

*Made* - - - - *1st November 2007*

*Laid before Parliament* *2nd November 2007*

*Coming into force* - - *2nd November 2007*

The Secretary of State, in exercise of the power conferred by section 47 of the Prison Act 1952<sup>(a)</sup>, makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Prison (Amendment No.2) Rules 2007 and shall come into force on the day after the day on which they are made.

**Amendment of the Prison Rules 1999**

2.—(1) The Prison Rules 1999<sup>(b)</sup> are amended as follows.

(2) In rule 82—

(a) after paragraph (1)(b)(ii) insert—

“(iii) in rules 45, 48, 49, 53, 53A, 54, 55, 57, 60 and 61 where references to a governor shall include a reference to the director or the controller;”;

(b) after paragraph (1) insert—

“(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, 55, 57, 60 and 61 to another officer of that prison.”;

(c) omit paragraph (2).

Signed by authority of the Lord Chancellor

1st November 2007

*David Hanson*  
Minister of State  
Ministry of Justice

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<sup>(a)</sup> 1952 c.52

<sup>(b)</sup> S.I. 1999/728. Rule 82 has been amended by S.I.2002/2116 and 2007/2954.

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Prison Rules 1999 (“the 1999 Rules”) as a consequence of changes to the powers and responsibilities of directors and controllers in contracted out prisons within the meaning of the Criminal Justice Act 1991 (“the 1991 Act”).

Restrictions on the powers of directors to carry out certain disciplinary hearings relating to prisoners, and to take specified measures relating to the segregation and restraint of prisoners, were removed by an amendment to the 1991 Act made by section 19 of the Offender Management Act 2007 (c. 21). The Prison (Amendment) Rules 2007 (S.I. 2007/2954) provided that, in relation to these functions, where references in the Prison Rules to a governor were previously to include reference to a controller, those references were to be read as references to a director.

Certain of those functions may, where necessary, continue to be carried out by a controller as well as a director and these Rules further amend the Prison Rules to provide that references to a governor in relation to those functions include references to either a director or a controller. These Rules also allow a director, with the leave of the Secretary of State, to delegate his functions in relation to adjudications, which will allow appropriately qualified officers to carry out adjudications on behalf of the director in contracted out prisons.

The amendment also removes rule 82(2), which referred to powers in s85(3)(b) of the 1991 Act, which was removed by the amendment to the 1991 Act.

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