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STATUTORY INSTRUMENTS

2007 No. 3220

YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES

The Young Offender Institution (Amendment No. 2) Rules 2007

<i>Made</i>	- - - -	<i>10th November 2007</i>
<i>Coming into force</i>		<i>11th November 2007</i>
<i>Laid before Parliament</i>		<i>12th November 2007</i>

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

Citation and commencement

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

Amendment of the Young Offender Institution Rules 2000

2.—(1) The Young Offender Institution Rules 2000(b) are amended as follows.

(2) In rule 86 (contracted out young offender institutions)—

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

“(iii) in rules 49, 51, 52, 58, 58A, 60, 63, 64 and 65 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 49, 51, 52, 58, 58A, 60, 63, 64 and 65 to another officer of that prison.”;

(c) omit paragraph (2).

Signed by authority of the Secretary of State

10th November 2007

David Hanson
Minister of State
Ministry of Justice

(a) 1952 c.52.

(b) S.I. 2000/3371. Rule 82 has been amended by S.I. 2002/2117 and S.I. 2007/2953.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Young Offender Institution Rules 2000 (“the 2000 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 inmates, and to take specified measures relating to the segregation and restraint of inmates, were removed by an amendment to the 1991 Act made by section 19 of the Offender Management Act 2007 (c. 21). The Young Offender Institution (Amendment) Rules 2007 (S.I. 2007/2953) provided that, in relation to these functions, where references in the Young Offender Institution 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 Young Offender Institution 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 removal from association, temporary confinement, restraint and adjudications, which will allow other officers to carry out adjudications on behalf of the director in contracted out prisons.

The amendment also removes rule 86(2), which referred to powers in section 85(3)(b) of the 1991 Act, which was removed by the amendment to the 1991 Act.

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