

## SCHEDULE 1

Rule 2

### Amendment of the Prison Rules 1999

#### 1. After rule 55A(1) (adjudicator's punishments) insert—

##### **“Requirement to pay for damage to prison property**

**55AB.**—(1) This rule applies where a prisoner is found guilty of an offence under rule 51(17) or 51(17A) in respect of destroying or damaging any part of a prison or any other property belonging to a prison (“the relevant disciplinary offence”).

(2) The governor or, as the case may be, the adjudicator must require the prisoner to pay for the cost of making good the damage from, or replacing any property destroyed as a result of, the commission of the relevant disciplinary offence.

(3) A requirement imposed under paragraph (2) is referred to in this rule and in rules 55B, 61 and 61A as a “compensation requirement”.

(4) The amount required to be paid under a compensation requirement must not exceed the cost of making good the damage from, or replacing any property destroyed as a result of, the commission of the relevant disciplinary offence and, in any event, must not exceed £2,000.

(5) A compensation requirement may be imposed instead of or in addition to any punishment imposed under rule 55 or 55A.

(6) A compensation requirement ceases to have effect after two years from the date on which it was imposed regardless of whether or not the full amount has been paid.”.

#### 2. In rule 55B(2)(review of adjudicator's punishment)—

##### (1) In paragraph (2)—

(a) for “Where a punishment is imposed by an adjudicator under rule 55A(1)” substitute “Where an adjudicator imposes a punishment under rule 55A(1), a compensation requirement under rule 55AB(2) or both”;

(b) after “receipt of the punishment” insert “or the imposition of the compensation requirement, whichever is later”.

##### (2) For paragraph (4) substitute—

“(4) The review may be of the punishment, the compensation requirement or both (whether or not the prisoner requested a review of both) but must not be a review of the finding of guilt under rule 55A.”.

##### (3) In paragraph (5)—

(a) for “punishment imposed” substitute “imposition of the punishment, the compensation requirement or both”;

(b) after “he may” insert “do such of the following as he considers appropriate”;

(c) in sub-paragraph (b) omit “or”;

(d) after sub-paragraph (c) insert—

“(d) reduce the amount of the compensation requirement.”.

#### 3. In rule 61(3) (remission and mitigation of punishments and quashing of findings of guilt)—

(1) Rule 55A was inserted by [S.I. 2002/2116](#). There is an amendment but it is not relevant.

(2) Rule 55B was inserted by [S.I. 2005/869](#) and was amended by [S.I. 2006/680](#).

(3) Rule 61 was amended by [S.I. 2005/869](#) and [S.I. 2008/597](#).

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(1) After paragraph (1) insert—

“(1A) Where a compensation requirement has been imposed by a governor under rule 55AB(2), the Secretary of State may reduce the amount of the requirement.”.

(2) In the title after “punishments” insert “, variation of compensation requirements”.

4. After rule 61 insert—

**“Enforcement of compensation requirements**

**61A.**—(1) Where a compensation requirement has been imposed under rule 55AB(2), the governor may debit any amount of money with which the prisoner has been credited in the books of the prison under rule 43(3) in order to recover the whole or part of the amount required to be paid under the compensation requirement.

(2) The amount debited under paragraph (1) on any occasion must not be such as to reduce below £5 the amount with which the prisoner is credited in the books of the prison under rule 43(3).

(3) Where—

(a) a compensation requirement has been imposed under rule 60AB(2) of the Young Offender Rules 2000(4), and

(b) the person against whom the compensation requirement was imposed is detained in a prison,

the compensation order may be enforced under paragraph (1) as if it was a compensation requirement imposed under rule 55AB(2).”.

5. In rule 82(5) (contracted out prisons), in paragraphs (1)(b)(iii) and (1A), after “55,” insert “55AB,” and after “61” insert “ and 61A”.

SCHEDULE 2

Rule 3

Amendment of the Young Offender Institution Rules 2000

1. After rule 60A(6) insert—

**“Requirement to pay for damage to young offender institution property**

**60AB.**—(1) This rule applies where an inmate is found guilty of an offence under rule 55(18) or 55(19) in respect of destroying or damaging any part of a young offender institution or any other property belonging to a young offender institution (“the relevant disciplinary offence”).

(2) The governor or, as the case may be, the adjudicator must require the inmate to pay for the cost of making good the damage from, or replacing any property destroyed as a result of, the commission of the relevant disciplinary offence.

(3) A requirement imposed under paragraph (2) is referred to in this rule and in rules 60B, 64 and 64A as a “compensation requirement”.

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(4) [S.I. 2000/3371](#).

(5) Rule 82 was amended by [S.I. 2007/2954](#) and [S.I. 2007/3149](#).

(6) Rule 60A was inserted by [S.I. 2002/2117](#). There is an amendment to rule 60A but it is not relevant.

(4) The amount required to be paid under a compensation requirement must not exceed the cost of making good the damage from, or replacing any property destroyed as a result of, the relevant disciplinary offence and, in any event, must not exceed £2,000.

(5) A compensation requirement may be imposed instead of or in addition to any punishment imposed under rule 60, 60A or 65.

(6) A compensation requirement ceases to have effect after two years from the date on which it was imposed regardless of whether or not the full amount has been paid.”.

**2. In rule 60B(7) (review of adjudicator’s punishment)—**

(1) In paragraph (2)—

- (a) for “Where a punishment is imposed by an adjudicator under rule 60A(1) or rule 65(1A)” substitute “Where an adjudicator imposes a punishment under rule 60A(1) or rule 65(1A), a compensation requirement under rule 60AB(2), or both”;
- (b) after “receipt of the punishment” insert “or the imposition of the compensation requirement, whichever is later”.

(2) For paragraph (4) substitute—

“(4) The review may be of the punishment, the compensation requirement or both (whether or not the inmate requested a review of both) but must not be a review of the finding of guilt.”.

(3) In paragraph (5)—

- (a) for “punishment imposed” substitute “imposition of the punishment, the compensation requirement or both”;
- (b) after “he may” insert “do such of the following as he considers appropriate”;
- (c) in sub-paragraph (b) omit “or”;
- (d) after sub-paragraph (c) insert—
  - “(d) reduce the amount of the compensation requirement.”.

**3. In rule 64(8) (remission and mitigation of punishments and quashing of findings of guilt)—**

(1) After paragraph (1) insert—

“(1A) Where a compensation requirement has been imposed by a governor under rule 60AB(2), the Secretary of State may reduce the amount of the requirement.”.

(2) In the title after “punishments” insert “, variation of compensation requirements”.

**4. After rule 64 (remission and mitigation of punishments and quashing of findings of guilt) insert—**

**“Enforcement of compensation requirements**

**64A.**—(1) Where a compensation requirement has been imposed under rule 60AB(2), the governor may debit any amount of money with which the inmate has been credited in the books of the young offender institution under rule 48(2) in order to recover the whole or part of the amount required to be paid under the compensation requirement.

(2) The amount debited under paragraph (1) on any occasion must not be such as to reduce below £5 the amount with which the inmate is credited in the books of the young offender institution under rule 48(2).”.

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(7) Rule 60B was inserted by [S.I. 2005/897](#) and was amended by [S.I. 2006/860](#).

(8) Rule 64 was amended by [S.I. 2005/897](#) and [S.I. 2008/599](#).

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5. In rule 86(9) (contracted out young offender institutions), in paragraphs (1)(b)(iii) and (1A), after “60,” insert “60AB,” and after “64” insert “ , 64A”.

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(9) Rule 86 was amended by [S.I. 2007/2953](#) and [S.I. 2007/3220](#).