
STATUTORY INSTRUMENTS

2014 No. 2169

**The Prison and Young Offender
Institution (Amendment) Rules 2014**

Amendment of the Young Offender Institution Rules 2000

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

(2) In rule 2(1)(2) (interpretation), omit the definitions of “short-term prisoner” and “long-term prisoner”.

(3) In rule 4 (classification of inmates)—

- (a) for “Inmates” substitute “(1) Subject to paragraphs (2) to (5), inmates”; and
- (b) after paragraph (1) (as renumbered by the amendment in paragraph (3)(a) of this rule) insert—

“(2) Except where paragraph (5) applies, an inmate who has the relevant deportation status must not be classified as suitable for open conditions.

(3) If, immediately before the relevant time—

- (a) an inmate has been classified as suitable for open conditions; and
- (b) the young offender institution has received notice that the inmate has the relevant deportation status,

the inmate’s classification must be reconsidered in accordance with this rule as soon as practicable after the relevant time.

(4) If—

- (a) an inmate has been classified as suitable for open conditions (whether before or after the relevant time); and
- (b) the young offender institution receives notice after the relevant time that the inmate has the relevant deportation status,

the inmate’s classification must be reconsidered in accordance with this rule as soon as practicable after the young offender institution receives that notice.

(5) This paragraph applies if an inmate has been classified as suitable for open conditions and is located in open conditions immediately before the inmate’s classification is reconsidered, whether under paragraph (3) or (4) or otherwise.

(6) For the purposes of this rule, an inmate has the relevant deportation status if—

- (a) there is a deportation order against the inmate under section 5(1) of the Immigration Act 1971; and
- (b) no appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”) that may be brought or continued from within the United Kingdom in relation to the decision to make the deportation order—

(1) S.I. 2000/3371.

(2) There have been amendments but none are relevant.

- (i) could be brought (ignoring any possibility of an appeal out of time with permission), or
 - (ii) is pending (within the meaning of section 104 of the 2002 Act).
- (7) In paragraph (6), the reference to the decision to make a deportation order includes a decision that section 32(5) of the UK Borders Act 2007 applies in respect of the inmate.
- (8) In this rule, “the relevant time” means 5.00 p.m on 13th August 2014.”.
- (4) In rule 5(3) (temporary release)—
 - (a) in paragraph (1) for “The Secretary of State” substitute “Subject to paragraph (1A), the Secretary of State”;
 - (b) after paragraph (1) insert—

“(1A) An inmate who has the relevant deportation status must not be released under this rule unless the inmate is located in open conditions immediately before the time of release.”;
 - (c) after paragraph (8) insert—

“(8A) If, immediately before the relevant time, an inmate has been released under this rule and the young offender institution has received notice that the inmate has the relevant deportation status, the inmate must be recalled unless—

 - (a) the period for which the inmate has been released is due to expire on 13th August 2014; or
 - (b) the inmate was released from open conditions.

(8B) If an inmate has been released under this rule (whether before or after the relevant time) and the young offender institution receives notice after the relevant time that the inmate has the relevant deportation status, the inmate must be recalled unless—

 - (a) the period for which the inmate has been released is due to expire on the day on which the young offender institution receives that notice; or
 - (b) the inmate was released from open conditions.”; and
 - (d) after paragraph (11) insert—

“(12) In this rule—

 - (a) any reference to an inmate who has the relevant deportation status is to be read in accordance with rule 4(6) and (7); and
 - (b) any reference to the relevant time is to be read in accordance with rule 4(8).”.
 - (5) In rule 60A(1)(b)(4) (adjudicator’s punishments) omit “short-term prisoner or long-term prisoner or”.
 - (6) In rule 65(1A)(b)(5) (adult female inmates: disciplinary punishments) omit “short-term or long-term prisoner or”.

(3) There have been amendments but none are relevant.

(4) Rule 60A was inserted by [S.I. 2002/2117](#) and amended by [S.I. 2005/3438](#).

(5) Rule 65(1A) was inserted by [S.I. 2002/2117](#) and amended by [S.I. 2005/3438](#).