
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”) and the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”).

In summary, the main changes made are: to remove the requirement for the Secretary of State to approve local systems of privilege, to prohibit prisoners from smoking other than in accordance with the directions of the Secretary of State, to add some additional articles associated with smoking onto List C, and to insert a new definition of electronic cigarettes.

Rule 2(2) inserts a definition of “electronic cigarette” in rule 2 (interpretation) of the 1999 Rules. Rule 2(3) removes the requirement for systems of privilege established at every prison to be approved by the Secretary of State.

Rule 2(4) amends rule 25(2) (alcohol and tobacco) of the 1999 Rules to remove the possibility of prisoners being allowed to smoke as a privilege or in accordance with any governor orders. The effect of the change is to prohibit prisoners from smoking or having tobacco, except in accordance with directions from the Secretary of State. Rule 2(5) amends rule 70A (List C Articles) of the 1999 Rules to add electronic cigarettes, matches and lighters onto List C.

Items on List C are subject to the offences in section 40C(2) (conveyance etc. of List B or C articles into or out of prison) of the Prison Act 1952 (c. 52). The effect of adding these items onto List C is that it will be a criminal offence to convey them into or out of prison, with an applicable maximum penalty of a fine not exceeding level 3 on the standard scale.

Rule 3 makes the equivalent changes in relation to systems of privilege and List C for the 2000 Rules.

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.