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## 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”). The amendments provide for coronavirus restricted temporary release (“CRTR”) of certain offenders directed by the Secretary of State in response to the coronavirus pandemic.

Rule 2 inserts a new rule 9A into the 1999 Rules. This provides that, during a transmission control period, as defined in paragraph 5 of Schedule 21 to the Coronavirus Act 2020 (c. 7), the Secretary of State may issue a direction describing a class or classes of prisoners who will be released, for the purposes of managing coronavirus in the prison estate or managing appropriate prison staffing, and may then release those specified in a direction. Only fixed term prisoners who are eventually to be released on licence under section 244 of the Criminal Justice Act 2003, or fine defaulters or contemnors who are eventually to be released under section 258 of the Criminal Justice Act 2003 (excluding certain categories of prisoners listed in new paragraph (3)), are eligible for CRTR. Prisoners may only be released during a transmission control period.

Paragraphs (4), (5), (6) and (7) of new rule 9A set the parameters for release periods and conditions to which offenders will be subject on CRTR, including recall to custody at any time.

Paragraphs (3) and (4) of rule 2 makes consequential amendment to rule 51 to ensure breaches committed on CRTR are classified as offences against discipline.

Rule 3 inserts a new rule 5A into the 2000 Rules, which provides the same CRTR power and consequential provision for inmates serving their sentences in a young offender institution. Inmates serving a detention and training order will also be eligible for CRTR, subject to exclusions in new paragraph (3).

A full impact assessment will be produced for this instrument and published on the [legislation.gov.uk](https://www.legislation.gov.uk) website.