

**2020 No. 508**

**PRISONS, ENGLAND AND WALES**

**YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES**

**The Prison and Young Offender Institution (Coronavirus)  
(Amendment) (No. 2) Rules 2020**

*Made* - - - - *13th May 2020*

*Laid before Parliament* *14th May 2020*

*Coming into force in accordance with rule 1(1) and (2)*

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) of the Prison Act 1952(a).

**Citation, commencement and expiry**

**1.**—(1) These Rules may be cited as the Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020 and, except as provided in paragraph (2), come into force on 15th May 2020.

(2) The amendments made by rule 2 and rule 3 come into force on 25th March 2022.

(3) These Rules, except for paragraph (2), rule 2 and rule 3, cease to have effect on 25th March 2022.

**Amendment of the Prison Rules 1999**

**2.**—(1) The Prison Rules 1999(b) are amended as follows.

(2) Omit rule 9A (coronavirus restricted temporary release)(c).

(3) In rule 51(8) and (9), omit “or rule 9A”.

**Amendment of the Young Offender Institution Rules 2000**

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

(2) Omit rule 5A (coronavirus restricted temporary release)(e).

(3) In rule 55(9) and 55(10), omit “or rule 5A”.

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(a) 1952 c. 52; section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2).

(b) S.I. 1999/728.

(c) Rule 9A was inserted by S.I. 2020/400.

(d) S.I. 2000/3371.

(e) Rule 5A was inserted by S.I. 2020/400.

## Temporary modification of the Prison Rules 1999

4. Schedule 1 contains temporary modifications of the Prison Rules 1999.

## Temporary modification of the Young Offender Institution Rules 2000

5. Schedule 2 contains temporary modifications of the Young Offender Institution Rules 2000.

13th May 2020

*Lucy Frazer*  
Minister of State  
Ministry of Justice

# SCHEDULE 1

Rule 4

## Modification of the Prison Rules 1999

1. The Prison Rules 1999 have effect as if amended in accordance with paragraphs 2 to 13.
2. In rule 2(1) (interpretation)(a)—
  - (a) after the definition of “convicted prisoner” insert—

““coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);

“coronavirus period” means the period of time inclusive of a transmission control period and the transition period which follows it;”;
  - (b) after the definition of “the 2003 Act” insert—

““the 2020 Act” means the Coronavirus Act 2020**(b)**;

“transition period” means the period provided for by rule 2A;

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.
3. After rule 2 insert—

### “Coronavirus period – transition period

**2A.**—(1) Subject to paragraphs (2) to (5), a transition period is the period of 3 months starting on the date on which a transmission control period ends.

(2) The Secretary of State may declare that a transition period is extended by such period of up to 1 month as is specified in the declaration, if the Secretary of State considers that the declaration is necessary as a result of the effects, existing or new, of coronavirus on or in relation to prisoners or prisons.

(3) The Secretary of State—

- (a) may declare that a transition period which has already been extended is further extended by such period of up to 1 month as is specified in the declaration; and
- (b) subject to paragraph (4), may make further such declarations.

(4) The total period of the transition period must not exceed 6 months.

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(a) There are amending instruments but none is relevant.  
(b) 2020 c. 7.

(5) The Secretary of State may at any time declare that a transition period has ended, or is to end, on such date, earlier than the transition period would otherwise end as is specified in the declaration.

(6) Any declaration under paragraph (2), (3) or (5) must be published in such a manner as the Secretary of State considers appropriate.”.

**4. In rule 14 (special duties of chaplains and prison ministers)—**

- (a) in paragraph (1), after “shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”;
- (b) in paragraph (2), after “The chaplain shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”;
- (c) in paragraph (3), after “The chaplain shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**5. In rule 16(1) (religious services), after “The chaplain shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.**

**6. In rule 32 (education)—**

- (a) in paragraph (2), after “Educational classes shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”;
- (b) in paragraph (4), after “arrangements shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**7. After rule 35(2A) (personal letters and visits)(a) insert—**

“(2B) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1), (2)(b) and (2A), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to prisoners or the prison and proportionate to what is sought to be achieved.”.

**8. In rule 46(2) (close supervision centres)(b), after “for a period not exceeding one month” insert “, or, during a coronavirus period, three months,”.**

**9. In rule 53(3) (disciplinary charges)(c), after “in accordance with rule 55A(5)” insert “or 53B(3)”.**

**10. In rule 53A(3)(a) (determination of mode of inquiry)(d), after the words “charge by the governor” insert “, including an inquiry by the governor under rule 53B(2)”.**

**11. After rule 53A (determination of mode of inquiry) insert—**

**“Determination of mode of inquiry in a coronavirus period**

**53B.—(1) This rule applies during a coronavirus period.**

(2) Where a charge has been referred to an adjudicator under rule 53A or rule 60(3)(b) and the Senior District Judge (Chief Magistrate) considers that because of the effects of coronavirus it is not reasonably practicable for the charge to be—

- (a) first inquired into by an adjudicator in accordance with rule 53(3)(b) or rule 53A(3); or
- (b) continued to be inquired into by an adjudicator,

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(a) Rule 35(2A) was inserted by S.I. 2003/3301.

(b) Rule 46(2) was amended by S.I. 2000/1794.

(c) Rule 53(3) was amended by S.I. 2002/2116 and S.I. 2011/1663.

(d) Rule 53A(3) was inserted by S.I. 2002/2116 and amended by S.I. 2011/1663.

the Senior District Judge (Chief Magistrate) may refer the charge back to the governor as soon as possible for the governor to inquire into it.

(3) A charge referred back to the governor under paragraph (2) shall be first inquired into by the governor not later, save in exceptional circumstances, than 14 days after the Senior District Judge (Chief Magistrate) referred the charge back.

(4) A charge inquired into by the governor under paragraph (2) is not to be treated as one being inquired into by an adjudicator, and accordingly the governor cannot impose a punishment under rule 55A (adjudicator’s punishments).

(5) This rule applies to a prisoner who has been charged with having committed an offence against discipline and referred to an adjudicator under rule 53A or 60(3)(b) before the date on which the rule came into force in the same way as it applies to a prisoner who has been charged with having committed an offence against discipline on or after that date.”

**12. In rule 73 (visitors)(a)—**

(a) after paragraph (1) insert—

“(1A) During a coronavirus period, the Secretary of State may prohibit visits by all persons or classes of persons to a prison or to a prisoner in a prison for such periods of time as the Secretary of State considers necessary, if the Secretary of State considers that such prohibition is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to prisoners or the prison.”;

(b) in paragraph (2), for “Paragraph (1)” substitute “Paragraphs (1) and (1A)”.

**13. In rule 82 (contracted out prisons)(b)—**

(a) in paragraph (1)(b)(iii), after “53A,” insert “53B,”;

(b) in paragraph (1A), after “53A,” insert “53B,”.

## SCHEDULE 2

Rule 5

### Modification of the Young Offender Institution Rules 2000

**1.** The Young Offender Institution Rules 2000 have effect as if amended in accordance with paragraphs 2 to 15.

**2. In rule 2(1) (interpretation)(c)—**

(a) after the definition of “controlled drug” insert—

““coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);

“coronavirus period” means the period of time inclusive of a transmission control period and the transition period which follows it;”;

(b) after the definition of “the 2003 Act” insert—

““the 2020 Act” means the Coronavirus Act 2020;

“transition period” means the period provided for by rule 2A;

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.

**3. After rule 2 insert—**

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(a) Rule 73 was amended by S.I. 2000/2641 and S.I. 2008/597.  
(b) Rule 82 was amended by S.I. 2007/2954, S.I. 2007/3149 and S.I. 2013/2462.  
(c) There are amending instruments but none is relevant.

**“Coronavirus period – transition period**

**2A.**—(1) Subject to paragraphs (2) to (5), a transition period is the period of 3 months starting on the date on which a transmission control period ends.

(2) The Secretary of State may declare that a transition period is extended by such period of up to 1 month as specified in the declaration, if the Secretary of State considers that the declaration is necessary as a result of the effects, existing or new, of coronavirus on or in relation to inmates or young offender institutions.

(3) The Secretary of State—

(a) may declare that a transition period which has already been extended is further extended by such period of up to 1 month as is specified in the declaration; and

(b) subject to paragraph (4), may make further such declarations.

(4) The total period of the transition period must not exceed 6 months.

(5) The Secretary of State may at any time declare that a transition period has ended, or is to end, on such date, earlier than the transition period would otherwise end as is specified in the declaration.

(6) Any declaration under paragraph (2), (3) or (5) must be published in such a manner as the Secretary of State considers appropriate.”.

**4.** After rule 10(1) (personal letters and visits) insert—

“(1A) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1)(b), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution and proportionate to what is sought to be achieved.”.

**5.** In rule 31 (special duties of chaplains and appointed ministers)—

(a) in paragraph (1), after “shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”;

(b) in paragraph (2), after “The chaplain shall” insert “(or during a coronavirus period shall so far as reasonably practicable),”;

(c) in paragraph (3), after “the chaplain shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**6.** In rule 33(1) (religious services), after “The chaplain shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**7.** In rule 37(1) (regime activities), after “An inmate shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**8.** In rule 38 (education)—

(a) in paragraph (1), after “Provision shall” insert “(or during a coronavirus period shall so far as reasonable practicable)”;

(b) in paragraph (2), after “arrangements shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**9.** In rule 39(1) (training courses), after “Provision shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

**10.** In rule 41(physical education)—

(a) in paragraph (1), after “Provision shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”;

(b) in paragraph (2), after “Arrangements shall” insert “(or during a coronavirus period shall so far as reasonably practicable)”.

11. In rule 58(3) (disciplinary charges)(a), for “or rule 65(4)” substitute “, rule 65(4) or rule 58B(3)”.

12. In rule 58A(3)(a) (determination of mode of inquiry)(b), after the words “charge by the governor” insert “, including an inquiry by the governor under rule 58B(2)”.

13. After rule 58A (determination of mode of inquiry) insert—

**“Determination of mode of inquiry in a coronavirus period**

**58B.**—(1) This rule applies during a coronavirus period.

(2) Where a charge has been referred to an adjudicator under rule 58A or rule 63(3)(b) and the Senior District Judge (Chief Magistrate) considers that because of the effects of coronavirus it is not reasonably practicable for the charge to be—

(a) first inquired into by an adjudicator in accordance with rule 58(3)(b) or rule 58A(3); or

(b) continued to be inquired into by an adjudicator,

the Senior District Judge (Chief Magistrate) may refer the charge back to the governor as soon as possible for the governor to inquire into it.

(3) A charge referred back to the governor under paragraph (2) shall be first inquired into by the governor not later, save in exceptional circumstances, than 14 days after the Senior District Judge (Chief Magistrate) referred the charge back.

(4) A charge inquired into by the governor under paragraph (2) is not to be treated as one being inquired into by an adjudicator, and accordingly the governor cannot impose a punishment under rule 60A (adjudicator’s punishments).

(5) This rule applies to an inmate who has been charged with having committed an offence against discipline and referred to an adjudication under rule 58A or 63(3)(b) before the date on which the rule came into force in the same way as it applies to an inmate who has been charged with having committed an offence against discipline on or after that date.”

14. In rule 77 (visitors)(c)—

(a) after rule 77(1) insert—

“(1A) During a coronavirus period, the Secretary of State may prohibit visits by all persons or classes of persons to a young offender institution or to an inmate in a young offender institution for such periods of time as the Secretary of State considers necessary, if the Secretary of State considers that such prohibition is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution.”.

(b) in paragraph (2), for “Paragraph (1)” substitute “Paragraph (1) and (1A)”.

15. In rule 86 (contracted out young offender institutions)(d)—

(a) in paragraph (1)(a)(iii), after “58A,” insert “58B,”;

(b) in paragraph (1A), after “58A,” insert “58B,”.

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(a) Rule 58(3) was amended by S.I. 2002/2117 and S.I. 2011/1663.  
(b) Rule 58A(3) was inserted by S.I. 2002/2117 and amended by S.I. 2011/1663.  
(c) Rule 77 was amended by S.I. 2008/599.  
(d) Rule 86 was amended by S.I. 2007/2953, S.I. 2007/3220 and S.I. 2013/2462.

## 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 are in response to the effect of the coronavirus pandemic in prisons and young offender institutions and apply during a coronavirus period.

Rules 2 and 3 provide that rule 9A of the 1999 Rules and rule 5A of the 2000 Rules cease to have effect on 25th March 2022.

Schedule 1 makes temporary modifications to the 1999 Rules to have effect until 25th March 2022. Paragraph 2 of Schedule 1 inserts new definitions into the 1999 Rules and defines a “coronavirus period”.

Paragraph 3 of Schedule 1 inserts a new rule 2A into the 1999 Rules to provide the period of time of a “transition period”. The transition period is for 3 months and the Secretary of State may extend for subsequent periods of up to 1 month up to a total of 3 months.

Paragraphs 4 to 6 and 8 of Schedule 1 modifies various rules in the 1999 Rules to provide greater flexibility to comply with the requirements in the rule during a coronavirus period.

Paragraph 7 of Schedule 1 modifies rule 35 of the 1999 Rules to allow the Secretary of State to suspend a prisoner’s statutory entitlement to visits under rule 35 where necessary as a result of effects arising from coronavirus.

Paragraphs 9 and 10 of Schedule 1 modify rules 53 and 53A to make amendments to reflect new rule 53B of the 1999 Rules.

Paragraph 11 of Schedule 1 inserts a new rule 53B into the 1999 Rules. This provides that, when a charge has been referred to an adjudicator, the Chief Magistrate may determine that it is not reasonably practicable for the adjudicator to inquire into a charge due to circumstances arising from coronavirus and the governor may inquire into that charge. The governor has 14 days to first inquire into a charge from the Chief Magistrate’s decision. The charge is to be treated as a charge inquired into by a governor and cannot be subject to adjudicator’s punishments in rule 55A. Paragraph 10 of Schedule 1 provides that a governor can determine that a charge is so serious that it must still be referred to an adjudicator.

Paragraph 12 of Schedule 1 modifies rule 73 of the 1999 Rules to allow the Secretary of State to prohibit visits by all persons, or classes of persons, to a prison if considered necessary as a result of the effects of coronavirus.

Paragraph 13 of Schedule 1 modifies rule 82 of the 1999 Rules to include new rule 53B of the 1999 Rules.

Schedule 2 makes equivalent modifications to the 2000 Rules.

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

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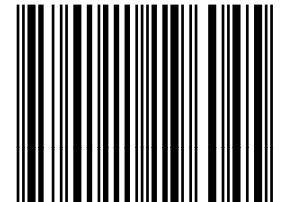
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