

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)(1)—

(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—

“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)—

(1) There are amending instruments but none is relevant.

Status: This is the original version (as it was originally made).

- (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)(2), for “or rule 65(4)” substitute “, rule 65(4) or rule 58B(3)”.
12. In rule 58A(3)(a) (determination of mode of inquiry)(3), 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.

(2) Rule 58(3) was amended by [S.I. 2002/2117](#) and [S.I. 2011/1663](#).

(3) Rule 58A(3) was inserted by [S.I. 2002/2117](#) and amended by [S.I. 2011/1663](#).

(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)(4)—

(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)(5)—

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

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

(4) Rule 77 was amended by [S.I. 2008/599](#).

(5) Rule 86 was amended by [S.I. 2007/2953](#), [S.I. 2007/3220](#) and [S.I. 2013/2462](#).