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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*GENERAL*

**Purpose of prison training and treatment**

3. The purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life.

**Outside contacts**

4.—(1) Special attention shall be paid to the maintenance of such relationships between a prisoner and his family as are desirable in the best interests of both.

(2) A prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may, in the opinion of the governor, best promote the interests of his family and his own social rehabilitation.

**After care**

5. From the beginning of a prisoner's sentence, consideration shall be given, in consultation with the appropriate after-care organisation, to the prisoner's future and the assistance to be given him on and after his release.

**Maintenance of order and discipline**

6.—(1) Order and discipline shall be maintained with firmness, but with no more restriction than is required for safe custody and well ordered community life.

(2) In the control of prisoners, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.

(3) At all times the treatment of prisoners shall be such as to encourage their self-respect and a sense of personal responsibility, but a prisoner shall not be employed in any disciplinary capacity.

**Classification of prisoners**

7.—(1) Prisoners shall be classified, in accordance with any directions of the Secretary of State, having regard to their age, temperament and record and with a view to maintaining good order and facilitating training and, in the case of convicted prisoners, of furthering the purpose of their training and treatment as provided by rule 3.

(2) Unconvicted prisoners:

- (a) shall be kept out of contact with convicted prisoners as far as the governor considers it can reasonably be done, unless and to the extent that they have consented to share residential accommodation or participate in any activity with convicted prisoners; and
  - (b) shall under no circumstances be required to share a cell with a convicted prisoner.
- (3) Prisoners committed or attached for contempt of court, or for failing to do or abstain from doing anything required to be done or left undone:
- (a) shall be treated as a separate class for the purposes of this rule;
  - (b) notwithstanding anything in this rule, may be permitted to associate with any other class of prisoners if they are willing to do so; and
  - (c) shall have the same privileges as an unconvicted prisoner under rules 20(5), 23(1) and 35(1).
- (4) Nothing in this rule shall require a prisoner to be deprived unduly of the society of other persons.

### **Privileges**

**8.—(1)** There shall be established at every prison systems of privileges approved by the Secretary of State and appropriate to the classes of prisoners there, which shall include arrangements under which money earned by prisoners in prison may be spent by them within the prison.

(2) Systems of privileges approved under paragraph (1) may include arrangements under which prisoners may be allowed time outside their cells and in association with one another, in excess of the minimum time which, subject to the other provisions of these Rules apart from this rule, is otherwise allowed to prisoners at the prison for this purpose.

(3) Systems of privileges approved under paragraph (1) may include arrangements under which privileges may be granted to prisoners only in so far as they have met, and for so long as they continue to meet, specified standards in their behaviour and their performance in work or other activities.

(4) Systems of privileges which include arrangements of the kind referred to in paragraph (3) shall include procedures to be followed in determining whether or not any of the privileges concerned shall be granted, or shall continue to be granted, to a prisoner; such procedures shall include a requirement that the prisoner be given reasons for any decision adverse to him together with a statement of the means by which he may appeal against it.

(5) Nothing in this rule shall be taken to confer on a prisoner any entitlement to any privilege or to affect any provision in these Rules other than this rule as a result of which any privilege may be forfeited or otherwise lost or a prisoner deprived of association with other prisoners.

### **Temporary release**

**9.—(1)** The Secretary of State may, in accordance with the other provisions of this rule, release temporarily a prisoner to whom this rule applies.

(2) A prisoner may be released under this rule for any period or periods and subject to any conditions.

(3) A prisoner may only be released under this rule:

- (a) on compassionate grounds or for the purpose of receiving medical treatment;
- (b) to engage in employment or voluntary work;
- (c) to receive instruction or training which cannot reasonably be provided in the prison;
- (d) to enable him to participate in any proceedings before any court, tribunal or inquiry;

- (e) to enable him to consult with his legal adviser in circumstances where it is not reasonably practicable for the consultation to take place in the prison;
- (f) to assist any police officer in any enquiries;
- (g) to facilitate the prisoner's transfer between prisons;
- (h) to assist him in maintaining family ties or in his transition from prison life to freedom; or
- (i) to enable him to make a visit in the locality of the prison, as a privilege under rule 8.

(4) A prisoner shall not be released under this rule unless the Secretary of State is satisfied that there would not be an unacceptable risk of his committing offences whilst released or otherwise failing to comply with any condition upon which he is released.

(5) The Secretary of State shall not release under this rule a prisoner serving a sentence of imprisonment if, having regard to:

- (a) the period or proportion of his sentence which the prisoner has served or, in a case where paragraph (10) does not apply to require all the sentences he is serving to be treated as a single term, the period or proportion of any such sentence he has served; and
- (b) the frequency with which the prisoner has been granted temporary release under this rule,

the Secretary of State is of the opinion that the release of the prisoner would be likely to undermine public confidence in the administration of justice.

(6) If a prisoner has been temporarily released under this rule during the relevant period and has been sentenced to imprisonment for a criminal offence committed whilst at large following that release, he shall not be released under this rule unless his release, having regard to the circumstances of this conviction, would not, in the opinion of the Secretary of State, be likely to undermine public confidence in the administration of justice.

(7) For the purposes of paragraph (6), "the relevant period":

- (a) in the case of a prisoner serving a determinate sentence of imprisonment, is the period he has served in respect of that sentence, unless, notwithstanding paragraph (10), the sentences he is serving do not fall to be treated as a single term, in which case it is the period since he was last released in relation to one of those sentences under Part II of the Criminal Justice Act 1991 ("the 1991 Act")<sup>(1)</sup>;
- (b) in the case of a prisoner serving an indeterminate sentence of imprisonment, is, if the prisoner has previously been released on licence under Part II of the Crime (Sentences) Act 1997<sup>(2)</sup> or Part II of the 1991 Act, the period since the date of his last recall to prison in respect of that sentence or, where the prisoner has not been so released, the period he has served in respect of that sentence; or
- (c) in the case of a prisoner detained in prison for any other reason, is the period for which the prisoner has been detained for that reason;

save that where a prisoner falls within two or more of sub-paragraphs (a) to (c), the "relevant period", in the case of that prisoner, shall be determined by whichever of the applicable sub-paragraphs produces the longer period.

(8) A prisoner released under this rule may be recalled to prison at any time whether the conditions of his release have been broken or not.

(9) This rule applies to prisoners other than persons committed in custody for trial or to be sentenced or otherwise dealt with before or by any Crown Court or remanded in custody by any court.

(10) For the purposes of any reference in this rule to a prisoner's sentence, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term if they would fall

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(1) 1991 c. 53.

(2) 1997 c. 43.

to be treated as a single term for the purposes of any reference to the term of imprisonment to which a person has been sentenced in Part II of the 1991 Act.

(11) In this rule:

- (a) any reference to a sentence of imprisonment shall be construed as including any sentence to detention or custody; and
- (b) any reference to release on licence or otherwise under Part II of the 1991 Act includes any release on licence under any legislation providing for early release on licence.

### **Information to prisoners**

**10.**—(1) Every prisoner shall be provided, as soon as possible after his reception into prison, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which it is necessary that he should know, including earnings and privileges, and the proper means of making requests and complaints.

(2) In the case of a prisoner aged less than 18, or a prisoner aged 18 or over who cannot read or appears to have difficulty in understanding the information so provided, the governor, or an officer deputed by him, shall so explain it to him that he can understand his rights and obligations.

(3) A copy of these Rules shall be made available to any prisoner who requests it.

### **Requests and complaints**

**11.**—(1) A request or complaint to the governor or board of visitors relating to a prisoner's imprisonment shall be made orally or in writing by the prisoner.

(2) On every day the governor shall hear any requests and complaints that are made to him under paragraph (1).

(3) A written request or complaint under paragraph (1) may be made in confidence.