

**EXPLANATORY MEMORANDUM TO
THE PRISON AND YOUNG OFFENDERS CENTRE (AMENDMENT) RULES
(NORTHERN IRELAND) 2008**

2008 No. 452

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This instrument amends the Prison and Young Offenders Centre Rules (Northern Ireland) 1995 (“the principal rules”) to create a new list of articles that will be prohibited from being brought into or taken out of a prison without authorisation. The Criminal Justice (Northern Ireland) Order 2008 (“the 2008 Order”) created two new lists of articles prohibited from being conveyed into or out of a prison (Lists A and B) and allowed for the creation of a third (List C) using prison rules. This instrument prescribes new List C. The 2008 Order also created criminal offences in relation to the conveyance of prohibited articles into or out of a prison.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Context**

4.1 This instrument is being made in exercise of the powers conferred by sections 13(1) and 34(6) of the Prison Act (Northern Ireland) 1953 (“the Prison Act”), as extended by section 2 of the Treatment of Offenders Act (Northern Ireland) 1968.

5. **Territorial Extent and Application**

5.1 This instrument applies to Northern Ireland only.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1 It is vital to the security and safe operation of prison establishments that they are able to regulate articles being conveyed into or out of prisons. Lists A and B are defined in new section 34 of the Prison Act and pose the most serious threat to prison security. The 2008 Order provided for the List C articles to be prescribed by prison

rules. This instrument prescribes those articles which comprise List C and which are prohibited from being conveyed into or out of a prison in Northern Ireland. List C articles are any tobacco, money, clothing, food, drink, letters, papers, books, tools and information technology equipment.

8. Consultation outcome

8.1 Views were sought on the creation of new lists of articles that were to be prohibited from being conveyed into or out of prison during the consultation on the draft 2008 Order. No comments were received.

9. Guidance

9.1 Appropriate guidance will be issued to prisoners, visitors and prison service staff.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 We shall keep List C under review and make any necessary amendments as appropriate.

13. Contact

Alan Smyth at the Northern Ireland Office Tel: 028 9052 5110 or email: alan.smyth@nio.x.gsi.gov.uk can answer any queries regarding the instrument.