

1968 No. 440

**PRISONS**

ENGLAND AND WALES

**The Prison (Amendment) Rules 1968**

<i>Made - - - -</i>	<i>19th March 1968</i>
<i>Laid before Parliament</i>	<i>27th March 1968</i>
<i>Coming into Operation</i>	<i>1st April 1968</i>

In pursuance of section 47 of the Prison Act 1952(a), as amended by sections 23 and 41 of, and Schedule 4 to, the Criminal Justice Act 1961(b) and sections 66 and 103 of, and Schedule 7 to, the Criminal Justice Act 1967(c), I hereby make the following Rules:—

1. For Rule 5 of the Prison Rules 1964(d) (hereafter in these Rules referred to as “ the principal Rules ”) there shall be substituted the Rule set out in the Schedule to these Rules.

2. Rules 50 and 51 of the principal Rules shall be amended by omitting, in paragraph (g) of each of those Rules, the words—

“ or, in the case of a prisoner serving a sentence of corrective training or preventive detention and not having been recalled after release on licence, postponement of his eligibility for release on licence for ”

3. Rule 52 of the principal Rules shall be amended by omitting in paragraph (3) the words “ subject to paragraph (4) of this Rule ” and “ or postponement ”, and by omitting paragraphs (4), (5) and (6).

4. Rule 53 of the principal Rules (which relates to corporal punishment) shall be omitted.

5. In Rule 54 of the principal Rules, for the words “ restricted diet or corporal punishment ” there shall be substituted the words “ or restricted diet ”

6. Rules 65 to 71 of the principal Rules (which relate to corrective training and preventive detention) shall be omitted.

7. These Rules may be cited as the Prison (Amendment) Rules 1968 and shall come into operation on 1st April 1968.

*James Callaghan,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
19th March 1968.

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(a) 1952 c. 52.  
(c) 1967 c. 80.

(b) 1961 c. 39.  
(d) S.I. 1964/388.(1964 I, p. 591).

## RULE TO BE SUBSTITUTED FOR RULE 5 OF THE PRINCIPAL RULES

*Remission of sentence*

5.—(1) A prisoner serving a sentence of imprisonment for an actual term of more than one month may, on the ground of his industry and good conduct, be granted remission in accordance with the provisions of this Rule:

Provided that this Rule shall not permit the reduction of the actual term to less than thirty-one days, or in the case of a prisoner (other than a prisoner within paragraph (2)(b) of this Rule) who has been released on licence and recalled to prison, permit his release before the thirtieth day following his return to prison on recall.

(2) The remission granted under this Rule shall not exceed—

(a) one-third of the total of the actual term and any period spent in custody by the prisoner after his conviction awaiting sentence which is taken into account under section 67 of the Criminal Justice Act 1967 (which relates to the computation of a sentence of imprisonment); or

(b) in the case of a prisoner in respect of whom an extended sentence certificate was issued when sentence was passed on him or who was under the age of twenty-one when sentence was passed on him and who has been released on licence and recalled to prison, one-third of that part of his sentence unexpired at the time of his recall.

(3) For the purposes of this Rule—

(a) a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as serving a sentence of imprisonment; and

(b) consecutive terms of imprisonment shall be treated as one term.

(4) This Rule shall have effect subject to any disciplinary ward of forfeiture of remission, and shall not apply to a prisoner serving a sentence of imprisonment for life.

(5) In this Rule—

(a) “ actual term ” means the term of a sentence of imprisonment as reduced by section 67 of the Criminal Justice Act 1967;

(b) “ forfeiture of remission ” includes, in the case of a disciplinary award made before 1st April 1968, postponement of eligibility for release on licence;

(c) a reference to a person being recalled to prison shall include a reference to the revocation of a licence by a court;

(d) a reference to the said section 67 shall, in the case of a sentence passed before 1st October 1967, include a reference to section 17(2) of the Criminal Justice Administration Act 1962(a).

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(a) 1962 c. 15.

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Prison Rules 1964 to take account of the abolition by the Criminal Justice Act 1967 of corrective training, preventive detention and corporal punishment in prisons.

The Rule relating to remission, set out in the Schedule, has been amended to make special provision for the case of prisoners released on licence and recalled to prison.

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STATUTORY INSTRUMENTS

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