

1972 No. 1012

DETENTION CENTRES

ENGLAND AND WALES

The Detention Centre (Amendment) Rules 1972

<i>Made</i>	- - -	<i>6th July 1972</i>
<i>Laid before Parliament</i>		<i>12th July 1972</i>
<i>Coming into Operation</i>		<i>1st August 1972</i>

In pursuance of section 47 of the Prison Act 1952(a) as amended by Schedule 4 to the Criminal Justice Act 1961(b), section 66 of and Schedule 7 to the Criminal Justice Act 1967(c) and Schedule 8 to the Courts Act 1971(d), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Detention Centre (Amendment) Rules 1972 and shall come into operation on 1st August 1972.

(2) In these Rules “the principal Rules” means the Detention Centre Rules 1952(e) as amended by the Detention Centre (Amendment) Rules 1968(f).

(3) The Interpretation Act 1889(g) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2.—(1) For Rule 4 of the principal Rules there shall be substituted the following Rule:—

“Grades

4.—(1) In accordance with any directions of the Secretary of State, a system of grades shall be established at every Centre whereby an inmate becomes entitled to privileges progressively on his promotion from grade to grade.

(2) Subject to any directions of the Secretary of State and to any disciplinary award of reduction in grade, it shall be for the Warden to decide an inmate’s grade and to alter it from time to time as the Warden considers to be in the best interests of the inmate.”.

(2) For Rule 32(2)(e) of the principal Rules there shall be substituted the following sub-paragraph:—

“(e) reduction in grade;”.

(a) 1952 c. 52.

(b) 1961 c. 39.

(c) 1967 c. 80.

(d) 1971 c. 23.

(e) S.I. 1952/1432 (1952 I, p. 787).

(f) S.I. 1968/1014 (1968 II, p. 2680).

(g) 1889 c. 63.

3. No disciplinary award of confinement to a room or of restricted diet shall be made after the coming into operation of these Rules and accordingly, except as regards awards previously made, the principal Rules shall be amended as follows:—

- (a) in Rule 1(2) the definition of “Restricted diet” shall be omitted;
- (b) in Rule 6, the words “for the confinement of an inmate in pursuance of a disciplinary award under Rule 32 or Rule 33 or” shall be omitted;
- (c) in Rule 32(2), sub-paragraphs (g) and (h) shall be omitted;
- (d) in Rule 33(2), sub-paragraph (b) shall be omitted;
- (e) Rules 34 and 35 shall be omitted;
- (f) in Rule 62, the words “Rule 32, Rule 33 or” shall be omitted; and
- (g) in Rule 68, the words “35 and” shall be omitted.

4. Rule 58 of the principal Rules (which relates to after-care) shall be omitted.

5. In Rule 60 of the principal Rules (which relates to letters of inmates) for the words “once in two weeks” there shall be substituted the words “once in each week”.

6. In the principal Rules, there shall be inserted immediately after Rule 26 the following Rule:—

“Temporary release

26A.—(1) An inmate to whom this Rule applies may be temporarily released for any period or periods and subject to any conditions.

(2) An inmate released under this Rule may be recalled at any time whether any conditions of his release have been broken or not.

(3) This Rule applies to inmates other than persons committed in custody for trial or to be sentenced or otherwise dealt with before or by the Crown Court, or remanded in custody by any court.”.

7. In the principal Rules, there shall be inserted immediately after Rule 38 the following Rule:—

“Removal from association

38A.—(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that an inmate should not associate with other inmates, either generally or for particular purposes, the Warden may arrange for the inmate’s removal from association accordingly.

(2) An inmate shall not be removed under this Rule for a period of more than 24 hours without the authority of a member of the Board of Visitors or of the Secretary of State. An authority given under this paragraph shall be for a period not exceeding 14 days, but may be renewed from time to time for a like period.

(3) The Warden may arrange at his discretion for such an inmate as

aforesaid to resume association with other inmates, and shall do so if in any case the Medical Officer so advises on medical grounds.”.

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
6th July 1972.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Detention Centre Rules 1952. Rule 2 substitutes a new rule in relation to the grading of inmates. Rule 3 abolishes the disciplinary awards of confinement to a room and restricted diet. Rule 4 deletes the rule relating to voluntary after-care which has been superseded by compulsory supervision on release. Rule 5 increases an inmate's entitlement to letters. Rules 6 and 7 make provision for temporary release and for removal from association.

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