

1974 No. 713

PRISONS

The Prison (Amendment) Rules 1974

Made - - - - 12th April 1974

Laid before Parliament 25th April 1974

Coming into Operation 1st June 1974

In pursuance of section 47(1) of the Prison Act 1952(a), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Prison (Amendment) Rules 1974 and shall come into operation on 1st June 1974.

(2) In these Rules, “the principal Rules” means the Prison Rules 1964(b) as amended by the Prison (Amendment) Rules 1968(c), the Prison (Amendment) Rules 1971(d) and the Prison (Amendment) Rules 1972(e).

2. For Rule 10 of the principal Rules (which relates to the determination of a prisoner’s religious denomination) there shall be substituted the Rule set out in Part I of the Schedule to these Rules.

3. In Rule 33(3) of the principal Rules (which requires a prisoner’s correspondence to be censored), for the word “shall” there shall be substituted the word “may”.

4. A convicted prisoner shall be entitled under Rule 34(2)(b) of the principal Rules to receive a visit once in four weeks whether he is under the age of 21 or not, and accordingly the words in that sub-paragraph “if he is under the age of 21 years, and otherwise once in eight weeks” shall be omitted.

5. For Rules 50 to 56 of the principal Rules (which relate to disciplinary awards, and of which Rule 53 has already been omitted) there shall be substituted the Rules set out in Part II of the Schedule to these Rules.

Roy Jenkins,
One of Her Majesty’s Principal
Secretaries of State.

Home Office,
Whitehall.
12th April 1974.

(a) 1952 c. 52.

(c) S.I. 1968/440 (1968 I, p. 1149).

(e) S.I. 1972/1860 (1972 III, p. 5423).

(b) S.I. 1964/388 (1964 I, p. 591).

(d) S.I. 1971/2019 (1971 III, p. 5788).

SCHEDULE

RULES TO BE SUBSTITUTED FOR RULES 10 AND 50 TO 56 OF THE
PRINCIPAL RULES

Rule 2

PART I

Religious denomination

10. A prisoner shall be treated as being of the religious denomination stated in the record made in pursuance of section 10(5) of the Prison Act 1952 but the governor may, in a proper case and after due enquiry, direct that record to be amended.

Rule 5

PART II

Governor's awards

50. Subject to Rules 51 and 52 of these Rules, the governor may make any one of more of the following awards for an offence against discipline:—

- (a) caution;
- (b) forfeiture for a period not exceeding 28 days of any of the privileges under Rule 4 of these Rules;
- (c) exclusion from associated work for a period not exceeding 14 days;
- (d) stoppage of earnings for a period not exceeding 28 days;
- (e) cellular confinement for a period not exceeding 3 days;
- (f) forfeiture of remission of a period not exceeding 28 days;
- (g) forfeiture for any period, in the case of a prisoner otherwise entitled thereto, of any of the following:—
 - (i) the right to be supplied with food and drink under Rule 21(1) of these Rules; and
 - (ii) the right under Rule 41(1) of these Rules to have the articles there mentioned;
- (h) forfeiture for any period, in the case of a prisoner otherwise entitled thereto who is guilty of escaping or attempting to escape, of the right to wear clothing of his own under Rule 20(1) of these Rules.

Graver offences

51.—(1) Where a prisoner is charged with any of the following offences against discipline:—

- (a) escaping or attempting to escape from prison or from legal custody,
- (b) assaulting an officer, or
- (c) doing gross personal violence to any person not being an officer,

the governor shall, unless he dismisses the charge, forthwith inform the Secretary of State and shall, unless otherwise directed by him, refer the charge to the board of visitors.

(2) Where a prisoner is charged with any serious or repeated offence against discipline (not being an offence to which Rule 52 of these Rules applies) for which the awards the governor can make seem insufficient, the governor may, after investigation, refer the charge to the board of visitors.

(3) Where a charge is referred to the board of visitors under this Rule, the chairman thereof shall summon a special meeting at which not more than five nor fewer than two members shall be present.

(4) The Board so constituted shall inquire into the charge and, if they find the offence proved, shall make one or more of the following awards:—

- (a) caution;
- (b) forfeiture for any period of any of the privileges under Rule 4 of these Rules;

- (c) exclusion from associated work for a period not exceeding 56 days;
- (d) stoppage of earnings for a period not exceeding 56 days;
- (e) cellular confinement for a period not exceeding 56 days;
- (f) forfeiture of remission of a period not exceeding 180 days;
- (g) forfeiture for any period, in the case of a prisoner otherwise entitled thereto, of any of the following:—
 - (i) the right to be supplied with food and drink under Rule 21(1) of these Rules; and
 - (ii) the right under Rule 41(1) of these Rules to have the articles there mentioned;
- (h) forfeiture for any period, in the case of a prisoner otherwise entitled thereto who is guilty of escaping or attempting to escape, of the right to wear clothing of his own under Rule 20(1) of these Rules.

(5) The Secretary of State may require any charge to which this Rule applies to be referred to him, instead of to the board of visitors, and in that case an officer of the Secretary of State (not being an officer of a prison) shall inquire into the charge and, if he finds the offence proved, make one or more of the awards listed in paragraph (4) of this Rule.

Especially grave offences

52.—(1) Where a prisoner is charged with one of the following offences:—

- (a) mutiny or incitement to mutiny; or
- (b) doing gross personal violence to an officer,

the governor shall forthwith inform the Secretary of State and shall, unless otherwise directed by him, refer the charge to the board of visitors.

(2) Where a charge is referred to the board of visitors under this Rule, the chairman thereof shall summon a special meeting at which not more than five nor fewer than three members, at least two being justices of the peace, shall be present.

(3) The board constituted as aforesaid shall inquire into the charge and, if they find the offence proved, shall make one or more of the awards listed in Rule 51(4) of these Rules, so however that, if they make an award of forfeiture of remission, the period forfeited may exceed 180 days.

Provisions in relation to particular awards

53.—(1) An award of stoppage of earnings may, instead of forfeiting all a prisoner's earnings for a specified period not exceeding 28 or as the case may be 56 days, be expressed so as to forfeit a proportion (not being less than one half) of his earnings for a specified period not exceeding a correspondingly greater number of days.

(2) No award of cellular confinement shall be made unless the medical officer has certified that the prisoner is in a fit state of health to be so dealt with.

Prospective forfeiture of remission

54.—(1) In the case of an offence against discipline committed by a prisoner who has attained the age of 21 years and is detained only on remand or to await trial or sentence, an award of forfeiture of remission may be made notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced to imprisonment.

(2) An award under paragraph (1) above shall have effect only in the case of a sentence of imprisonment being imposed which is reduced, by section 67 of the Criminal Justice Act 1967(a), by a period which includes the time when the offence against discipline was committed.

Suspended awards

55.—(1) Subject to any directions of the Secretary of State, the power to make a disciplinary award (other than a caution) shall include power to direct that the award is not to take effect unless, during a period specified in the direction (not being more than 6 months from the date of the direction), the prisoner commits another offence against discipline and a direction is given under paragraph (2) below.

(2) Where a prisoner commits an offence against discipline during the period specified in a direction given under paragraph (1) above the person or board dealing with that offence may—

- (a) direct that the suspended award shall take effect; or
- (b) reduce the period or amount of the suspended award and direct that it shall take effect as so reduced; or
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than 6 months from the date of variation; or
- (d) give no direction with respect to the suspended award.

Remission and mitigation of awards

56.—(1) The Secretary of State may remit a disciplinary award or mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

(2) Subject to any directions of the Secretary of State, the governor may remit or mitigate any award made by a governor and the board of visitors may remit or mitigate any disciplinary award.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make a number of amendments to the Prison Rules 1964. The principal changes made are to abolish restricted diet as a punishment, to make provision for the forfeiture of remission where a prisoner is "earning" remission although not yet sentenced to imprisonment, and to make provision for suspended awards of punishment. The Rules also increase the power of a governor to award stoppage of earnings for a disciplinary offence, and allow any award of stoppage of earnings to be confined to a proportion of the earnings but for a correspondingly longer period.

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