
STATUTORY INSTRUMENTS

1992 No. 2080

PRISONS

The Prison (Amendment) (No. 2) Rules 1992

Made - - - - - *29th August 1992*
Laid before Parliament *9th September 1992*
Coming into force - - *1st October 1992*

In exercise of the powers conferred upon me by section 47 of the Prison Act 1952(1), I hereby make the following Rules:

1. These Rules may be cited as the Prison (Amendment) (No. 2) Rules 1992 and shall come into force on 1st October 1992.
2. The Prison Rules 1964(2) shall have effect subject to the amendments set out in the Schedule to these Rules.

Home Office
29th August 1992

Kenneth Clarke
One of Her Majesty's Principal Secretaries of
State

(1) 1952 c. 52; section 47 was affected by an amendment to section 52(2) of that Act by section 66(4) of the Criminal Justice Act 1967 (c. 80), and was extended by section 42 of, and paragraph 10 of Schedule 12 to, the Criminal Justice Act 1991 (c. 53).
(2) S.I.1964/388; relevant amending instruments are S.I. 1968/440, 1972/1860, 1974/713, 1981/70, 1982/260, 1983/568, 1987/1256, 1988/1421, 1989/330, 1989/2141 and 1992/514.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Rule 2

1. Rule 5 shall be omitted.
2. Rule 39(4) shall be omitted.
3. In rule 50—
 - (a) for paragraph (1)(f) there shall be substituted “in the case of a short-term or long-term prisoner, an award of additional days not exceeding 28 days;” and
 - (b) in paragraph (2), for the words “in the case of forfeiture of remission of sentence, the total period forfeited” there shall be substituted “in the case of an award of additional days, the total period added”.
4. After rule 50 there shall be inserted the following rule—

“Forfeiture of remission to be treated as an award of additional days

51.—(1) In this rule, “existing prisoner” and “existing licensee” have the meanings assigned to them by paragraph 8(1) of Schedule 12 to the Criminal Justice Act 1991⁽³⁾.

(2) In relation to any existing prisoner or existing licensee who has forfeited any remission of his sentence, the provisions of Part II of the Criminal Justice Act 1991 shall apply as if he had been awarded such number of additional days as equals the number of days of remission which he has forfeited.”.

5. For rule 54 there shall be substituted the following rule—

“Prospective award of additional days

54.—(1) Subject to paragraph (2), where an offence against discipline is committed by a prisoner who is detained only on remand, additional days may be awarded notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced.

(2) An award of additional days under paragraph (1) shall have effect only if the prisoner in question subsequently becomes a short-term or long-term prisoner whose sentence is reduced, under section 67 of the Criminal Justice Act 1967⁽⁴⁾, by a period which includes the time when the offence against discipline was committed.”.

6. Rule 63(3) shall be omitted.
7. In rule 99—
 - (a) in paragraph (1), at the end there shall be added
““short-term prisoner” and “long-term prisoner” have the meanings assigned to them by section 33(5) of the Criminal Justice Act 1991, as extended by sections 43(1) and 45(1) of that Act.”; and
 - (b) in paragraph (2), after the words “a reference to” there shall be inserted “(a) an award of additional days means additional days awarded under these Rules by virtue of section 42 of the Criminal Justice Act 1991; and (b)”.

(3) 1991 c. 53.

(4) 1967 c. 80.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1964, as amended, so as to make provision for the award of additional days which replaces forfeiture of remission as a punishment available to the governor of a prison in respect of a short-term or long-term prisoner, or a prisoner on remand who subsequently becomes such a prisoner, who is guilty of a disciplinary offence.

In addition, the Rules provide that the provisions of Part II of the Criminal Justice Act 1991 shall apply to an existing prisoner or licensee who has forfeited any remission of his sentence as if he had been awarded the same number of additional days as the number of days of remission which he has forfeited.

The Rules also remove the requirement that prisoners be searched only by an officer of the same sex.