
STATUTORY INSTRUMENTS

1992 No. 514

PRISONS

The Prison (Amendment) Rules 1992

<i>Made</i>	- - - -	<i>6th March 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

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) Rules 1992 and shall come into force on 1st April 1992.

2.—(1) The Prison Rules 1964(2)(“the principal Rules”) shall have effect subject to the amendments set out in the Schedule to these Rules.

(2) In relation to charges referred to the Board of Visitors by the governor pursuant to rule 51(1) of the principal Rules and applications to remit or mitigate punishments made to them pursuant to rule 56(2) of the principal Rules before the coming into force of these Rules, the Board of Visitors shall continue to exercise their powers under rules 51 and 56(2), as appropriate, as if these Rules had not been made.

Home Office
6th March 1992

Kenneth Baker
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).
(2) S.I. 1964/388; relevant amending instruments are S.I. 1971/2019, 1974/713, 1983/568, 1988/89 and 1989/30.

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SCHEDULE

Rule 2(1)

AMENDMENTS TO THE PRISON RULES 1964

1. In rule 34(2)(b), there shall be substituted for the words “once in four weeks”, the words “twice in every period of four weeks, but only once in every such period if the Secretary of State so directs”.
2. In rule 38(2) the words “under section 3 of the Prison Act 1952” shall be omitted.
3. Rule 47(8)(a) shall be omitted.
4. In rule 47(8)(b), there shall be substituted for the words “so released”, the words “temporarily released under rule 6 of these Rules”.
5. Rule 48(2) shall be omitted.
6. In rule 48(3), the words “in the first instance” shall be omitted.
7. After rule 48(4), there shall be inserted the following paragraph—

“(5) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending the governor’s first inquiry”.
8. For rule 50(1)(d) there shall be substituted “stoppage of or deduction from earnings for a period not exceeding 56 days of an amount not exceeding 28 days’ earnings”.
9. Rule 51 shall be omitted.
10. Rule 52(1)(b) shall be omitted.
11. In rule 52(2), the words “or 51” and the words “as the case may be” shall be omitted.
12. In rule 52(3), after the words “rule 50” where they appear for the second time, the words “or 51” and the words “as the case may be” shall be omitted.
13. Rule 53(1) shall be omitted.
14. In rule 55(2), the words “or Board” shall be omitted.
15. In rule 56(2), there shall be substituted for the words “and a Board of Visitors may remit or mitigate any punishment”, the words “or the Board of Visitors”.
16. In rule 93(2), the words “other than those under rules 51 and 52 of these Rules” shall be omitted.
17. In rule 94(5), the words “(other than Rules 51, 52 and 56)” shall be omitted.
18. After rule 98, there shall be inserted the following:

“Contracted out prisons

98A.—(1) Where the Secretary of State has entered into a contract for the running of a prison under section 84 of the Criminal Justice Act 1991(3)(“the 1991 Act”) these rules shall apply to that prison with the following modifications—

- (a) references to an officer in the Rules shall include references to a prisoner custody officer certified as such under section 89(1) of the 1991 Act;
- (b) references to a governor in the Rules shall include references to a director approved by the Secretary of State for the purposes of section 85(1)(a) of the 1991 Act except—

(3) 1991 c. 53.

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- (i) in rule 43, 45, 46, 48, 49, 50, 56 and 98 where references to a governor shall include references to a controller appointed by the Secretary of State under section 85(1)(b) of the 1991 Act, and
 - (ii) in rules 77(1), 81 and 94 where references to a governor shall include references to the director and the controller;
 - (c) Rule 84 shall not apply.
- (2) Where a director exercises the powers set out in section 85(3)(b) of the 1991 Act (removal from association, temporary confinement and restraints) in cases of urgency, he shall notify the controller of that fact forthwith.”.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1964, as amended, for four main purposes. Firstly, the Rules remove the disciplinary functions of Boards of Visitors. Transitional provision is made so that Boards of Visitors have continuing jurisdiction to deal with cases referred to them before the coming into force of these Rules. Secondly, the Rules increase the entitlement of a prisoner to receive visits from once every four weeks to twice every four weeks. Thirdly, the Rules abolish the separate disciplinary offence of failing to return to prison after a period of temporary release which duplicates, in part, the offence of failing to comply with a condition of release. Fourthly, the Rules make necessary modifications to the Prison Rules 1964 in their application to prisons which are contracted out in accordance with Part IV of the Criminal Justice Act 1991.