
STATUTORY INSTRUMENTS

1995 No. 1598

PRISONS

The Prison (Amendment) (No. 2) Rules 1995

<i>Made</i>	- - - -	<i>24th June 1995</i>
<i>Laid before Parliament</i>		<i>26th June 1995</i>
<i>Coming into force</i>	- -	<i>17th July 1995</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) (No. 2) Rules 1995 and shall come into force on 17th July 1995.

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

Home Office
4th June 1995

Michael Howard
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 sections 85(2) and (4) of the Criminal Justice Act 1991 (c. 53).
(2) S.I.1964/388; relevant amending instruments are S.I. 1971/2019, 1974/713, 1983/568, 1989/330 (which substituted a new rule 50), 1992/514 and 1995/983 (which substituted a new rule 6).

SCHEDULE

Rule 2

AMENDMENTS TO THE PRISON RULES 1964

1. The following rule shall be substituted for rule 4:

“Privileges

4.—(1) There shall be established at every prison systems of privileges approved by the Secretary of State and appropriate to the classes of prisoners there, which shall include arrangements under which money earned by prisoners in prison may be spent by them within the prison.

(2) Systems of privileges approved under paragraph (1) may include arrangements under which prisoners may be allowed time outside the cells and in association with one another, in excess of the minimum time which, subject to the other provisions of these Rules apart from this rule, is otherwise allowed to prisoners at the prison for this purpose.

(3) Systems of privileges approved under paragraph (1) may include arrangements under which privileges may be granted to prisoners only in so far as they have met, and for so long as they continue to meet, specified standards in their behaviour and their performance in work or other activities.

(4) Systems of privileges which include arrangements of the kind referred to in paragraph (3) shall include procedures to be followed in determining whether or not any of the privileges concerned shall be granted, or shall continue to be granted, to a prisoner; such procedures shall include a requirement that the prisoner be given reasons for any decision adverse to him together with a statement of the means by which he may appeal against it.

(5) Nothing in this rule shall be taken to confer on a prisoner any entitlement to any privilege or to affect any provision in these Rules other than this rule as a result of which any privilege may be forfeited or otherwise lost or a prisoner deprived of association with other prisoners.”

2. In rule 6 (temporary release) in sub-paragraph (3)(i) (visits in the locality of the prison) for the words “as a reward for good behaviour or performance” there shall be substituted the words “as a privilege under rule 4 of these Rules”.

3. In rule 20 (clothing):

- (a) the following paragraphs shall be substituted for paragraph (1):

“(1) An unconvicted prisoner may wear clothing of his own if and in so far as it is suitable, tidy and clean, and shall be permitted to arrange for the supply to him from outside prison of sufficient clean clothing:

Provided that, subject to the provisions of rule 38(3) of these Rules:

- (a) he may be required, if and for so long as there are reasonable grounds to believe that there is a serious risk of his attempting to escape, to wear items of clothing which are distinctive by virtue of being specially marked or coloured or both; and
- (b) he may be required, if and for so long as the Secretary of State is of the opinion that he would, if he escaped, be highly dangerous to the public or the police or the security of the State, to wear clothing provided under this rule.

(1A) Subject to paragraph (1) above, the provisions of this rule shall apply to an unconvicted prisoner as to a convicted prisoner.”; and

- (b) in paragraph (4) after the words “Secretary of State” there shall be inserted the words “or as a privilege under rule 4 of these Rules”.

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

4. In rule 33 (letters and visits generally) in paragraph (2) after the words “Secretary of State” there shall be inserted the words “or as a privilege under rule 4 of these Rules”.

5. In rule 34 (personal letters and visits) in paragraph (3) after the words “an additional letter or visit” there shall be inserted the words “as a privilege under rule 4 of these Rules or”.

6. In rule 38 (custody outside prison) the following paragraph shall be substituted for paragraph (3):

“(3) A prisoner required to be taken in custody to any court shall, when he appears before the court, wear his own clothing or ordinary civilian clothing provided by the governor.”.

7. In rule 50 (governor’s punishments) sub-paragraph (1)(h) shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1964, as amended. They make two separate groups of changes. First they make changes to the rules relating to privileges for prisoners. Paragraph 1 of the Schedule substitutes a new rule 4 which makes more detailed provision in relation to the systems of privileges required to be established at every prison. Paragraphs 2, 3(b), 4 and 5 of the Schedule make related provision.

Secondly they amend the rules relating to prisoners' clothing. Paragraph 3(a) of the Schedule amends paragraph (1) of rule 20 to make certain exceptions to the right of unconvicted prisoners to wear their own clothes. Paragraph 6 of the Schedule amends paragraph (3) of rule 38 to restrict the effect of its provisions, which relate to the clothing which a prisoner wears when he is taken in custody to any court, to the time when the prisoner appears before the court. Paragraph 7 removes the power of governors to order an unconvicted prisoner, as a disciplinary punishment for the offence of escaping or attempting to escape, to forfeit the right to wear his own clothes.