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STATUTORY INSTRUMENTS

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**1998 No. 1544**

**PRISONS**

**The Prison (Amendment) (No. 2) Rules 1998**

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|-------------------------------|---------|-----------------------|
| <i>Made</i>                   | - - - - | <i>20th June 1998</i> |
| <i>Laid before Parliament</i> |         | <i>29th June 1998</i> |
| <i>Coming into force</i>      | - -     | <i>20th July 1998</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 1998 and shall come into force on 20th July 1998.
2. The Prison Rules 1964(2) shall have effect subject to the amendments set out in the Schedule to these Rules.

Home Office  
20th June 1998

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State

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(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. 1974/713, 1976/503, 1988/89, 1988/1421, 1989/330, 1989/2141, 1992/514, 1993/3075, 1994/3195 and 1996/1663.

SCHEDULE

Rule 2

AMENDMENTS TO THE PRISON RULES 1964

1. In rule 17 (Medical attendance), the following shall be substituted for paragraph (3)—
  - “(3) The medical officer may consult a medical practitioner who is a fully registered person within the meaning of the Medical Act 1983(3). Such a practitioner may work within the prison under the general supervision of the medical officer.
  - (3A) The medical officer shall consult another medical practitioner, if time permits, before performing any serious operation.”.
  
- 2.—(1) Rule 18 (Special illnesses and conditions) shall be amended as follows.
  - (2) In paragraph (1), after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  - (3) In paragraph (2), after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  - (4) Paragraph (3) shall be omitted.
  
- 3.—(1) Rule 21 (Food) shall be amended as follows.
  - (2) In paragraph (2), after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  - (3) Paragraph (3) shall be omitted.
  - (4) For paragraph (5), there shall be substituted the following—
    - “(5) The medical officer, a medical practitioner such as is mentioned in rule 17(3) or any person deemed by the governor to be competent, shall from time to time inspect the food both before and after it is cooked and shall report any deficiency or defect to the governor.”.
  
4. In rule 22 (Alcohol and tobacco), in paragraph (1), after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  
- 5.—(1) Rule 26 (Hygiene) shall be amended as follows.
  - (2) In paragraph (2), after the words “medical officer” the first time that they appear, there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)” and the words “except where the medical officer directs this to be done for the sake of health or cleanliness” shall be omitted.
  - (3) In paragraph (3), after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  
6. In rule 27 (Physical education), in paragraph 4, after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  
7. In rule 28 (Work), in paragraph 2, after the words “medical officer” the first time that they appear, there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”, and after the second time that they appear, there shall be inserted “or by a medical practitioner such as is mentioned in rule 17(3)”.
  
8. In rule 43 (Removal from association), in paragraph (3), after the words “medical officer” there shall be inserted “or a medical practitioner such as is mentioned in rule 17(3)”.
  
- 9.—(1) Rule 46 (Restraints) shall be amended as follows.

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(3) 1983 c. 54.

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

(2) In paragraph (2), after the words “medical officer” there shall be inserted “or to a medical practitioner such as is mentioned in rule 17(3)”.

(3) For paragraph (3) there shall be substituted the following—

“(3) On receipt of the notice, the medical officer, or the medical practitioner referred to in paragraph (2) above, shall inform the governor whether there are any medical reasons why the prisoner should not be put under restraint. The governor shall give effect to any recommendation which may be made under this paragraph.”.

(4) In paragraph (6), after the words “medical officer” there shall be inserted “or of a medical practitioner such as is mentioned in rule 17(3)”.

**10.** For rule 53 (Particular punishments) there shall be substituted the following rule—

**“Cellular confinement**

**53.** When it is proposed to impose a punishment of cellular confinement, the medical officer, or a medical practitioner such as is mentioned in rule 17(3), shall inform the governor whether there are any medical reasons why the prisoner should not be so dealt with. The governor shall give effect to any recommendation which may be made under this rule.”.

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**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the Prison Rules 1964 (“the 1964 Rules”), as amended.

Rule 2 of these rules introduces the Schedule, which sets out the amendments to the 1964 Rules.

The amendments in the Schedule make changes to the 1964 Rules to allow for the functions of a medical officer within a prison to be carried out by another medical practitioner under the general supervision of the medical officer.