
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART V

[^{F1}INDEPENDENT MONITORING BOARD]

[^{F1}Independent monitoring board]

75.—(1) A member of the board of visitors for a prison appointed by the Secretary of State under section 6(2) of the Prison Act 1952 ^{M1} shall subject to paragraphs (3) and (4) hold office for three years, or such lesser period as the Secretary of State may appoint.

(2) A member—

(a) appointed for the first time to the [^{F2}independent monitoring board] for a particular prison;
or

(b) reappointed to the board following a gap of a year or more in his membership of it,
shall, during the period of 12 months following the date on which he is so appointed or (as the case may be) reappointed, undertake such training as may reasonably be required by the Secretary of State.

(3) The Secretary of State may terminate the appointment of a member if he is satisfied that—

- (a) he has failed satisfactorily to perform his duties;
- (b) he has failed to undertake training he has been required to undertake under paragraph (2), by the end of the period specified in that paragraph;
- (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties;
- (d) he has been convicted of such a criminal offence, or his conduct has been such, that it is not in the Secretary of State's opinion fitting that he should remain a member; or
- (e) there is, or appears to be or could appear to be, any conflict of interest between the member performing his duties as a member and any interest of that member, whether personal, financial or otherwise.

(4) Where the Secretary of State:

- (a) has reason to suspect that a member of the [^{F3}independent monitoring board] for a prison may have so conducted himself that his appointment may be liable to be terminated under paragraph (3)(a) or (d); and
- (b) is of the opinion that the suspected conduct is of such a serious nature that the member cannot be permitted to continue to perform his functions as a member of the board pending the completion of the Secretary of State's investigations into the matter and any decision as to whether the member's appointment should be terminated,

he may suspend the member from office for such period or periods as he may reasonably require in order to complete his investigations and determine whether or not the appointment of the member

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should be so terminated; and a member so suspended shall not, during the period of his suspension, be regarded as being a member of the board, other than for the purposes of this paragraph and paragraphs (1) and (3).

(5) A board shall have a chairman and a vice chairman who shall be members of the board.

(6) The Secretary of State shall—

- (a) upon the constitution of a board for the first time, appoint a chairman and a vice chairman to hold office for a period not exceeding twelve months;
- (b) thereafter appoint, before the date of the first meeting of the board in any year of office of the board, a chairman and vice chairman for that year, having first consulted the board; and
- (c) promptly fill, after first having consulted the board, any casual vacancy in the office of chairman or vice chairman.

(7) The Secretary of State may terminate the appointment of a member as chairman or vice chairman of the board if he is satisfied that the member has—

- (a) failed satisfactorily to perform his functions as chairman (or as the case may be) vice chairman;
- (b) has grossly misconducted himself while performing those functions.

F1 Rule 75 heading substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rules 1, 4\(b\)](#)

F2 Words in rule 75(2) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rules 1, 4\(a\)](#)

F3 Words in rule 75(4) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rules 1, 4\(a\)](#)

Marginal Citations

M1 [1952 c. 52.](#)

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