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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*COMMUNICATIONS*

**Communications generally**

**34.**—(1) The Secretary of State may, with a view to securing discipline and good order or the prevention of crime or in the interests of any persons, impose restrictions, either generally or in a particular case, upon the letters or other communications to be permitted between a prisoner and other persons.

(2) Without prejudice to the generality of paragraph (1), the Secretary of State may require that any visit, or class of visits, shall be held in facilities which include special features restricting or preventing physical contact between a prisoner and a visitor.

(3) Without prejudice to sections 6 and 9 of the Prison Act 1952<sup>(1)</sup>, and except as provided by these Rules, a prisoner shall not be permitted to communicate with any outside person, or that person with him, without the leave of the Secretary of State or as a privilege under rule 8.

(4) Except as provided by these Rules, every letter or other communication to or from a prisoner may be read, listened to, logged, recorded or examined by the governor or an officer deputed by him, and the governor may, at his discretion, stop any letter or other communication on the ground that its contents are objectionable or that it is of inordinate length.

(5) Every visit to a prisoner shall take place within the sight of an officer, unless the Secretary of State otherwise directs.

(6) Except as provided by these Rules, every visit to a prisoner shall take place within the hearing of an officer, unless the Secretary of State otherwise directs.

(7) The Secretary of State may give directions, generally or in relation to any visit or class of visits, concerning the day and times when prisoners may be visited.

(8) In this rule:

“communications” includes communications during or by means of visits or by means of a telecommunications system or telecommunications apparatus, and “telecommunications apparatus” has the meaning assigned by paragraph 1 of Schedule 2 to the Telecommunications Act 1984<sup>(2)</sup>.

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(1) 1952 c. 52.

(2) 1984 c. 12.

### **Personal letters and visits**

**35.**—(1) Subject to paragraph (8), an unconvicted prisoner may send and receive as many letters and may receive as many visits as he wishes within such limits and subject to such conditions as the Secretary of State may direct, either generally or in a particular case.

(2) Subject to paragraph (8), a convicted prisoner shall be entitled—

- (a) to send and to receive a letter on his reception into a prison and thereafter once a week; and
- (b) to receive a visit twice in every period of four weeks, but only once in every such period if the Secretary of State so directs.

(3) The governor may allow a prisoner an additional letter or visit as a privilege under rule 8 or where necessary for his welfare or that of his family.

(4) The governor may allow a prisoner entitled to a visit to send and to receive a letter instead.

(5) The governor may defer the right of a prisoner to a visit until the expiration of any period of cellular confinement.

(6) The board of visitors may allow a prisoner an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(7) The Secretary of State may allow additional letters and visits in relation to any prisoner or class of prisoners.

(8) A prisoner shall not be entitled under this rule to receive a visit from:

- (a) any person, whether or not a relative or friend, during any period of time that person is the subject of a prohibition imposed under rule 73; or
- (b) any other person, other than a relative or friend, except with the leave of the Secretary of State.

(9) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this rule.

### **Police interviews**

**36.** A police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any prisoner willing to see him.

### **Securing release**

**37.** A person detained in prison in default of finding a surety, or of payment of a sum of money, may communicate with and be visited at any reasonable time on a weekday by any relative or friend to arrange for a surety or payment in order to secure his release from prison.

### **Legal advisers**

**38.**—(1) The legal adviser of a prisoner in any legal proceedings, civil or criminal, to which the prisoner is a party shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing but in the sight of an officer.

(2) A prisoner's legal adviser may, subject to any directions given by the Secretary of State, interview the prisoner in connection with any other legal business out of hearing but in the sight of an officer.

### **Correspondence with legal advisers and courts**

**39.**—(1) A prisoner may correspond with his legal adviser and any court and such correspondence may only be opened, read or stopped by the governor in accordance with the provisions of this rule.

(2) Correspondence to which this rule applies may be opened if the governor has reasonable cause to believe that it contains an illicit enclosure and any such enclosures shall be dealt with in accordance with the other provision of these Rules.

(3) Correspondence to which this rule applies may be opened, read and stopped if the governor has reasonable cause to believe its contents endanger prison security or the safety of others or are otherwise of a criminal nature.

(4) A prisoner shall be given the opportunity to be present when any correspondence to which this rule applies is opened and shall be informed if it or any enclosure is to be read or stopped.

(5) A prisoner shall on request be provided with any writing materials necessary for the purposes of paragraph (1).

(6) In this rule, “court” includes the European Commission of Human Rights, the European Court of Human Rights and the European Court of Justice; and “illicit enclosure” includes any article possession of which has not been authorised in accordance with the other provisions of these Rules and any correspondence to or from a person other than the prisoner concerned, his legal adviser or a court.