
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART VI

SUPPLEMENTAL

Delegation by governor

81. The governor of a prison may, with the leave of the Secretary of State, delegate any of his powers and duties under these Rules to another officer of that prison.

Contracted out prisons

82.—(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 ^{M1} ("the 1991 Act") these Rules shall have effect in relation 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 and performing custodial duties;
- (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—
 - (i) in rules 45, 48, 49, 53, 54, 55, 61 and 81 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 62(1), 66 and 77 where references to a governor shall include references to the director and the controller;
- (c) rule 68 shall not apply in relation to a prisoner custody officer certified as such under section 89(1) of the 1991 Act and performing custodial duties.

(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.

Marginal Citations

M1 1991 c. 53.

Contracted out parts of prisons

83. Where the Secretary of State has entered into a contract for the running of part of a prison under section 84(1) of the Criminal Justice Act 1991, that part and the remaining part shall each be treated for the purposes of Parts II to IV and Part VI of these Rules as if they were separate prisons.

Status: Point in time view as at 01/04/1999.

Changes to legislation: The Prison Rules 1999, PART VI is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Contracted out functions at directly managed prisons

84.—(1) Where the Secretary of State has entered into a contract under section 88A(1) of the Criminal Justice Act 1991 (“the 1991 Act”) for any functions at a directly managed prison to be performed by prisoner custody officers who are authorised to perform custodial duties under section 89(1) of the 1991 Act, references to an officer in these Rules shall, subject to paragraph (2), include references to a prisoner custody officer who is so authorised and who is performing contracted out functions for the purposes of, or for purposes connected with, the prison.

(2) Paragraph (1) shall not apply to references to an officer in rule 68.

(3) In this rule, “directly managed prison” has the meaning assigned to it by section 88A(5) of the 1991 Act.

Revocations and savings

85.—(1) Subject to paragraphs (2) and (3) below, the Rules specified in the Schedule to these Rules are hereby revoked.

(2) Without prejudice to the Interpretation Act 1978 ^{M2}, where a prisoner committed an offence against discipline contrary to rule 47 of the Prison Rules 1964 ^{M3} prior to the coming into force of these Rules, those rules shall continue to have effect to permit the prisoner to be charged with such an offence, disciplinary proceedings in relation to such an offence to be continued, and the governor to impose punishment for such an offence.

(3) Without prejudice to the Interpretation Act 1978, any award of additional days or other punishment or suspended punishment for an offence against discipline awarded or imposed under any provision of the rules revoked by this rule, or those rules as saved by paragraph (2), or treated by any such provision as having been awarded or imposed under the rules revoked by this rule, shall have effect as if awarded or imposed under the corresponding provision of these Rules.

Marginal Citations

M2 1978 c. 30.

M3 S.I. 1964/388.

Status:

Point in time view as at 01/04/1999.

Changes to legislation:

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