

SCHEDULE 2

Rule 3

Amendment of the Young Offender Institution Rules 2000

Health care

1. In rule 2(1)—
 - (a) in the interpretation of “health care professional” omit “pursuant to rule 27(3)”;
 - (b) after the interpretation of “health care professional” insert—

““health care provider” includes any provider of health services, whether or not commissioned by an NHS body (within the meaning given by section 28(6) of the National Health Service 2006(2))”;
 - (c) omit the interpretation of “registered medical practitioner” and “registered nurse”.
2. For rule 27 (Medical attendance)(3) substitute the following—

“Health services

27.—(1) The governor must work in partnership with local health care providers to secure the provision to inmates in the young offender institution of access to the same quality and range of services as the general public receives from the National Health Service.

(2) Every request by an inmate to see a health care professional shall be recorded by the officer to whom it was made and promptly communicated to a health care professional.

(3) If an unconvicted inmate desires the attendance of a named registered medical practitioner or dentist other than one already working in the young offender institution, and will pay any expense incurred, the governor must, if satisfied that there are reasonable grounds for the request and unless the Secretary of State otherwise directs, allow the inmate to be visited and treated by that practitioner or dentist, in consultation with a registered medical practitioner who works in that institution.

(4) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of an inmate who is a party to any legal proceedings must be afforded reasonable facilities for examining the inmate in connection with the proceedings, and may do so out of hearing but in the sight of an officer.

(5) An inmate may correspond, in accordance with arrangements made by the Secretary of State for the confidential handling of correspondence, with a registered medical practitioner who has treated the inmate for a life threatening condition, and such correspondence may not be opened, read or stopped unless the governor has reasonable cause to believe its contents do not relate to the treatment of that condition. ”

3. For rule 37(3) substitute—

“(3) A registered medical practitioner working within the young offender institution may excuse an inmate from work or any other activity on medical grounds.”
4. The following rules(4) are amended—
 - (a) in rule 20(1), for the words “as is mentioned in rule 27(3)”, substitute “working within the young offender institution”;

(1) Rule 2 has been amended by [S.I. 2005/3438](#). There have been other amendments to rule 2 which are not relevant.

(2) [2006 c.41](#)

(3) Rule 27 was substituted by [S.I. 2005/3438](#).

(4) Rules 20(1), 28(1), 49(3), 52(3) and (7) and 61 were amended by [S.I. 2005/3438](#).

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- (b) in rules 28(1), 49(3) and 61(1), for the words “such as is mentioned in rule 27(3)”, substitute “working within the young offender institution”;
- (c) in rule 52(3), for the words from “the registered medical practitioner” to the end of the paragraph, substitute “a registered medical practitioner or registered nurse working within the young offender institution.”;
- (d) in rule 52(7), for the words from “the registered medical practitioner” to the end of the first sentence, substitute “a registered medical practitioner or registered nurse working within the young offender institution”.

Communications

- 5. In rule 11 (interception of communications), after paragraph (2) insert—
 - “(2A) The governor may not make arrangements for interception of any communication between an inmate and
 - (a) the inmate’s legal adviser; or
 - (b) any body or organisation with which the Secretary of State has made arrangements for the confidential handling of correspondence,unless the governor has reasonable cause to believe that the communication is being made with the intention of furthering a criminal purpose and unless authorised by the chief operating officer of the prison service.”
- 6. Rule 16 (legal advisers) is amended as follows—
 - (a) at the beginning of the heading to the rule, insert “visits from”;
 - (b) at the beginning of paragraph (1) insert “Where”, and after the words “to which the inmate is a party” insert “visits the inmate, the legal adviser”;
 - (c) at the beginning of paragraph (2) insert “On such a visit,”.
- 7. In rule 17 (Correspondence with legal advisers and courts) —
 - (a) for the heading to the rule substitute “Delivery and receipt of legally privileged material”;
 - (b) for paragraph (1) substitute—
 - “(1) An inmate may deliver to, or receive from, the inmate’s legal adviser and any court, either by post or during a legal visit under rule 16, any legally privileged material and such material may only be opened, read or stopped by the governor in accordance with the provisions of this rule.”;
 - (c) for “correspondence” where that word appears in paragraphs (2), (3), (4) and (6) substitute “material”.

Miscellaneous

- 8. In rule 48(3) (inmates’ property) for “three years” substitute “1 year”.
- 9. In rule 52(5) (restraints) omit “a member of the independent monitoring board or by”.