
STATUTORY INSTRUMENTS

2017 No. 576

PRISONS, ENGLAND AND WALES

The Prison (Amendment) Rules 2017

<i>Made</i>	- - - -	<i>19th April 2017</i>
<i>Laid before Parliament</i>		<i>21st April 2017</i>
<i>Coming into force</i>	- -	<i>12th May 2017</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) of the Prison Act 1952(1).

Citation and commencement

1. These Rules may be cited as the Prison (Amendment) Rules 2017 and come into force on 12th May 2017.

Amendment of the Prison Rules 1999

- 2.—(1) The Prison Rules 1999(2) are amended as follows.
(2) After rule 46 (close supervision centres) insert—

“46A. Separation centres

- (1) Where it appears desirable, on one or more of the grounds specified in paragraph (2), the Secretary of State may direct that a prisoner be placed in a separation centre within a prison.
(2) The grounds referred to in paragraph (1) are—
(a) the interests of national security;
(b) to prevent the commission, preparation or instigation of an act of terrorism, a terrorism offence, or an offence with a terrorist connection, whether in a prison or otherwise;
(c) to prevent the dissemination of views or beliefs that might encourage or induce others to commit any such act or offence, whether in a prison or otherwise, or to protect or safeguard others from such views or beliefs, or

(1) 1952 c. 52. Section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2).
(2) S.I. 1999/728. There have been amendments to these rules but none are relevant.

- (d) to prevent any political, religious, racial or other views or beliefs being used to undermine good order and discipline in a prison.
- (3) A direction given under paragraph (1) must be reviewed every three months.
- (4) The Secretary of State may, at any time, revoke a direction given under paragraph (1) and direct that the prisoner be removed from the separation centre.
- (5) In exercising any discretion under this rule, the Secretary of State must take account of any known relevant medical considerations.
- (6) In this rule—
- “act of terrorism” includes anything constituting an action taken for the purposes of terrorism within the meaning of section 1 of the Terrorism Act 2000⁽³⁾;
- “offence with a terrorist connection” means an offence listed in Schedule 2 of the Counter-Terrorism Act 2008⁽⁴⁾, which also satisfies the definition in section 93 of that Act;
- “separation centre” means any part of a prison for the time being used for holding prisoners who are subject to a direction under paragraph (1);
- “terrorism offence” means an offence listed in section 41(1) of the Counter-Terrorism Act 2008.”.

19th April 2017

Sam Gyimah
Parliamentary Under Secretary of State
Ministry of Justice

(3) 2000 c. 11. Section 1(1) was amended by section 34 of the Terrorism Act 2006 (c. 11) and section 75(1) of the Counter-Terrorism Act 2008 (c. 28).

(4) 2008 c. 28.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 ([S.I. 1999/728](#)) to create a new rule 46A to make provision for separation centres. The new rule confers on the Secretary of State a discretion to direct that prisoners are placed in such a centre within a prison. The new rule sets out the grounds which must be satisfied prior to the Secretary of State making such a direction, namely: national security, preventing terrorism offences, preventing the dissemination of views that might encourage such offences, and preventing the use of particular views or beliefs to undermine good order and discipline.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.