

STATUTORY INSTRUMENTS

2020 No. 1077

**PRISONS, ENGLAND AND WALES
YOUNG OFFENDER INSTITUTIONS,
ENGLAND AND WALES**

**The Prison and Young Offender Institution
(Coronavirus, etc.) (Amendment) (No. 3) Rules 2020**

<i>Made</i>	- - - -	<i>29th September 2020</i>
<i>Laid before Parliament</i>		<i>5th October 2020</i>
<i>Coming into force</i>	- -	<i>26th October 2020</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1), (3A) and (5) of the Prison Act 1952 ^{M1}.

Marginal Citations

M1 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 \(c. 2\)](#). Section 47(3A) was inserted by section 16(3) of the Criminal Justice and Courts Act 2015. Section 47(5) was amended by Schedule 4 to the [Criminal Justice Act 1961 \(c. 39\)](#), **paragraph 33** of Schedule 8 to the [Courts Act 1971 \(c. 23\)](#), **paragraph 7(b)** of Schedule 14 to the [Criminal Justice Act 1982 \(c. 48\)](#), **section 6(4)** of the Criminal Justice and Public Order Act 1994 and paragraph 3(5) of Schedule 9 to the Criminal Justice and Courts Act 2015.

Citation and commencement

1. These Rules may be cited as the Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020 and come into force on 26th October 2020.

Commencement Information

II Rule 1 in force at 26.10.2020, see [rule 1](#)

Amendment of the Prison Rules 1999

2.—(1) The Prison Rules 1999 ^{M2} are amended as follows.

(2) In rule 9A(4) (coronavirus restricted temporary release), after “framed”, insert “ , in accordance with the other provisions of this rule, ”.

^{F1}(3)

F1 Rule 2(3) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), ss. 2(7)(a), 3(2); S.I. 2021/1280, reg. 2

Commencement Information

I2 Rule 2 in force at 26.10.2020, see [rule 1](#)

Marginal Citations

M2 [S.I. 1999/728](#); relevant amending instruments are [S.I. 2018/960](#); 2020/400 and 2020/508.

Amendment of the Young Offender Institution Rules 2000

3.—(1) The Young Offender Institution Rules 2000 ^{M3} are amended as follows.

(2) In rule 5A(4) (coronavirus restricted temporary release), after “framed”, insert “ , in accordance with the other provisions of this rule, ”.

^{F2}(3)

F2 Rule 3(3) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), ss. 2(7)(b), 3(2); S.I. 2021/1280, reg. 2

Commencement Information

I3 Rule 3 in force at 26.10.2020, see [rule 1](#)

Marginal Citations

M3 [S.I. 2000/3371](#); relevant amending instruments are [S.I. 2014/2169](#); 2018/960; 2020/400 and 2020/508.

Amendment of the Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020

4.—(1) Schedule 1 to the Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020 ^{M4} is amended as follows.

(2) In paragraph 2(b), in the definition of “transition period”, for “provided for by Rule 2A” substitute “ of 3 months starting on the date on which a transmission control period ends ”.

(3) Omit paragraph 3.

Commencement Information

I4 Rule 4 in force at 26.10.2020, see [rule 1](#)

Marginal Citations

M4 [S.I. 2020/508](#).

5.—(1) Schedule 2 to the Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020 is amended as follows.

(2) In paragraph 2(b), in the definition of “transition period”, for “provided for by rule 2A” substitute “ of 3 months starting on the date on which a transmission control period ends ”.

(3) Omit paragraph 3.

Commencement Information

I5 Rule 5 in force at 26.10.2020, see [rule 1](#)

Ministry of Justice

Lucy Frazer
Minister of State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”), the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”) and the Prison and Young Offender Institution (Coronavirus) (Amendment) Rules 2020 (S.I. 2020/508) (“the 2020 Rules”). The Rules provide for the following categories of amendments:

- clarification in relation to directions made providing for coronavirus restricted temporary release of certain offenders directed by the Secretary of State in response to the coronavirus pandemic;
- additions to the list of specified drugs for the purposes of section 16A (testing prisoners for drugs) of the Prison Act 1952 (c. 52) (“the Act”); and
- amendments to the definition of a transition period in the 2020 Rules.

Rules 2(2) clarifies that the framing of a direction describing a class or classes of prisoners who will be released under Rule 9A of the 1999 Rules may only be in accordance with the other provisions of rule 9A. Rule 3(2) provides the same clarification for directions made under rule 5A of the 2000 Rules.

Rules 2(3) and 3(3) add one substance to the lists of specified drugs in Schedule 2 to the 1999 Rules and the 2000 Rules for the purposes of section 16A of the Act.

Rules 4 and 5 amend Schedules 1 and 2 to the 2020 Rules to change the transition period at the end of a transmission control period to 3 months.

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

Changes to legislation:

There are currently no known outstanding effects for the The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020.