

STATUTORY INSTRUMENTS

2020 No. 508

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

**The Prison and Young Offender Institution
(Coronavirus) (Amendment) (No. 2) Rules 2020**

Made - - - - *13th May 2020*
Laid before Parliament *14th May 2020*
Coming into force in accordance with rule 1(1) and (2)

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) 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 \(c. 2\)](#).

Citation, commencement and expiry

1.—(1) These Rules may be cited as the Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020 and, except as provided in paragraph (2), come into force on 15th May 2020.

(2) The amendments made by rule 2 and rule 3 come into force on 25th March 2022.

(3) These Rules, except for paragraph (2), rule 2 and rule 3, cease to have effect on 25th March 2022.

Commencement Information

II Rule 1 in force at 15.5.2020 and rule ceases to have effect (except rule 1(2)) on 25.3.2022, see rule 1(1)(3)

Amendment of the Prison Rules 1999

- 2.—(1) The Prison Rules 1999 ^{M2} are amended as follows.
- (2) Omit rule 9A (coronavirus restricted temporary release) ^{M3}.
- (3) In rule 51(8) and (9), omit “or rule 9A”.

Commencement Information

I2 Rule 2 in force at 25.3.2022, see [rule 1\(2\)](#)

Marginal Citations

M2 [S.I. 1999/728](#).

M3 Rule 9A was inserted by [S.I. 2020/400](#).

Amendment of the Young Offender Institution Rules 2000

- 3.—(1) The Young Offender Institution Rules 2000 ^{M4} are amended as follows.
- (2) Omit rule 5A (coronavirus restricted temporary release) ^{M5}.
- (3) In rule 55(9) and 55(10), omit “or rule 5A”.

Commencement Information

I3 Rule 3 in force at 25.3.2022, see [rule 1\(2\)](#)

Marginal Citations

M4 [S.I. 2000/3371](#).

M5 Rule 5A was inserted by [S.I. 2020/400](#).

Temporary modification of the Prison Rules 1999

4. Schedule 1 contains temporary modifications of the Prison Rules 1999.

Commencement Information

I4 Rule 4 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see [rule 1\(1\)\(3\)](#)

Temporary modification of the Young Offender Institution Rules 2000

5. Schedule 2 contains temporary modifications of the Young Offender Institution Rules 2000.

Commencement Information

I5 Rule 5 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see [rule 1\(1\)\(3\)](#)

SCHEDULE 1

Rule 4

Modification of the Prison Rules 1999

1. The Prison Rules 1999 have effect as if amended in accordance with paragraphs 2 to 13.

Commencement Information

I6 Sch. 1 para. 1 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

2. In rule 2(1) (interpretation) ^{M6}—

- (a) after the definition of “convicted prisoner” insert—

““coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);

“coronavirus period” means the period of time inclusive of a transmission control period and the transition period which follows it;”;

- (b) after the definition of “the 2003 Act” insert—

““the 2020 Act” means the Coronavirus Act 2020 ^{M7};

“transition period” means the period ^{F1}[^{F2}... starting on the date on which a transmission control period ends][^{F3}and ending with 24th March 2022];

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.

F1 Words in Sch. 1 para. 2(b) omitted (26.1.2022) by [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **2(2)**

F2 Words in Sch. 1 para. 2(b) substituted (26.10.2020) by [The Prison and Young Offender Institution \(Coronavirus, etc.\) \(Amendment\) \(No. 3\) Rules 2020 \(S.I. 2020/1077\)](#), rules 1, **4(2)**

F3 Words in Sch. 1 para. 2(b) inserted (26.1.2022) by [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **2(2)**

Commencement Information

I7 Sch. 1 para. 2 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

Marginal Citations

M6 There are amending instruments but none is relevant.

M7 [2020 c. 7](#).

^{F4}**3.**

F4 Sch. 1 para. 3 omitted (26.10.2020) by virtue of [The Prison and Young Offender Institution \(Coronavirus, etc.\) \(Amendment\) \(No. 3\) Rules 2020 \(S.I. 2020/1077\)](#), rules 1, **4(3)**

4. In rule 14 (special duties of chaplains and prison ministers)—

- (a) in paragraph (1), after “shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”;

- (b) in paragraph (2), after “The chaplain shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”;

Changes to legislation: There are currently no known outstanding effects for the The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020. (See end of Document for details)

- (c) in paragraph (3), after “The chaplain shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I8 Sch. 1 para. 4 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

5. In rule 16(1) (religious services), after “The chaplain shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I9 Sch. 1 para. 5 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

6. In rule 32 (education)—
- (a) in paragraph (2), after “Educational classes shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”;
- (b) in paragraph (4), after “arrangements shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I10 Sch. 1 para. 6 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

7. After rule 35(2A) (personal letters and visits) ^{M8} insert—
- “(2B) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1), (2)(b) and (2A), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to prisoners or the prison and proportionate to what is sought to be achieved.”.

Commencement Information

I11 Sch. 1 para. 7 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

Marginal Citations

M8 Rule 35(2A) was inserted by [S.I. 2003/3301](#).

8. In rule 46(2) (close supervision centres) ^{M9}, after “for a period not exceeding one month” insert “, or, during a coronavirus period, three months, ”.

Commencement Information

I12 Sch. 1 para. 8 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

Marginal Citations

M9 Rule 46(2) was amended by [S.I. 2000/1794](#).

Changes to legislation: There are currently no known outstanding effects for the *The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020*. (See end of Document for details)

F59.

F5 Sch. 1 para. 9 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), 2(3)

F610.

F6 Sch. 1 para. 10 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), 2(3)

F711.

F7 Sch. 1 para. 11 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), 2(3)

12. In rule 73 (visitors) ^{M10}—

(a) after paragraph (1) insert—

“(1A) During a coronavirus period, the Secretary of State may prohibit visits by all persons or classes of persons to a prison or to a prisoner in a prison for such periods of time as the Secretary of State considers necessary, if the Secretary of State considers that such prohibition is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to prisoners or the prison.”;

(b) in paragraph (2), for “Paragraph (1)” substitute “ Paragraphs (1) and (1A) ”.

Commencement Information

I13 Sch. 1 para. 12 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

Marginal Citations

M10 Rule 73 was amended by [S.I. 2000/2641](#) and [S.I. 2008/597](#).

F813.

F8 Sch. 1 para. 13 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), 2(3)

SCHEDULE 2

Rule 5

Modification of the Young Offender Institution Rules 2000

1. The Young Offender Institution Rules 2000 have effect as if amended in accordance with paragraphs 2 to 15.

Commencement Information

I14 Sch. 2 para. 1 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

Changes to legislation: There are currently no known outstanding effects for the The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020. (See end of Document for details)

2. In rule 2(1) (interpretation) ^{M11}—

(a) after the definition of “controlled drug” insert—

““coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);

“coronavirus period” means the period of time inclusive of a transmission control period and the transition period which follows it;”;

(b) after the definition of “the 2003 Act” insert—

““the 2020 Act” means the Coronavirus Act 2020;

“transition period” means the period ^{F9}[^{F10}... starting on the date on which a transmission control period ends][^{F11}and ending with 24th March 2022];

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.

- F9** Words in Sch. 2 para. 2(b) omitted (26.1.2022) by [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **3(2)**
- F10** Words in Sch. 2 para. 2(b) substituted (26.10.2020) by [The Prison and Young Offender Institution \(Coronavirus, etc.\) \(Amendment\) \(No. 3\) Rules 2020 \(S.I. 2020/1077\)](#), rules 1, **5(2)**
- F11** Words in Sch. 2 para. 2(b) inserted (26.1.2022) by [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **3(2)**

Commencement Information

I15 Sch. 2 para. 2 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

Marginal Citations

M11 There are amending instruments but none is relevant.

^{F12}3.

- F12** Sch. 2 para. 3 omitted (26.10.2020) by virtue of [The Prison and Young Offender Institution \(Coronavirus, etc.\) \(Amendment\) \(No. 3\) Rules 2020 \(S.I. 2020/1077\)](#), rules 1, **5(3)**

4. After rule 10(1) (personal letters and visits) insert—

“(1A) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1)(b), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution and proportionate to what is sought to be achieved.”.

Commencement Information

I16 Sch. 2 para. 4 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

5. In rule 31 (special duties of chaplains and appointed ministers)—

(a) in paragraph (1), after “shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”;

(b) in paragraph (2), after “The chaplain shall” insert “ (or during a coronavirus period shall so far as reasonably practicable), ”;

Changes to legislation: There are currently no known outstanding effects for the The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020. (See end of Document for details)

- (c) in paragraph (3), after “the chaplain shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I17 Sch. 2 para. 5 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

- 6. In rule 33(1) (religious services), after “The chaplain shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I18 Sch. 2 para. 6 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

- 7. In rule 37(1) (regime activities), after “An inmate shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I19 Sch. 2 para. 7 in force at 15.5.2020, see rule. 1(1)

- 8. In rule 38 (education)—
 - (a) in paragraph (1), after “Provision shall” insert “ (or during a coronavirus period shall so far as reasonable practicable) ”;
 - (b) in paragraph (2), after “arrangements shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I20 Sch. 2 para. 8 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

- 9. In rule 39(1) (training courses), after “Provision shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I21 Sch. 2 para. 9 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

- 10. In rule 41(physical education)—
 - (a) in paragraph (1), after “Provision shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”;
 - (b) in paragraph (2), after “Arrangements shall” insert “ (or during a coronavirus period shall so far as reasonably practicable) ”.

Commencement Information

I22 Sch. 2 para. 10 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

^{F13}11.

Changes to legislation: There are currently no known outstanding effects for the The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020. (See end of Document for details)

F13 Sch. 2 para. 11 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **3(3)**

F14¹².

F14 Sch. 2 para. 12 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **3(3)**

F15¹³.

F15 Sch. 2 para. 13 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **3(3)**

14. In rule 77 (visitors) ^{M12}—

(a) after rule 77(1) insert—

“(1A) During a coronavirus period, the Secretary of State may prohibit visits by all persons or classes of persons to a young offender institution or to an inmate in a young offender institution for such periods of time as the Secretary of State considers necessary, if the Secretary of State considers that such prohibition is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution.”

(b) in paragraph (2), for “Paragraph (1)” substitute “ Paragraph (1) and (1A) ”.

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Commencement Information

I23 Sch. 2 para. 14 in force at 15.5.2020 and ceases to have effect on 25.3.2022, see rule 1(1)(3)

.....

Marginal Citations

M12 Rule 77 was amended by [S.I. 2008/599](#).

F16¹⁵.

F16 Sch. 2 para. 15 omitted (26.1.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) Rules 2022 \(S.I. 2022/4\)](#), rules 1(1), **3(3)**

EXPLANATORY NOTE

(This note is not part of the Rules)
These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”) and the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”). The amendments are in response to the effect of the coronavirus pandemic in prisons and young offender institutions and apply during a coronavirus period.

Rules 2 and 3 provide that rule 9A of the 1999 Rules and rule 5A of the 2000 Rules cease to have effect on 25th March 2022.

Schedule 1 makes temporary modifications to the 1999 Rules to have effect until 25th March 2022. Paragraph 2 of Schedule 1 inserts new definitions into the 1999 Rules and defines a “coronavirus period”.

Paragraph 3 of Schedule 1 inserts a new rule 2A into the 1999 Rules to provide the period of time of a “transition period”. The transition period is for 3 months and the Secretary of State may extend for subsequent periods of up to 1 month up to a total of 3 months.

Paragraphs 4 to 6 and 8 of Schedule 1 modifies various rules in the 1999 Rules to provide greater flexibility to comply with the requirements in the rule during a coronavirus period.

Paragraph 7 of Schedule 1 modifies rule 35 of the 1999 Rules to allow the Secretary of State to suspend a prisoner's statutory entitlement to visits under rule 35 where necessary as a result of effects arising from coronavirus.

Paragraphs 9 and 10 of Schedule 1 modify rules 53 and 53A to make amendments to reflect new rule 53B of the 1999 Rules.

Paragraph 11 of Schedule 1 inserts a new rule 53B into the 1999 Rules. This provides that, when a charge has been referred to an adjudicator, the Chief Magistrate may determine that it is not reasonably practicable for the adjudicator to inquire into a charge due to circumstances arising from coronavirus and the governor may inquire into that charge. The governor has 14 days to first inquire into a charge from the Chief Magistrate's decision. The charge is to be treated as a charge inquired into by a governor and cannot be subject to adjudicator's punishments in rule 55A. Paragraph 10 of Schedule 1 provides that a governor can determine that a charge is so serious that it must still be referred to an adjudicator.

Paragraph 12 of Schedule 1 modifies rule 73 of the 1999 Rules to allow the Secretary of State to prohibit visits by all persons, or classes of persons, to a prison if considered necessary as a result of the effects of coronavirus.

Paragraph 13 of Schedule 1 modifies rule 82 of the 1999 Rules to include new rule 53B of the 1999 Rules.

Schedule 2 makes equivalent modifications to the 2000 Rules.

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) (Amendment) (No. 2) Rules 2020.