
STATUTORY INSTRUMENTS

1997 No. 789

**YOUNG OFFENDER INSTITUTIONS,
ENGLAND AND WALES**

The Young Offender Institution (Amendment) Rules 1997

Made - - - - *9th March 1997*
Laid before Parliament *20th March 1997*
Coming into force - - *15th April 1997*

In exercise of the powers conferred upon me by section 47 of the Prison Act 1952(1), I hereby make the following Rules:

1. These Rules may be cited as the Young Offender Institution (Amendment) Rules 1997 and shall come into force on 15th April 1997.

2. After rule 79 of the Young Offender Institution Rules 1988(2), there shall be inserted the following rules—

“Contracted out young offender institutions

79A.—(1) Where the Secretary of State has entered into a contract for the running of a young offender institution under section 84 of the Criminal Justice Act 1991 (in this rule “the 1991 Act”) these Rules shall have effect in relation to that young offender institution with the following modifications—

- (a) references to an officer shall include references to a prisoner custody officer certified as such under section 89(1) of the 1991 Act;
- (b) references to a governor 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 46, 48, 49, 51, 52, 53, 59, 60 and 79 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

(1) 1952 c. 52; section 47 was affected by an amendment to section 52(2) of that Act by section 66(4) of the Criminal Justice Act 1967 (c. 80), was extended by section 85(2) and (4) of the Criminal Justice Act 1991 (c. 53) and is applied by section 43(5) of the Prison Act 1952. The Criminal Justice Act 1988 (c. 33), Schedule 8, paragraph 1, contains amendments affecting these provisions.

(2) S.I. 1988/1422; to which there have been no amending instruments relevant to these Rules.

- (ii) in rules 61(1), 65 and 75 where references to a governor shall include references to a director and a 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.

Contracted out parts of young offender institutions

79B. Where the Secretary of State has entered into a contract for the running of part of a young offender institution 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 I to IV and Part VI of these Rules as if they were separate young offender institutions.

Contracted out functions at directly managed young offender institutions

79C.—(1) Where the Secretary of State has entered into a contract under section 88A(1) of the Criminal Justice Act 1991 for any functions at a directly managed young offender institution to be performed by prisoner custody officers who are authorised to perform custodial duties under section 89(1) of that Act, references to an officer in these Rules shall, subject to paragraph (2) below, 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 young offender institution.

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

(3) In this rule “directly managed young offender institution” means a young offender institution which is not a contracted out young offender institution.”.

Home Office

9th March 1997

Michael Howard
One of Her Majesty’s Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules modify the Young Offender Institution Rules 1988 (S.I.1988/1422) in their application to contracted out young offender institutions. In particular, they substitute references to prisoner custody officers, the director and the controller for references in the 1988 Rules to officers and the governor. The duties of the governor are shared between the controller and the director in accordance with their respective powers and duties under the Criminal Justice Act 1991.

The Rules further provide that, where the running of part of a young offender institution has been contracted out, that part and the remaining part shall each be treated as if they were separate young offender institutions. They also provide that, where any functions at a directly managed young offender institution have been contracted out, references to an officer shall include references to a prisoner custody officer performing such functions for the purposes of, or for purposes connected with, such a young offender institution.