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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*GENERAL*

**Classification of prisoners**

7.—(1) [<sup>F1</sup>Subject to paragraphs (1A) to (1D), prisoners] shall be classified, in accordance with any directions of the Secretary of State, having regard to their age, temperament and record and with a view to maintaining good order and facilitating training and, in the case of convicted prisoners, of furthering the purpose of their training and treatment as provided by rule 3.

[<sup>F2</sup>(1A) Except where paragraph (1D) applies, a prisoner who has the relevant deportation status must not be classified as suitable for open conditions.

(1B) If, immediately before the relevant time—

- (a) a prisoner has been classified as suitable for open conditions; and
- (b) the prison has received notice that the prisoner has the relevant deportation status,

the prisoner's classification must be reconsidered in accordance with this rule as soon as practicable after the relevant time.

(1C) If—

- (a) a prisoner has been classified as suitable for open conditions (whether before or after the relevant time); and
- (b) the prison receives notice after the relevant time that the prisoner has the relevant deportation status,

the prisoner's classification must be reconsidered in accordance with this rule as soon as practicable after the prison receives that notice.

(1D) This paragraph applies if a prisoner has been classified as suitable for open conditions and is located in open conditions immediately before the prisoner's classification is reconsidered, whether under paragraph (1B) or (1C) or otherwise.

(1E) For the purposes of this rule, a prisoner has the relevant deportation status if—

- (a) there is a deportation order against the prisoner under section 5(1) of the Immigration Act 1971; and
- (b) no appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") that may be brought or continued from within the United Kingdom in relation to the decision to make the deportation order—
  - (i) could be brought (ignoring any possibility of an appeal out of time with permission),
  - or

(ii) is pending (within the meaning of section 104 of the 2002 Act).

(1F) In paragraph (1E), the reference to the decision to make the deportation order includes a decision that section 32(5) of the UK Borders Act 2007 applies in respect of the prisoner.

(1G) In this rule, “the relevant time” means 5.00 p.m on 13th August 2014.]

(2) Unconvicted prisoners:

(a) shall be kept out of contact with convicted prisoners as far as the governor considers it can reasonably be done, unless and to the extent that they have consented to share residential accommodation or participate in any activity with convicted prisoners; and

(b) shall under no circumstances be required to share a cell with a convicted prisoner.

(3) Prisoners committed or attached for contempt of court, or for failing to do or abstain from doing anything required to be done or left undone:

(a) shall be treated as a separate class for the purposes of this rule;

(b) notwithstanding anything in this rule, may be permitted to associate with any other class of prisoners if they are willing to do so; and

(c) shall have the same privileges as an unconvicted prisoner under rules 20(5), 23(1) and 35(1).

(4) Nothing in this rule shall require a prisoner to be deprived unduly of the society of other persons.

**F1** Words in rule 7(1) substituted (13.8.2014 at 5.00 p.m.) by [The Prison and Young Offender Institution \(Amendment\) Rules 2014 \(S.I. 2014/2169\)](#), rules 1, **2(3)(a)**

**F2** Rule 7(1A)-(1G) inserted (13.8.2014 at 5.00 p.m.) by [The Prison and Young Offender Institution \(Amendment\) Rules 2014 \(S.I. 2014/2169\)](#), rules 1, **2(3)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Prison Rules 1999, Section 7.