
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

GENERAL

Temporary release

9.—(1) [^{F1}Subject to paragraph (1A), the Secretary of State] may, in accordance with the other provisions of this rule, release temporarily a prisoner to whom this rule applies.

[^{F2}(1A) A prisoner who has the relevant deportation status must not be released under this rule unless the prisoner is located in open conditions immediately before the time of release.]

(2) A prisoner may be released under this rule for any period or periods and subject to any conditions.

(3) A prisoner may only be released under this rule:

- (a) on compassionate grounds or for the purpose of receiving medical treatment;
- (b) to engage in employment or voluntary work;
- (c) to receive instruction or training which cannot reasonably be provided in the prison;
- (d) to enable him to participate in any proceedings before any court, tribunal or inquiry;
- (e) to enable him to consult with his legal adviser in circumstances where it is not reasonably practicable for the consultation to take place in the prison;
- (f) to assist any police officer in any enquiries;
- (g) to facilitate the prisoner's transfer between prisons;
- (h) to assist him in maintaining family ties or in his transition from prison life to freedom; or
- ^{F3}(i)

(4) A prisoner shall not be released under this rule unless the Secretary of State is satisfied that there would not be an unacceptable risk of his committing offences whilst released or otherwise failing to comply with any condition upon which he is released.

(5) The Secretary of State shall not release under this rule a prisoner serving a sentence of imprisonment if, having regard to:

- (a) the period or proportion of his sentence which the prisoner has served or, in a case where paragraph (10) does not apply to require all the sentences he is serving to be treated as a single term, the period or proportion of any such sentence he has served; and
- (b) the frequency with which the prisoner has been granted temporary release under this rule,

the Secretary of State is of the opinion that the release of the prisoner would be likely to undermine public confidence in the administration of justice.

(6) If a prisoner has been temporarily released under this rule during the relevant period and has been sentenced to imprisonment for a criminal offence committed whilst at large following that release, he shall not be released under this rule unless his release, having regard to the circumstances of this conviction, would not, in the opinion of the Secretary of State, be likely to undermine public confidence in the administration of justice.

(7) For the purposes of paragraph (6), “the relevant period”:

- (a) in the case of a prisoner serving a determinate sentence of imprisonment, is the period he has served in respect of that sentence, unless, notwithstanding paragraph (10), the sentences he is serving do not fall to be treated as a single term, in which case it is the period since he was last released in relation to one of those sentences under Part II of the Criminal Justice Act 1991 (“the 1991 Act”) ^{M1}[^{F4}or Chapter 6 of Part 12 of the 2003 Act];
- (b) in the case of a prisoner serving an indeterminate sentence of imprisonment, is, if the prisoner has previously been released on licence under Part II of the Crime (Sentences) Act 1997 ^{M2} or Part II of the 1991 Act [^{F5}or Chapter 6 of Part 12 of the 2003 Act], the period since the date of his last recall to prison in respect of that sentence or, where the prisoner has not been so released, the period he has served in respect of that sentence; or
- (c) in the case of a prisoner detained in prison for any other reason, is the period for which the prisoner has been detained for that reason;

save that where a prisoner falls within two or more of sub-paragraphs (a) to (c), the “relevant period”, in the case of that prisoner, shall be determined by whichever of the applicable sub-paragraphs produces the longer period.

(8) A prisoner released under this rule may be recalled to prison at any time whether the conditions of his release have been broken or not.

[^{F6}(8A) If, immediately before the relevant time, a prisoner has been released under this rule and the prison has received notice that the prisoner has the relevant deportation status, the prisoner must be recalled unless—

- (a) the period for which the prisoner has been released is due to expire on 13th August 2014; or
- (b) the prisoner was released from open conditions.

(8B) If a prisoner has been released under this rule (whether before or after the relevant time) and the prison receives notice after the relevant time that the prisoner has the relevant deportation status, the prisoner must be recalled unless—

- (a) the period for which the prisoner has been released is due to expire on the day on which the prison receives that notice; or
- (b) the prisoner was released from open conditions.]

(9) This rule applies to prisoners other than persons committed in custody for trial or to be sentenced or otherwise dealt with before or by any Crown Court or remanded in custody by any court.

[^{F7}(10) For the purposes of any reference in this rule to an inmate’s sentence, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.]

(11) In this rule:

- (a) any reference to a sentence of imprisonment shall be construed as including any sentence to detention or custody; and
- (b) any reference to release on licence or otherwise under Part II of the 1991 Act includes any release on licence under any legislation providing for early release on licence.

[^{F8}(c) any reference to a prisoner who has the relevant deportation status is to be read in accordance with rule 7(1E) and (1F); and

- (d) any reference to the relevant time is to be read in accordance with rule 7(1G).]

- F1** Words in rule 9(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(4)(a)**
- F2** Rule 9(1A) 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(4)(b)**
- F3** Rule 9(3)(i) repealed (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, **Sch. 1 para. 2(a)**
- F4** Words in rule 9(7)(a) added (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, **Sch. 1 para. 2(b)**
- F5** Words in rule 9(7)(b) added (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, **Sch. 1 para. 2(c)**
- F6** Rule 9(8A)(8B) 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(4)(c)**
- F7** Rule 9(10) substituted (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, **Sch. 1 para. 2(d)**
- F8** Rule 9(11)(c)(d) 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(4)(d)**

Marginal Citations

- M1** 1991 c. 53.
M2 1997 c. 43.

Changes to legislation:

There are currently no known outstanding effects for the The Prison Rules 1999, Section 9.