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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*OFFENCES AGAINST DISCIPLINE*

**Offences against discipline**

**51.** A prisoner is guilty of an offence against discipline if he—

(1) commits any assault;

[<sup>F1</sup>(1A) commits any racially aggravated assault;]

(2) detains any person against his will;

(3) denies access to any part of the prison to any officer or any person (other than a prisoner) who is at the prison for the purpose of working there;

(4) fights with any person;

(5) intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered;

(6) intentionally obstructs an officer in the execution of his duty, or any person (other than a prisoner) who is at the prison for the purpose of working there, in the performance of his work;

(7) escapes or absconds from prison or from legal custody;

(8) fails to comply with any condition upon which he is temporarily released under rule 9 <sup>F2</sup>...;

[<sup>F3</sup>(9) is found with any substance in his urine which demonstrates that a controlled drug [<sup>F4</sup>, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]<sup>F5</sup>... has, whether in prison or while on temporary release under rule 9 <sup>F6</sup>..., been administered to him by himself or by another person (but subject to rule 52);]

[<sup>F7</sup>(10) is intoxicated as a consequence of consuming any alcoholic beverage (but subject to rule 52A);]

[<sup>F8</sup>(11) consumes any alcoholic beverage whether or not provided to him by another person (but subject to rule 52A);]

(12) has in his possession—

(a) any unauthorised article, or

(b) a greater quantity of any article than he is authorised to have;

(13) sells or delivers to any person any unauthorised article;

(14) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;

- (15) takes improperly any article belonging to another person or to a prison;
- (16) intentionally or recklessly sets fire to any part of a prison or any other property, whether or not his own;
- (17) destroys or damages any part of a prison or any other property, other than his own;
- [<sup>F9</sup>(17A) causes racially aggravated damage to, or destruction of, any part of a prison or any other property, other than his own;]
- (18) absents himself from any place he is required to be or is present at any place where he is not authorised to be;
- (19) is disrespectful to any officer, or any person (other than a prisoner) who is at the prison for the purpose of working there, or any person visiting a prison;
- (20) uses threatening, abusive or insulting words or behaviour;
- [<sup>F10</sup>(20A) uses threatening, abusive or insulting racist words or behaviour;]
- (21) intentionally fails to work properly or, being required to work, refuses to do so;
- (22) disobeys any lawful order;
- (23) disobeys or fails to comply with any rule or regulation applying to him;
- (24) receives any controlled drug [<sup>F11</sup>, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]<sup>F12</sup>..., or, without the consent of an officer, any other article, during the course of a visit (not being an interview such as is mentioned in rule 38);
- [<sup>F13</sup>(24A) displays, attaches or draws on any part of a prison, or on any other property, threatening, abusive or insulting racist words, drawings, symbols or other material;]
- (a) (25) (a) attempts to commit,
- (b) incites another prisoner to commit, or
- (c) assists another prisoner to commit or to attempt to commit, any of the foregoing offences.

- F1** Rule 51(1A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(a\)](#)
- F2** Words in rule 51(8) omitted (25.3.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) \(No. 2\) Rules 2020 \(S.I. 2020/508\)](#), rules 1(2), **2(3)**
- F3** Rule 51(9) substituted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), [Sch. 1 para. 4\(a\)](#)
- F4** Words in rule 51(9) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by [The Prison and Young Offender Institution \(Amendment\) Rules 2021 \(S.I. 2021/1279\)](#), rules 1(3), **2(4)**; S.I. 2021/1280, reg. 2
- F5** Words in rule 51(9) omitted (8.12.2021) by virtue of [Prisons \(Substance Testing\) Act 2021 \(c. 18\)](#), **ss. 2(3)(c)**, 3(2); S.I. 2021/1280, reg. 2
- F6** Words in rule 51(9) omitted (25.3.2022) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) \(No. 2\) Rules 2020 \(S.I. 2020/508\)](#), rules 1(2), **2(3)**
- F7** Rule 51(10) substituted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), [Sch. 1 para. 4\(b\)](#)
- F8** Rule 51(11) substituted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), [Sch. 1 para. 4\(c\)](#)
- F9** Rule 51(17A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(b\)](#)
- F10** Rule 51(20A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 3\(c\)](#)

- F11** Words in rule 51(24) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by [The Prison and Young Offender Institution \(Amendment\) Rules 2021 \(S.I. 2021/1279\)](#), rules 1(3), **2(5)**; S.I. 2021/1280, reg. 2
- F12** Words in rule 51(24) omitted (8.12.2021) by virtue of [Prisons \(Substance Testing\) Act 2021 \(c. 18\)](#), **ss. 2(3)(c)**, 3(2); S.I. 2021/1280, reg. 2
- F13** Rule 51(24A) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, **Sch. para. 3(d)**

#### **[<sup>F14</sup> Interpretation of rule 51**

**51A.**—(2) For the purposes of rule 51 words, behaviour or material are racist if they demonstrate, or are motivated (wholly or partly) by, hostility to members of a racial group (whether identifiable or not) based on their membership (or presumed membership) of a racial group, and “membership”, “presumed”, “racial group” and “racially aggravated”, shall have the meanings assigned to them by section 28 of the Crime and Disorder Act 1998.]

- F14** Rule 51A inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, **Sch. para. 4**

#### **Defences to rule 51(9)**

**52.** It shall be a defence for a prisoner charged with an offence under rule 51(9) to show that [<sup>F15</sup>the controlled drug, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]:

- (a) [<sup>F16</sup> ... <sup>F17</sup> ... had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drug [<sup>F18</sup>, medicine or substance] to him by another person;
- (b) [<sup>F19</sup> ... <sup>F20</sup> ... was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug [<sup>F21</sup>, medicine or substance] was being administered; or
- (c) [<sup>F22</sup> ... <sup>F23</sup> ... was administered by or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.

- F15** Words in rule 52 inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by [The Prison and Young Offender Institution \(Amendment\) Rules 2021 \(S.I. 2021/1279\)](#), rules 1(3), **2(6)(a)**; S.I. 2021/1280, reg. 2
- F16** Words in rule 52(a) omitted (8.12.2021 immediately after 2021 c. 18 comes into force) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2021 \(S.I. 2021/1279\)](#), rules 1(3), **2(6)(b)(i)**; S.I. 2021/1280, reg. 2
- F17** Words in rule 52(a) omitted (8.12.2021) by virtue of [Prisons \(Substance Testing\) Act 2021 \(c. 18\)](#), **ss. 2(3)(d)**, 3(2); S.I. 2021/1280, reg. 2
- F18** Words in rule 52(a) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by [The Prison and Young Offender Institution \(Amendment\) Rules 2021 \(S.I. 2021/1279\)](#), rules 1(3), **2(6)(b)(ii)**; S.I. 2021/1280, reg. 2
- F19** Words in rule 52(b) omitted (8.12.2021 immediately after 2021 c. 18 comes into force) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2021 \(S.I. 2021/1279\)](#), rules 1(3), **2(6)(c)(i)**; S.I. 2021/1280, reg. 2
- F20** Words in rule 52(b) omitted (8.12.2021) by virtue of [Prisons \(Substance Testing\) Act 2021 \(c. 18\)](#), **ss. 2(3)(d)**, 3(2); S.I. 2021/1280, reg. 2

- F21** Words in rule 52(b) inserted (8.12.2021 immediately after 2021 c. 18 comes into force) by The Prison and Young Offender Institution (Amendment) Rules 2021 (S.I. 2021/1279), rules 1(3), **2(6)(c)(ii)**; S.I. 2021/1280, reg. 2
- F22** Words in rule 52(c) omitted (8.12.2021 immediately after 2021 c. 18 comes into force) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2021 (S.I. 2021/1279), rules 1(3), **2(6)(d)**; S.I. 2021/1280, reg. 2
- F23** Words in rule 52(c) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(3)(d)**, 3(2); S.I. 2021/1280, reg. 2

**[<sup>F24</sup>Defences to rule 51(10) and rule 51(11)**

**52A.** It shall be a defence for a prisoner charged with an offence under rule 51(10) or (11) to show that—

- (a) the alcohol was consumed by him in circumstances in which he did not know and had no reason to suspect that he was consuming alcohol;
- (b) the alcohol was consumed by him without his consent in circumstances where it was not reasonable for him to have resisted; or

<sup>F25</sup>(c) . . . . .]

- F24** Rule 52A inserted (18.4.2005) by The Prison (Amendment) Rules 2005 (S.I. 2005/869), rule 1(1), **Sch. 1 para. 5**
- F25** Rule 52A(c) omitted (3.1.2006) by virtue of The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 12**

**Disciplinary charges**

**53.—(1)** Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence.

(2) Every charge shall be inquired into by the governor [<sup>F26</sup>or, as the case may be, the adjudicator].

[<sup>F27</sup>(3) Every charge shall be first inquired into not later, save in exceptional circumstances or in accordance with rule 55A(5) [<sup>F28</sup>or 53B(3)], than:

- (a) where it is inquired into by the governor, the next day, not being a Sunday or public holiday, after it is laid;
- (b) where it is referred to the adjudicator under rule 53A(2) [<sup>F29</sup>or 60(3)(b)], 28 days after it is so referred.]

(4) A prisoner who is to be charged with an offence against discipline may be kept apart from other prisoners pending the governor’s first inquiry [<sup>F30</sup>or determination under rule 53A].

- F26** Words in rule 53(2) added (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 2(a)**
- F27** Rule 53(3) substituted (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 2(b)**
- F28** Words in rule 53(3) inserted (temp.) (15.5.2020) by virtue of The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020 (S.I. 2020/508), rule 1(1), **Sch. 1 para. 9** (with rule 1(3))
- F29** Words in rule 53(3)(b) inserted (26.9.2011) by The Prison and Young Offender Institution (Amendment) Rules 2011 (S.I. 2011/1663), rule 1, **Sch. 1 para. 4**

**F30** Words in rule 53(4) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 2\(c\)](#)

**[<sup>F31</sup>Determination of mode of inquiry**

**53A.**—(1) Before inquiring into a charge the governor must assess whether—

- (a) the charge is so serious that additional days could be awarded for the offence if the prisoner is found guilty, or
- (b) it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator.

(2) Where the governor determines that—

- (a) sub-paragraph (a) or (b) of paragraph (1) applies, the governor must—
  - (i) refer the charge to the adjudicator immediately;
  - (ii) refer any other charge arising out of the same incident (“an associated charge”) to the adjudicator, and
  - (iii) inform the prisoner who has been charged that the charge has been referred to the adjudicator;
- (b) neither sub-paragraph (a) nor sub-paragraph (b) of paragraph (1) applies, the governor must inquire into the charge.

(3) If—

- (a) at any time during an inquiry into a charge by the governor, or
- (b) following such an inquiry, after the governor has found the prisoner guilty of an offence but before the governor has imposed a punishment for that offence,

it appears to the governor either that the charge is so serious that additional days could be awarded for the offence or that it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator, the governor must act in accordance with paragraph (2)(a)(i) to (iii).

(4) Unless there are exceptional circumstances, the adjudicator must inquire into any charge referred in accordance with paragraph (3) no later than 28 days after the referral.

(5) Following a referral under paragraph (2), before inquiring into the charge the adjudicator must consider whether—

- (a) the charge is so serious that additional days could be awarded for the offence if the prisoner is found guilty, or
- (b) it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator.

(6) Where the adjudicator considers that neither sub-paragraph (a) nor sub-paragraph (b) of paragraph (5) applies, the adjudicator must—

- (a) refer the charge and any associated charge back to the governor for the governor to inquire into, and
- (b) inform the prisoner who has been charged that the charge has been referred back to the governor for inquiry.

(7) Where the adjudicator considers that alternative action should be taken by the governor, the adjudicator must—

- (a) refer the charge and any associated charge back to the governor for review, and
- (b) inform the prisoner who has been charged that the charge has been referred back to the governor for review.

- (8) If neither paragraph (6) nor (7) applies the adjudicator must inquire into the charge.
- (9) A charge inquired into by the governor following referral under paragraph (6) may not be referred back to the adjudicator.
- (10) If—
- (a) at any time during an inquiry into a charge by the adjudicator, or
  - (b) following such an inquiry, after the adjudicator has found the prisoner guilty of an offence, but before the adjudicator has imposed a punishment for that offence,
- it appears to the adjudicator that alternative action should be taken; the adjudicator must refer the charge in accordance with paragraph (7).
- (11) Where the adjudicator has referred a charge to the governor in accordance with paragraph (7), the governor must review the charge and may—
- (a) take such action as the governor considers appropriate;
  - (b) refer the charge back to the adjudicator.
- (12) Where the governor refers a charge back to the adjudicator under paragraph (11)(b)—
- (a) the governor must inform the prisoner that the matter has been referred back to the adjudicator;
  - (b) the adjudicator may not refer the charge back to the governor, and
  - (c) the adjudicator must either inquire into the charge, or if the prisoner has already been found guilty, impose a punishment.]

**F31** Rule 53A substituted (4.4.2023) by [The Prison and Young Offender Institution \(Adjudication\) \(Amendment\) Rules 2023 \(S.I. 2023/321\)](#), rules 1(1), **2(2)**

**[<sup>F32</sup>Determination of mode of inquiry in a coronavirus period**

- 53B.**—(1) This rule applies during a coronavirus period.
- (2) Where a charge has been referred to an adjudicator under rule 53A or rule 60(3)(b) and the Senior District Judge (Chief Magistrate) considers that because of the effects of coronavirus it is not reasonably practicable for the charge to be—
- (a) first inquired into by an adjudicator in accordance with rule 53(3)(b) or rule 53A(3); or
  - (b) continued to be inquired into by an adjudicator,
- the Senior District Judge (Chief Magistrate) may refer the charge back to the governor as soon as possible for the governor to inquire into it.
- (3) A charge referred back to the governor under paragraph (2) shall be first inquired into by the governor not later, save in exceptional circumstances, than 14 days after the Senior District Judge (Chief Magistrate) referred the charge back.
- (4) A charge inquired into by the governor under paragraph (2) is not to be treated as one being inquired into by an adjudicator, and accordingly the governor cannot impose a punishment under rule 55A (adjudicator’s punishments).
- (5) This rule applies to a prisoner who has been charged with having committed an offence against discipline and referred to an adjudicator under rule 53A or 60(3)(b) before the date on which the rule came into force in the same way as it applies to a prisoner who has been charged with having committed an offence against discipline on or after that date.]

**F32** Rule 53B inserted (temp.) (15.5.2020) by virtue of [The Prison and Young Offender Institution \(Coronavirus\) \(Amendment\) \(No. 2\) Rules 2020 \(S.I. 2020/508\)](#), rule 1(1), **Sch. 1 para. 11** (with rule 1(3))

**Rights of prisoners charged**

**54.**—(1) Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor [<sup>F33</sup>or, as the case may be, the adjudicator].

(2) At an inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

[<sup>F34</sup>(3) At an inquiry into a charge which has been referred to the adjudicator, the prisoner who has been charged shall be given the opportunity to be legally represented.]

[<sup>F35</sup>(4) The right to legal representation is rescinded if the charge is referred back to the governor by the adjudicator and inquired into by the governor.]

**F33** Words in rule 54(1) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, **Sch. para. 4(a)**  
**F34** Rule 54(3) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, **Sch. para. 4(b)**  
**F35** Rule 54(4) inserted (4.4.2023) by [The Prison and Young Offender Institution \(Adjudication\) \(Amendment\) Rules 2023 \(S.I. 2023/321\)](#), rules 1(1), **2(3)**

**Governor’s punishments**

**55.**—(1) If he finds a prisoner guilty of an offence against discipline the governor may, subject to paragraph (2) and to rule 57, impose one or more of the following punishments:

- (a) caution;
- (b) forfeiture for a period not exceeding 42 days of any of the privileges under rule 8;
- (c) exclusion from associated work for a period not exceeding 21 days;
- (d) stoppage of or deduction from earnings for a period not exceeding 84 days <sup>F36</sup> ...;
- (e) cellular confinement for a period not exceeding [<sup>F37</sup>21 days];
- <sup>F38</sup>(f) .....
- (g) in the case of a prisoner otherwise entitled to them, forfeiture for any period of the right, under rule 43(1), to have the articles there mentioned;

[<sup>F39</sup>(h) removal from his wing or living unit for a period of 28 days.]

(2) <sup>F40</sup>... A caution shall not be combined with any other punishment for the same charge.

(3) If a prisoner is found guilty of more than one charge arising out of an incident, punishments under this rule may be ordered to run consecutively but [<sup>F41</sup>in the case of a punishment of cellular confinement, the total period shall not exceed 21 days].

(4) In imposing a punishment under this rule, the governor shall take into account any guidelines that the Secretary of State may from time to time issue as to the level of punishment that should normally be imposed for a particular offence against discipline.

- F36** Words in rule 55(1)(d) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 5\(a\)](#)
- F37** Words in rule 55(1)(e) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 5\(b\)](#)
- F38** Rule 55(1)(f) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 5\(c\)](#)
- F39** Rule 55(1)(h) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 5\(d\)](#)
- F40** Words in rule 55(2) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 5\(e\)](#)
- F41** Words in rule 55(3) substituted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 5\(f\)](#)

### [<sup>F42</sup>Adjudicator’s punishments

**55A.**—(1) If he finds a prisoner guilty of an offence against discipline the adjudicator may, subject to paragraph (2) and to rule 57, impose one or more of the following punishments:

- (a) any of the punishments mentioned in rule 55(1);
- (b) in the case of a <sup>F43</sup>... [<sup>F44</sup>fixed-term prisoner], an award of additional days not exceeding 42 days.

(2) A caution shall not be combined with any other punishment for the same charge.

(3) If a prisoner is found guilty of more than one charge arising out of an incident, punishments under this rule may be ordered to run consecutively but, in the case of an award of additional days, the total period added shall not exceed 42 days and, in the case of a punishment of cellular confinement, the total period shall not exceed 21 days.

(4) This rule applies to a prisoner who has been charged with having committed an offence against discipline before the date on which the rule came into force, in the same way as it applies to a prisoner who has been charged with having committed an offence against discipline on or after that date, provided the charge is referred to the adjudicator no later than 60 days after that date.

(5) Rule 53(3) shall not apply to a charge where, by virtue of paragraph (4), this rule applies to the prisoner who has been charged.]

- F42** Rule 55A inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, [Sch. para. 6](#)
- F43** Words in rule 55A(1)(b) omitted (13.8.2014 at 5.00 p.m.) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2014 \(S.I. 2014/2169\)](#), rules 1, [2\(5\)](#)
- F44** Words in rule 55A(1)(b) added (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, [Sch. 1 para. 13](#)

### [<sup>F45</sup>Requirement to pay for damage to prison property

**55AB.**—(1) This rule applies where a prisoner is found guilty of an offence under rule 51(17) or 51(17A) in respect of destroying or damaging any part of a prison or any other property belonging to a prison (“the relevant disciplinary offence”).

(2) The governor or, as the case may be, the adjudicator must require the prisoner to pay for the cost of making good the damage from, or replacing any property destroyed as a result of, the commission of the relevant disciplinary offence.

(3) A requirement imposed under paragraph (2) is referred to in this rule and in rules 55B, 61 and 61A as a “compensation requirement”.

(4) The amount required to be paid under a compensation requirement must not exceed the cost of making good the damage from, or replacing any property destroyed as a result of, the commission of the relevant disciplinary offence and, in any event, must not exceed £2,000.

(5) A compensation requirement may be imposed instead of or in addition to any punishment imposed under rule 55 or 55A.

(6) A compensation requirement ceases to have effect after two years from the date on which it was imposed regardless of whether or not the full amount has been paid.]

**F45** Rule 55AB inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 1** (with rule 4)

#### **[<sup>F46</sup>Review of adjudicator’s punishment**

**55B.**—(1) A reviewer means [<sup>F47</sup>the Senior District Judge (Chief Magistrate)] or any deputy of such a judge as nominated by that judge.

(2) [<sup>F48</sup>Where an adjudicator imposes a punishment under rule 55A(1), a compensation requirement under rule 55AB(2) or both], a prisoner may, within 14 days of receipt of the punishment [<sup>F49</sup>or the imposition of the compensation requirement, whichever is later], request in writing that a reviewer conducts a review.

(3) The review must be commenced within 14 days of receipt of the request and must be conducted on the papers alone.

[<sup>F50</sup>(4) The review may be of the punishment, the compensation requirement or both (whether or not the prisoner requested a review of both) but must not be a review of the finding of guilt under rule 55A.]

(5) On completion of the review, if it appears to the reviewer that the [<sup>F51</sup>imposition of the punishment, the compensation requirement or both] was manifestly unreasonable he may [<sup>F52</sup>do such of the following as he considers appropriate]—

- (a) reduce the number of any additional days awarded;
- (b) for whatever punishment has been imposed by the adjudicator, substitute another punishment which is, in his opinion, less severe; <sup>F53</sup>...
- (c) quash the punishment entirely;

[ reduce the amount of the compensation requirement.]

<sup>F54</sup>(d)

(6) A prisoner requesting a review shall serve any additional days awarded under rule 55A(1) (b) unless and until they are reduced.]

**F46** Rule 55B inserted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), **Sch. 1 para. 6**

**F47** Words in rule 55B(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) Order 2006 \(S.I. 2006/680\)](#), art. 1, **Sch. 1 para. 56**

**F48** Words in rule 55B(2) substituted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(1)(a)** (with rule 4)

**F49** Words in rule 55B(2) inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(1)(b)** (with rule 4)

- F50** Rule 55B(4) substituted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(2)** (with rule 4)
- F51** Words in rule 55B(5) substituted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(3)(a)** (with rule 4)
- F52** Words in rule 55B(5) inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(3)(b)** (with rule 4)
- F53** Word in rule 55B(5)(b) omitted (1.11.2013) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(3)(c)** (with rule 4)
- F54** Rule 55B(5)(d) inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 2(3)(d)** (with rule 4)

### Forfeiture of remission to be treated as an award of additional days

**56.**—(1) In this rule, “existing prisoner” and “existing licensee” have the meanings assigned to them by paragraph 8(1) of Schedule 12 to the Criminal Justice Act 1991 <sup>M1</sup>.

(2) In relation to any existing prisoner or existing licensee who has forfeited any remission of his sentence, the provisions of Part II of the Criminal Justice Act 1991 shall apply as if he had been awarded such number of additional days as equals the numbers of days of remission which he has forfeited.

#### Marginal Citations

**M1** 1991 c. 53.

### Offences committed by young persons

**57.**—(1) In the case of an offence against discipline committed by an inmate who was under the age of 21 when the offence was committed (other than an offender in relation to whom the Secretary of State has given a direction under section 13(1) of the Criminal Justice Act 1982 <sup>M2</sup> that he shall be treated as if he had been sentenced to imprisonment) rule 55 [<sup>F55</sup>or, as the case may be, rule 55A] shall have effect, but—

- (a) the maximum period of forfeiture of privileges under rule 8 shall be 21 days;
- (b) the maximum period of stoppage of or deduction from earnings shall be 42 days <sup>F56</sup>...;
- (c) the maximum period of cellular confinement shall be [<sup>F57</sup>ten days];
- [<sup>F58</sup>(d) the maximum period of removal from his cell or living unit shall be 21 days.]

(2) In the case of an inmate who has been sentenced to a term of youth custody or detention in a young offender institution, and by virtue of a direction of the Secretary of State under [<sup>F59</sup>section 99 of the Powers of Criminal Courts (Sentencing) Act 2000][<sup>F60</sup>or section 276 of the Sentencing Code], is treated as if he had been sentenced to imprisonment for that term, any punishment imposed on him for an offence against discipline before the said direction was given shall, if it has not been exhausted or remitted, [<sup>F61</sup>continue to have effect:

- (a) if imposed by a governor, as if made pursuant to rule 55;
- (b) if imposed by an adjudicator, as if made pursuant to rule 55A].

- F55** Words in rule 57(1) inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, **Sch. para. 7(a)**
- F56** Words in rule 57(1)(b) omitted (15.8.2002) by virtue of [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, **Sch. para. 7(b)**

- F57** Words in rule 57(1)(c) substituted (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 7(c)**
- F58** Rule 57(1)(d) added (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 7(d)**
- F59** Words in rule 57(2) substituted (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 7(e)(i)**
- F60** Words in rule 57(2) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 322** (with Sch. 27); S.I. 2020/1236, reg. 2
- F61** Words in rule 57(2) substituted (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 7(e)(ii)**

#### Marginal Citations

- M2** 1982 c. 48.

### Cellular confinement

[<sup>F62</sup>58. Before deciding whether to impose a punishment of cellular confinement the governor, adjudicator or reviewer shall first enquire of a registered medical practitioner or registered nurse, [<sup>F63</sup>working within the prison], as to whether there are any medical reasons why the punishment is unsuitable and shall take this advice into account when making his decision.]

- F62** Rule 58 substituted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 14**
- F63** Words in rule 58 substituted (1.1.2010) by The Prison and Young Offender Institution (Amendment) Rules 2009 (S.I. 2009/3082), rule 1, **Sch. 1 para. 4(a)**

### Prospective award of additional days

59.—(1) Subject to paragraph (2), where an offence against discipline is committed by a prisoner who is detained only on remand, additional days may be awarded [<sup>F64</sup>by the adjudicator] notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced.

(2) An award of additional days under paragraph (1) shall have effect only if the prisoner in question subsequently becomes a <sup>F65</sup>... [<sup>F66</sup>fixed-term prisoner] whose sentence is reduced, under section 67 of the Criminal Justice Act 1967 <sup>M3</sup>[<sup>F67</sup>or section 240 of the 2003 Act], by a period which includes the time when the offence against discipline was committed.

- F64** Words in rule 59(1) inserted (15.8.2002) by The Prison (Amendment) Rules 2002 (S.I. 2002/2116), rule 1, **Sch. para. 8**
- F65** Words in rule 59(2) omitted (13.8.2014 at 5.00 p.m.) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, **2(6)**
- F66** Words in rule 59(2) added (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 15(a)**
- F67** Words in rule 59(2) added (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, **Sch. 1 para. 15(b)**

#### Marginal Citations

- M3** 1967 c. 80.

### **[<sup>F68</sup>Removal from a cell or living unit**

**59A.** Following the imposition of a punishment of removal from his cell or living unit, a prisoner shall be accommodated in a separate part of the prison under such restrictions of earnings and activities as the Secretary of State may direct.]

**F68** Rule 59A inserted (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, Sch. para. 9

### **Suspended punishments**

**60.**—(1) Subject to any directions given by the Secretary of State, the power to impose a disciplinary punishment (other than a caution) shall include power to direct that the punishment is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction), the prisoner commits another offence against discipline and a direction is given under paragraph (2).

(2) Where a prisoner commits an offence against discipline during the period specified in a direction given under paragraph (1) the person dealing with that offence may—

- (a) direct that the suspended punishment shall take effect;
- (b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced;
- (c) vary the original direction by substituting for the period specified a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended punishment.

[<sup>F69</sup>(3) Where an award of additional days has been suspended under paragraph (1) and a prisoner is charged with committing an offence against discipline during the period specified in a direction given under that paragraph, the governor shall either:

- (a) inquire into the charge and give no direction with respect to the suspended award; or
- (b) refer the charge to the adjudicator for him to inquire into it.]

**F69** Rule 60(3) added (15.8.2002) by [The Prison \(Amendment\) Rules 2002 \(S.I. 2002/2116\)](#), rule 1, Sch. para. 10

### **Remission and mitigation of punishments [<sup>F70</sup>, variation of compensation requirements] and quashing of findings of guilt**

**61.**—(1) [<sup>F71</sup>Except in the case of a finding of guilt made, or a punishment imposed, by an adjudicator under rule 55A(1)] the Secretary of State may quash any finding of guilt and may remit any punishment or mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

[<sup>F72</sup>(1A) Where a compensation requirement has been imposed by a governor under rule 55AB(2), the Secretary of State may reduce the amount of the requirement.]

[<sup>F73</sup>(2) Subject to any directions given by the Secretary of State, the governor may, on the grounds of good behaviour, remit or mitigate any punishment already imposed by an adjudicator [<sup>F74</sup>or governor].]

- F70** Words in rule 61 title inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 3(2)** (with rule 4)
- F71** Words in rule 61(1) inserted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), **Sch. 1 para. 7(a)**
- F72** Rule 61(1A) inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 3(1)** (with rule 4)
- F73** Rule 61(2) substituted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), **Sch. 1 para. 7(b)**
- F74** Words in rule 61(2) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, 5

**[<sup>F75</sup>Enforcement of compensation requirements**

**61A.**—(1) Where a compensation requirement has been imposed under rule 55AB(2), the governor may debit any amount of money with which the prisoner has been credited in the books of the prison under rule 43(3) in order to recover the whole or part of the amount required to be paid under the compensation requirement.

(2) The amount debited under paragraph (1) on any occasion must not be such as to reduce below £5 the amount with which the prisoner is credited in the books of the prison under rule 43(3).

(3) Where—

- (a) a compensation requirement has been imposed under rule 60AB(2) of the Young Offender Rules 2000, and
- (b) the person against whom the compensation requirement was imposed is detained in a prison,

the compensation order may be enforced under paragraph (1) as if it was a compensation requirement imposed under rule 55AB(2).]

- F75** Rule 61A inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 1 para. 4** (with rule 4)

**Changes to legislation:**

There are currently no known outstanding effects for the The Prison Rules 1999, Cross Heading: OFFENCES AGAINST DISCIPLINE.