
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

PHYSICAL WELFARE AND WORK

Clothing

23.—(1) An unconvicted prisoner may wear clothing of his own if and in so far as it is suitable, tidy and clean, and shall be permitted to arrange for the supply to him from outside prison of sufficient clean clothing:

Provided that, subject to rule 40(3):

- (a) he may be required, if and for so long as there are reasonable grounds to believe that there is a serious risk of his attempting to escape, to wear items of clothing which are distinctive by virtue of being specially marked or coloured or both; and
- (b) he may be required, if and for so long as the Secretary of State is of the opinion that he would, if he escaped, be highly dangerous to the public or the police or the security of the State, to wear clothing provided under this rule.

(2) Subject to paragraph (1) above, the provisions of this rule shall apply to an unconvicted prisoner as to a convicted prisoner.

(3) A convicted prisoner shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State.

(4) The clothing provided under this rule shall include suitable protective clothing for use at work, where this is needed.

(5) Subject to rule 40(3), a convicted prisoner shall wear clothing provided under this rule and no other, except on the directions of the Secretary of State or as a privilege under rule 8.

(6) A prisoner may be provided, where necessary, with suitable and adequate clothing on his release.

Food

24.—(1) Subject to any directions of the Secretary of State, no prisoner shall be allowed, except as authorised by [^{F1}a health care professional]^{F2} ..., to have any food other than that ordinarily provided.

(2) The food provided shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.

(3) ^{F3} ... Any person deemed by the governor to be competent, shall from time to time inspect the food both before and after it is cooked and shall report any deficiency or defect to the governor.

(4) In this rule "food" includes drink.

- F1** Words in rule 24(1) substituted (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, [Sch. 1 para. 5\(a\)](#)
- F2** Words in rule 24(1) omitted (1.1.2010) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 1 para. 4\(b\)](#)
- F3** Words in rule 24(3) omitted (3.1.2006) by virtue of [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, [Sch. 1 para. 5\(b\)](#)

Alcohol and tobacco

25.—(1) No prisoner shall be allowed to have any intoxicating liquor ^{F4}....

[^{F5}(2) No prisoner shall be allowed to smoke or to have any tobacco, except in accordance with any directions of the Secretary of State.]

- F4** Words in rule 25(1) omitted (3.1.2006) by virtue of [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, [Sch. 1 para. 6](#)
- F5** Rule 25(2) substituted (22.5.2018) by [The Prison and Young Offender Institution \(Amendment\) Rules 2018 \(S.I. 2018/549\)](#), rules 1, [2\(4\)](#)

Sleeping accommodation

26.—(1) No room or cell shall be used as sleeping accommodation for a prisoner unless it has been certified in the manner required by section 14 of the Prison Act 1952 in the case of a cell used for the confinement of a prisoner.

(2) A certificate given under that section or this rule shall specify the maximum number of prisoners who may sleep or be confined at one time in the room or cell to which it relates, and the number so specified shall not be exceeded without the leave of the Secretary of State.

Beds and bedding

27. Each prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health.

Hygiene

28.—(1) Every prisoner shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(2) Every prisoner shall be required to wash at proper times, have a hot bath or shower on reception and thereafter at least once a week.

(3) A prisoner's hair shall not be cut without his consent.

Physical education

29.—(1) If circumstances reasonably permit, a prisoner aged 21 years or over shall be given the opportunity to participate in physical education for at least one hour a week.

(2) The following provisions shall apply to the extent circumstances reasonably permit to a prisoner who is under 21 years of age—

- (a) provision shall be made for the physical education of such a prisoner within the normal working week, as well as evening and weekend physical recreation; the physical education

activities will be such as foster personal responsibility and the prisoner's interests and skills and encourage him to make good use of his leisure on release; and

(b) arrangements shall be made for each such prisoner who is a convicted prisoner to participate in physical education for two hours a week on average.

(3) In the case of a prisoner with a need for remedial physical activity, appropriate facilities will be provided.

^{F6}(4)

F6 Rule 29(4) omitted (3.1.2006) by virtue of [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, [Sch. 1 para. 7](#)

Time in the open air

30. If the weather permits and subject to the need to maintain good order and discipline, a prisoner shall be given the opportunity to spend time in the open air at least once every day, for such period as may be reasonable in the circumstances.

Work

31.—(1) A convicted prisoner shall be required to do useful work for not more than 10 hours a day, and arrangements shall be made to allow prisoners to work, where possible, outside the cells and in association with one another.

[^{F7}(2) A registered medical practitioner or registered nurse working within the prison may excuse a prisoner from work on medical grounds.]

(3) No prisoner shall be set to do work of a kind not authorised by the Secretary of State.

(4) No prisoner shall work in the service of another prisoner or an officer, or for the private benefit of any person, without the authority of the Secretary of State.

(5) An unconvicted prisoner shall be permitted, if he wishes, to work as if he were a convicted prisoner.

(6) Prisoners may be paid for their work at rates approved by the Secretary of State, either generally or in relation to particular cases.

F7 Rule 31(2) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 1 para. 3](#)

[^{F8}Prescription of certain matters in respect of prisoners' earnings

31A.—(1) The amount prescribed for the purpose of section 1(1)(b) of the Prisoners' Earnings Act 1996 ("the 1996 Act") is £20.

(2) The percentage prescribed for the purpose of section 1(2) of the 1996 Act is 40%.

(3) All amounts deducted or levied under section 1 of the 1996 Act shall be applied for the purpose referred to in section 2(1)(a) of the 1996 Act.

(4) Victim Support is prescribed as a voluntary organisation to which payments may be made under section 2(1)(a) of the 1996 Act.]

F8 Rule 31A inserted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 1 para. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Prison Rules 1999, Cross Heading: PHYSICAL WELFARE AND WORK.