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STATUTORY INSTRUMENTS

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**1999 No. 728**

**The Prison Rules 1999**

**PART II**

**PRISONERS**

*REMOVAL, SEARCH, RECORD AND PROPERTY*

**Custody outside prison**

**40.**—(1) A person being taken to or from a prison in custody shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult.

(2) A prisoner required to be taken in custody anywhere outside a prison shall be kept in the custody of an officer appointed or a police officer.

(3) A prisoner required to be taken in custody to any court shall, when he appears before the court, wear his own clothing or ordinary civilian clothing provided by the governor.

**Search**

**41.**—(1) Every prisoner shall be searched when taken into custody by an officer, on his reception into a prison and subsequently as the governor thinks necessary or as the Secretary of State may direct.

(2) A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No prisoner shall be stripped and searched in the sight of another prisoner, or in the sight of a person of the opposite sex.

**Record and photograph**

**42.**—(1) A personal record of each prisoner shall be prepared and maintained in such manner as the Secretary of State may direct.

(2) Every prisoner may be photographed on reception and subsequently, but no copy of the photograph [<sup>F1</sup>or any other personal record] shall be given to any person not authorised to receive it.

[<sup>F2</sup>(2A) In this rule “personal record” may include personal information and biometric records (such as fingerprints or other physical measurements).]

**F1** Words in rule 42(2) inserted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), [Sch. 1 para. 2\(a\)](#)

**F2** [Rule 42\(2A\)](#) inserted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), [Sch. 1 para. 2\(b\)](#)

### Prisoners' property

**43.**—(1) Subject to any directions of the Secretary of State, an unconvicted prisoner may have supplied to him at his expense and retain for his own use books, newspapers, writing materials and other means of occupation, except any that appears objectionable to the [<sup>F3</sup>independent monitoring board] or, pending consideration by them, to the governor.

(2) Anything, other than cash, which a prisoner has at a prison and which he is not allowed to retain for his own use shall be taken into the governor's custody. An inventory of a prisoner's property shall be kept, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

[<sup>F4</sup>(2A) Where a prisoner is serving a sentence of imprisonment to which an intermittent custody order relates, an inventory as referred to in paragraph (2) shall only be kept where the value of that property is estimated by the governor to be in excess of £100.]

(3) Any cash which a prisoner has at a prison shall be paid into an account under the control of the governor and the prisoner shall be credited with the amount in the books of the prison.

(4) Any article belonging to a prisoner which remains unclaimed for a period of more than [<sup>F5</sup>one year] after he leaves prison, or dies, may be sold or otherwise disposed of; and the net proceeds of any sale shall be paid to the National Association for the Care and Resettlement of Offenders, for its general purposes.

(5) The governor may confiscate any unauthorised article found in the possession of a prisoner after his reception into prison, or concealed or deposited anywhere within a prison.

- F3** Words in rule 43(1) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rule 1](#), [rule 4\(a\)](#)
- F4** Rule 43(2A) inserted (26.1.2004) by [The Prison \(Amendment\) Rules 2003 \(S.I. 2003/3301\)](#), [rules 1](#), [5](#)
- F5** Words in [rule 43\(4\)](#) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), [rule 1](#), [Sch. 1 para. 8](#)

### Money and articles received by post

**44.**—(1) Any money or other article (other than a letter or other communication) sent to a convicted prisoner [<sup>F6</sup>by post] shall be dealt with in accordance with the provisions of this rule, and the prisoner shall be informed of the manner in which it is dealt with.

(2) Any cash shall, at the discretion of the governor, be—

- (a) dealt with in accordance with rule 43(3);
- (b) returned to the sender; or
- (c) in a case where the sender's name and address are not known, paid to the National Association for the Care and Resettlement of Offenders, for its general purposes:

Provided that in relation to a prisoner committed to prison in default of payment of any sum of money, the prisoner shall be informed of the receipt of the cash and, unless he objects to its being so applied, it shall be applied in or towards the satisfaction of the amount due from him.

(3) Any security for money shall, at the discretion of the governor, be—

- (a) delivered to the prisoner or placed with his property at the prison;
- (b) returned to the sender; or
- (c) encashed and the cash dealt with in accordance with paragraph (2).

(4) Any other article to which this rule applies shall, at the discretion of the governor, be—

- (a) delivered to the prisoner or placed with his property at the prison;

- (b) returned to the sender; or
- (c) in a case where the sender's name and address are not known or the article is of such a nature that it would be unreasonable to return it, sold or otherwise disposed of, and the net proceeds of any sale applied in accordance with paragraph (2).

**F6** Words in rule 44(1) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), art. 1(2), **Sch. 1 para. 130**

**Changes to legislation:**

There are currently no known outstanding effects for the The Prison Rules 1999, Cross Heading: REMOVAL, SEARCH, RECORD AND PROPERTY.