
STATUTORY INSTRUMENTS

1999 No. 728

The Prison Rules 1999

PART II

PRISONERS

SPECIAL CONTROL, SUPERVISION AND RESTRAINT AND DRUG TESTING

Removal from association

45.—(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the governor may arrange for the prisoner's removal from association [^{F1}for up to 72 hours].

[^{F2}(2) Removal for more than 72 hours may be authorised by the governor in writing who may authorise a further period of removal of up to 14 days.

(2A) Such authority may be renewed for subsequent periods of up to 14 days.

(2B) But the governor must obtain leave from the Secretary of State in writing to authorise removal under paragraph (2A) where the period in total amounts to more than 42 days starting with the date the prisoner was removed under paragraph (1).

(2C) The Secretary of State may only grant leave for a maximum period of 42 days, but such leave may be renewed for subsequent periods of up to 42 days by the Secretary of State.]

[^{F3}(3) The governor may arrange at his discretion for a prisoner removed under this rule to resume association with other prisoners at any time^{F4}....]

[^{F5}(3A) In giving authority under paragraphs (2) and (2A) and in exercising the discretion under paragraph (3), the governor must fully consider any recommendation that the prisoner resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the prison.]

(4) This rule shall not apply to a prisoner the subject of a direction given under rule 46(1).

F1 Words in rule 45(1) substituted (4.9.2015) by [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), rules 1(2), **2(2)**

F2 Rule 45(2)-(2C) substituted for rule 45(2) (4.9.2015 for specified purposes, 16.10.2015 in so far as not already in force) by [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), rules 1(2)(3), **2(3)**

F3 Rule 45(3) substituted (3.1.2006) by [The Prison \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3437\)](#), rule 1, **Sch. 1 para. 9(b)**

F4 Words in rule 45(3) omitted (4.9.2015) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), rules 1(2), **2(4)**

F5 Rule 45(3A) inserted (4.9.2015) by [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), rules 1(2), **2(5)**

Close supervision centres

46.—(1) Where it appears desirable, for the maintenance of good order or discipline or to ensure the safety of officers, prisoners or any other person, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the Secretary of State may direct the prisoner's removal from association accordingly and his placement in a close supervision centre of a prison.

(2) A direction given under paragraph (1) shall be for a period not exceeding one month [^{F6}, or, during a coronavirus period, three months], but may be renewed from time to time for a like period [^{F7}, and shall continue to apply notwithstanding any transfer of a prisoner from one prison to another].

(3) The Secretary of State may direct that such a prisoner as aforesaid shall resume association with other prisoners, either within a close supervision centre or elsewhere.

(4) In exercising any discretion under this rule, the Secretary of State shall take account of any relevant medical considerations which are known to him.

[^{F8}(5) A close supervision centre is any cell or other part of a prison designated by the Secretary of State for holding prisoners who are subject to a direction given under paragraph (1).]

F6 Words in [rule 46\(2\)](#) 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. 8** (with [rule 1\(3\)](#))

F7 Words in [rule 46\(2\)](#) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, **Sch. para. 2(a)**

F8 Rule 46(5) inserted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, **Sch. para. 2(b)**

[^{F9}Separation centres

46A.—(1) Where it appears desirable, on one or more of the grounds specified in paragraph (2), the Secretary of State may direct that a prisoner be placed in a separation centre within a prison.

(2) The grounds referred to in paragraph (1) are—

- (a) the interests of national security;
- (b) to prevent the commission, preparation or instigation of an act of terrorism, a terrorism offence, or an offence with a terrorist connection, whether in a prison or otherwise;
- (c) to prevent the dissemination of views or beliefs that might encourage or induce others to commit any such act or offence, whether in a prison or otherwise, or to protect or safeguard others from such views or beliefs, or
- (d) to prevent any political, religious, racial or other views or beliefs being used to undermine good order and discipline in a prison.

(3) A direction given under paragraph (1) must be reviewed every three months.

(4) The Secretary of State may, at any time, revoke a direction given under paragraph (1) and direct that the prisoner be removed from the separation centre.

(5) In exercising any discretion under this rule, the Secretary of State must take account of any known relevant medical considerations.

(6) In this rule—

“act of terrorism” includes anything constituting an action taken for the purposes of terrorism within the meaning of section 1 of the Terrorism Act 2000;

“offence with a terrorist connection” means an offence listed in Schedule 2 of the Counter-Terrorism Act 2008, which also satisfies the definition in section 93 of that Act;

“separation centre” means any part of a prison for the time being used for holding prisoners who are subject to a direction under paragraph (1);

“terrorism offence” means an offence listed in section 41(1) of the Counter-Terrorism Act 2008.]

F9 Rule 46A inserted (12.5.2017) by The Prison (Amendment) Rules 2017 (S.I. 2017/576), rules 1, 2(2)

Use of force

47.—(1) An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke a prisoner.

Temporary confinement

48.—(1) The governor may order a refractory or violent prisoner to be confined temporarily in a special cell, but a prisoner shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A prisoner shall not be confined in a special cell for longer than 24 hours without a direction in writing given ^{F10}... by an officer of the Secretary of State ^{F10}.... Such a direction shall state the grounds for the confinement and the time during which it may continue.

F10 Words in rule 48(2) omitted (3.1.2006) by virtue of The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437), rule 1, Sch. 1 para. 10

Restraints

49.—(1) The governor may order a prisoner to be put under restraint where this is necessary to prevent the prisoner from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to a member of the [^{F11}independent monitoring board], and [^{F12}to a registered medical practitioner or to a registered nurse][^{F13}working within the prison].

(3) On receipt of the notice, [^{F14}the registered medical practitioner or registered nurse] referred to in paragraph (2), shall inform the governor whether there are any medical reasons why the prisoner should not be put under restraint. The governor shall give effect to any recommendation which may be made under this paragraph.

(4) A prisoner shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by ^{F15}... an officer of the Secretary of State (not being an officer of a prison). Such a direction shall state the grounds for the restraint and the time during which it may continue.

(5) Particulars of every case of restraint under the foregoing provisions of this rule shall be forthwith recorded.

(6) Except as provided by this rule no prisoner shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction [^{F16}of a registered medical practitioner

or of a registered nurse]^{F17}working within the prison]. No prisoner shall be put under restraint as a punishment.

(7) Any means of restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.

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| F11 | Words in rule 49(2) substituted (1.4.2008) by The Prison (Amendment) Rules 2008 (S.I. 2008/597) , rules 1, 4(a) |
| F12 | Words in rule 49(2) substituted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437) , rule 1, Sch. 1 para. 11(a) |
| F13 | Words in rule 49(2) 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) |
| F14 | Words in rule 49(3) substituted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437) , rule 1, Sch. 1 para. 11(b) |
| F15 | Words in rule 49(4) 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. 9 |
| F16 | Words in rule 49(6) substituted (3.1.2006) by The Prison (Amendment) (No. 2) Rules 2005 (S.I. 2005/3437) , rule 1, Sch. 1 para. 11(c) |
| F17 | Words in rule 49(6) 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) |

Compulsory testing for controlled drugs ^{F18}, pharmacy medicines and other substances etc.]^{F19}...

50.—(1) This rule applies where an officer, acting under the powers conferred by section 16A of the Prison Act 1952 ^{M1} (power to test prisoners for drugs), requires a prisoner to provide a sample for the purpose of ascertaining whether he has any controlled drug [^{F20}pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]^{F21}... in his body.

(2) In this rule “sample” means a sample of urine or any other description of sample specified in the authorisation by the governor for the purposes of section 16A of the Prison Act 1952.

(3) When requiring a prisoner to provide a sample, an officer shall, so far as is reasonably practicable, inform the prisoner:

- (a) that he is being required to provide a sample in accordance with section 16A of the Prison Act 1952; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

(4) An officer shall require a prisoner to provide a fresh sample, free from any adulteration.

(5) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(7) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(8) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

- F18** Words in rule 50 title 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(3)(a)**; S.I. 2021/1280, reg. 2
- F19** Words in rule 50 title omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(3)(b)(i)**, 3(2); S.I. 2021/1280, reg. 2
- F20** Words in rule 50(1) 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(3)(b)**; S.I. 2021/1280, reg. 2
- F21** Words in rule 50(1) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(3)(b)(ii)**, 3(2); S.I. 2021/1280, reg. 2

Marginal Citations

- M1** 1952 c. 52; section 16A was inserted by section 15 of the Criminal Justice and Public Order Act 1994 (c. 33).

[^{F22}Observation of prisoners by means of an overt closed circuit television system

50A.—(1) Without prejudice to his other powers to supervise the prison, prisoners and other persons in the prison, whether by use of an overt closed circuit television system or otherwise, the governor may make arrangements for any prisoner to be placed under constant observation by means of an overt closed circuit television system while the prisoner is in a cell or other place in the prison if he considers that—

- (a) such supervision is necessary for—
- (i) the health and safety of the prisoner or any other person;
 - (ii) the prevention, detection, investigation or prosecution of crime; or
 - (iii) securing or maintaining prison security or good order and discipline in the prison;
- and
- (b) it is proportionate to what is sought to be achieved.

(2) If an overt closed circuit television system is used for the purposes of this rule, the provisions of rules 35C and 35D shall apply to any material obtained.]

- F22** Rule 50A inserted (24.10.2000) by The Prison (Amendment) (No. 2) Rules 2000 (S.I. 2000/2641), rules 1, 6

[^{F23}Compulsory testing for alcohol

50B.—(1) This rule applies where an officer, acting under an authorisation in force under section 16B of the Prison Act 1952 (power to test prisoners for alcohol), requires a prisoner to provide a sample for the purpose of ascertaining whether he has alcohol in his body.

(2) When requiring a prisoner to provide a sample an officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that he is being required to provide a sample in accordance with section 16B of the Prison Act 1952; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.

(3) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(4) Subject to paragraph (5) a prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(5) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he has provided the required sample, except that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(6) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.]

F23 Rule 50B inserted (18.4.2005) by [The Prison \(Amendment\) Rules 2005 \(S.I. 2005/869\)](#), rule 1(1), [Sch. 1 para. 3](#)

Changes to legislation:

There are currently no known outstanding effects for the The Prison Rules 1999, Cross Heading: SPECIAL CONTROL, SUPERVISION AND RESTRAINT AND DRUG TESTING.