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## STATUTORY INSTRUMENTS

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# 1999 No. 728

## The Prison Rules 1999

### PART V

#### [<sup>F1</sup>INDEPENDENT MONITORING BOARD]

**F1** Pt. V Title substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, 4(b)

#### **Disqualification for membership**

**74.** Any person, directly or indirectly interested in any contract for the supply of [<sup>F2</sup>goods or] services to a prison, shall not be a member of the [<sup>F3</sup>independent monitoring board] for that prison and any member who becomes so interested in such a contract shall vacate office as a member.

**F2** Words in rule 74 substituted (1.8.2000) by [The Prison \(Amendment\) Rules 2000 \(S.I. 2000/1794\)](#), rule 1, [Sch. para. 5](#)

**F3** Words in rule 74 substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, 4(a)

#### [<sup>F4</sup>Independent monitoring board]

**75.**—(1) A member of the board of visitors for a prison appointed by the Secretary of State under section 6(2) of the Prison Act 1952 <sup>M1</sup> shall subject to paragraphs (3) and (4) hold office for three years, or such lesser period as the Secretary of State may appoint.

(2) A member—

(a) appointed for the first time to the [<sup>F5</sup>independent monitoring board] for a particular prison;  
or

(b) reappointed to the board following a gap of a year or more in his membership of it,

shall, during the period of 12 months following the date on which he is so appointed or (as the case may be) reappointed, undertake such training as may reasonably be required by the Secretary of State.

(3) The Secretary of State may terminate the appointment of a member if he is satisfied that—

(a) he has failed satisfactorily to perform his duties;

(b) he has failed to undertake training he has been required to undertake under paragraph (2), by the end of the period specified in that paragraph;

(c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties;

- (d) he has been convicted of such a criminal offence, or his conduct has been such, that it is not in the Secretary of State's opinion fitting that he should remain a member; or
  - (e) there is, or appears to be or could appear to be, any conflict of interest between the member performing his duties as a member and any interest of that member, whether personal, financial or otherwise.
- (4) Where the Secretary of State:
- (a) has reason to suspect that a member of the [<sup>F6</sup>independent monitoring board] for a prison may have so conducted himself that his appointment may be liable to be terminated under paragraph (3)(a) or (d); and
  - (b) is of the opinion that the suspected conduct is of such a serious nature that the member cannot be permitted to continue to perform his functions as a member of the board pending the completion of the Secretary of State's investigations into the matter and any decision as to whether the member's appointment should be terminated,
- he may suspend the member from office for such period or periods as he may reasonably require in order to complete his investigations and determine whether or not the appointment of the member should be so terminated; and a member so suspended shall not, during the period of his suspension, be regarded as being a member of the board, other than for the purposes of this paragraph and paragraphs (1) and (3).
- (5) A board shall have a chairman and a vice chairman who shall be members of the board.
- (6) The Secretary of State shall—
- (a) upon the constitution of a board for the first time, appoint a chairman and a vice chairman to hold office for a period not exceeding twelve months;
  - (b) thereafter appoint, before the date of the first meeting of the board in any year of office of the board, a chairman and vice chairman for that year, having first consulted the board; and
  - (c) promptly fill, after first having consulted the board, any casual vacancy in the office of chairman or vice chairman.
- (7) The Secretary of State may terminate the appointment of a member as chairman or vice chairman of the board if he is satisfied that the member has—
- (a) failed satisfactorily to perform his functions as chairman (or as the case may be) vice chairman;
  - (b) has grossly misconducted himself while performing those functions.

**F4** Rule 75 heading substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rules 1, 4\(b\)](#)

**F5** Words in rule 75(2) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rules 1, 4\(a\)](#)

**F6** Words in rule 75(4) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), [rules 1, 4\(a\)](#)

#### Marginal Citations

**M1** 1952 c. 52.

#### Proceedings of boards

**76.**—(1) The [<sup>F7</sup>independent monitoring board] for a prison shall meet at the prison once a month or, if they resolve for reasons specified in the resolution that less frequent meetings are sufficient, not fewer than eight times in twelve months.

- (2) The board may fix a quorum of not fewer than three members for proceedings.
- (3) The board shall keep minutes of their proceedings.
- (4) The proceedings of the board shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

**F7** Words in rule 76(1) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, **4(a)**

### General duties of boards

**77.**—(1) The [<sup>F8</sup>independent monitoring board] for a prison shall satisfy themselves as to the state of the prison premises, the administration of the prison and the treatment of the prisoners.

(2) The board shall inquire into and report upon any matter into which the Secretary of State asks them to inquire.

(3) The board shall direct the attention of the governor to any matter which calls for his attention, and shall report to the Secretary of State any matter which they consider it expedient to report.

(4) The board shall inform the Secretary of State immediately of any abuse which comes to their knowledge.

(5) Before exercising any power under these Rules the board and any member of the board shall consult the governor in relation to any matter which may affect discipline.

**F8** Words in rule 77(1) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, **4(a)**

### Particular duties

**78.**—(1) The [<sup>F9</sup>independent monitoring board] for a prison and any member of the board shall hear any complaint or request which a prisoner wishes to make to them or him.

(2) The board shall arrange for the food of the prisoners to be inspected by a member of the board at frequent intervals.

(3) The board shall inquire into any report made to them, whether or not by a member of the board, that a prisoner's health, mental or physical, is likely to be injuriously affected by any conditions of his imprisonment.

**F9** Words in rule 78(1) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, **4(a)**

### Members visiting prisons

**79.**—(1) The members of the [<sup>F10</sup>independent monitoring board] for a prison shall visit the prison frequently, and the board shall arrange a rota whereby at least one of its members visits the prison between meetings of the board.

(2) A member of the board shall have access at any time to every part of the prison and to every prisoner, and he may interview any prisoner out of the sight and hearing of officers.

[<sup>F11</sup>(3) A member of the board shall have access to the records of the prison, except that members of the board shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 2 of the Regulation of Investigatory Powers Act 2000.]

- F10** Words in rule 79(1) substituted (1.11.2007) by [The Prison \(Amendment\) Rules 2007 \(S.I. 2007/2954\)](#), rules 1, **3(a)**
- F11** Rule 79(3) substituted (1.11.2007) by [The Prison \(Amendment\) Rules 2007 \(S.I. 2007/2954\)](#), rules 1, **3(b)**

### **Annual report**

**80.**—(1) The [<sup>F12</sup>independent monitoring board] for a prison shall, in accordance with paragraphs (2) and (3) below, from time to time make a report to the Secretary of State concerning the state of the prison and its administration, including in it any advice and suggestions they consider appropriate.

(2) The board shall comply with any directions given to them from time to time by the Secretary of State as to the following matters:

- (a) the period to be covered by a report under paragraph (1);
- (b) the frequency with which such a report is to be made; and
- (c) the length of time from the end of the period covered by such a report within which it is to be made;

either in respect of a particular report or generally; providing that no directions may be issued under this paragraph if they would have the effect of requiring a board to make or deliver a report less frequently than once in every 12 months.

(3) Subject to any directions given to them under paragraph (2), the board shall, under paragraph (1), make an annual report to the Secretary of State as soon as reasonably possible after 31st December each year, which shall cover the period of 12 months ending on that date or, in the case of a board constituted for the first time during that period, such part of that period during which the board has been in existence.

- F12** Words in rule 80(1) substituted (1.4.2008) by [The Prison \(Amendment\) Rules 2008 \(S.I. 2008/597\)](#), rules 1, **4(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Prison Rules 1999, PART V.