

## STATUTORY INSTRUMENTS

**2000 No. 3371**

# **YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES**

## **The Young Offender Institution Rules 2000**

<i>Made</i>	- - - -	<i>21st December 2000</i>
<i>Laid before Parliament</i>		<i>5th January 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

In pursuance of section 47 of the Prison Act 1952<sup>M1</sup> I hereby make the following Rules:

### **Marginal Citations**

**M1** 1952 c. 52; section 47 was affected by amendment to section 52(2) of that Act by section 66(4) of the Criminal Justice Act 1967 (c. 80) and was extended by section 43(5) of the Prison Act 1952. The Criminal Justice Act 1988 (c. 33), **Schedule 8 paragraph 1**, contains amendments affecting these provisions.

## **PART I**

### **PRELIMINARY**

#### **Citation and commencement**

**1.**—(a) These Rules may be cited as the Young Offender Institution Rules 2000 and shall come into force on 1st April 2001.

(b) The Rules set out in [<sup>F1</sup> Schedule 1] to this Order are hereby revoked.

### **Textual Amendments**

**F1** Words in [rule 1\(b\)](#) substituted (19.10.2018) by [The Prison and Young Offender Institution \(Amendment\) \(No. 2\) Rules 2018 \(S.I. 2018/960\)](#), [rules 1](#), [3\(2\)\(a\)](#)

## Interpretation

2.—(1) In these Rules, where the context so admits, the expression-

[<sup>F2</sup>“adjudicator” means a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts) approved by the Lord Chancellor for the purpose of inquiring into a charge which has been referred to him;]

“communication” includes any written or drawn communication from an inmate to any other person, whether intended to be transmitted by means of a postal service or not, and any communication from an inmate to any other person transmitted by means of a telecommunications system;

<sup>M2</sup>“compulsory school age” has the same meaning as in the Education Act 1996 ;

“controlled drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971;

[<sup>F3</sup>“coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);]

[<sup>F3</sup>“coronavirus period” means the period of time inclusive of a transmission control period and the transition period which follows it;]

[<sup>F4</sup>“electronic cigarette” means a product that can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges).]

[<sup>F5</sup>“fixed-term prisoner” has the meaning assigned to it by section 237(1) of the Criminal Justice Act 2003;]

“governor” includes an officer for the time being in charge of a young offender institution;

<sup>F6</sup>[<sup>F7</sup>“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 and who is working within the young offender institution ...;]

[<sup>F8</sup>“health care provider” includes any provider of health services, whether or not commissioned by an NHS body (within the meaning given by [<sup>F9</sup>section 275(1)] of the National Health Service 2006)];

[<sup>F10</sup>“information technology equipment” includes any laptop or notebook computer, desktop computer, gaming console, handheld computing device, personal organiser or any electronic device containing a computer processor and capable of connecting to the internet, and any reference to information technology equipment includes a reference to—

((a)) a component part of a device of that description; or

((b)) any article designed or adapted for use with any information technology equipment (including any disk, film or other separate article on which images, sounds, computer code or other information may be stored or recorded)];

“inmate” means a person who is required to be detained in a young offender institution;

“intercepted material” means the contents of any communication intercepted pursuant to these Rules;

“legal adviser” means, in relation to an inmate, his counsel or solicitor, and includes a clerk acting on behalf of his solicitor;

“minister appointed to a young offender institution” means a minister so appointed under section 10 of the Prison Act 1952;

“officer” means an officer of a young offender institution;

[<sup>F11</sup>“payback punishment” means a requirement to complete unpaid work that is rehabilitative or reparative in nature;]

[<sup>F12</sup>“pharmacy medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;]

[<sup>F12</sup>“prescription only medicine” has the meaning given in regulation 8 the Human Medicines Regulations 2012;]

[<sup>F12</sup>“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016;]

<sup>F13</sup>  
...

<sup>F14</sup>  
...

<sup>F15</sup>  
...

“telecommunications system” means any system (including the apparatus comprised in it) which exists for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electro-magnetic energy;

[<sup>F16</sup>“the 2003 Act” means the Criminal Justice Act 2003.]

[<sup>F17</sup>“the 2020 Act” means the Coronavirus Act 2020;]

[<sup>F18</sup>“transition period” means the period of 3 months starting on the date on which a transmission control period ends;]

[<sup>F17</sup>“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.]

(2) In these Rules a reference to—

- (a) an award of additional days means additional days awarded under these Rules by virtue of section 42 of the Criminal Justice Act 1991 [<sup>F19</sup>or by virtue of section 257 of the 2003 Act];
- (b) the Church of England includes a reference to the Church of Wales; and
- (c) a reference to a numbered rule is, unless otherwise stated, a reference to the rule of that number in these Rules and a reference to a numbered paragraph is in a rule, unless otherwise stated, a reference to the paragraph of that number in that rule.

#### Textual Amendments

- F2** Words in [rule 2\(1\)](#) substituted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), [rule 1\(1\)](#), [Sch. para. 1](#) (with [rule 1\(2\)](#))
- F3** Words in [rule 2\(1\)](#) 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. 2 para. 2\(a\)](#) (with [rule 1\(3\)](#))
- F4** Words in [rule 2\(1\)](#) inserted (22.5.2018) by [The Prison and Young Offender Institution \(Amendment\) Rules 2018 \(S.I. 2018/549\)](#), [rules 1](#), [3\(2\)](#)
- F5** Words in [rule 2\(1\)](#) inserted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), [rule 1](#), [Sch. para. 1\(a\)\(i\)](#)
- F6** Words in [rule 2](#) omitted (1.1.2010) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), [rule 1](#), [Sch. 2 para. 1\(a\)](#)
- F7** Words in [rule 2\(1\)](#) inserted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), [rule 1](#), [Sch. para. 1\(a\)\(ii\)](#)
- F8** Words in [rule 2](#) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), [rule 1](#), [Sch. 2 para. 1\(b\)](#)

- F9** Words in art. 2(1) substituted (1.4.2013 at 5 p.m.) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 44**
- F10** Words in rule 2(1) added (1.4.2008) by The Young Offender Institution (Amendment) Rules 2008 (S.I. 2008/599), rules 1, **3**
- F11** Words in rule 2(1) inserted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(2)**
- F12** Words in rule 2 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), **3(2)**; S.I. 2021/1280, **reg. 2**
- F13** Words in rule 2(1) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(4)(a), 3(2)**; S.I. 2021/1280, **reg. 2**
- F14** Words in rule 2 omitted (1.1.2010) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2009 (S.I. 2009/3082), rule 1, **Sch. 2 para. 1(c)**
- F15** Words in rule 2(1) 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, **3(2)**
- F16** Words in rule 2(1) inserted (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 1(a)(iv)**
- F17** Words in rule 2(1) 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. 2 para. 2(b)** (with rule 1(3))
- F18** Words in rule 2(1) 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. 2 para. 2(b)** (with rule 1(3)) (as amended (26.10.2020) by The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020 (S.I. 2020/1077), rules 1, **5(2)**)
- F19** Words in rule 2(2)(a) added (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 1(b)**

#### Marginal Citations

**M2** 1996 c. 56.

### Coronavirus period – transition period

**F20** **2A.** . . . . .

#### Textual Amendments

- F20** **Rule 2A** 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. 2 para. 3** (with rule 1(3)) (which affecting provision is revoked (26.10.2020) by The Prison and Young Offender Institution (Coronavirus, etc.) (Amendment) (No. 3) Rules 2020 (S.I. 2020/1077), rules 1, **5(2)**)

## PART II

### INMATES

#### *General*

#### **Aims and general principles of young offender institutions**

3.—(1) The aim of a young offender institution shall be to help offenders to prepare for their return to the outside community.

(2) The aim mentioned in paragraph (1) shall be achieved, in particular, by—

- (a) providing a programme of activities, including education, training and work designed to assist offenders to acquire or develop personal responsibility, self-discipline, physical fitness, interests and skills and to obtain suitable employment after release;
- (b) fostering links between the offender and the outside community; and
- (c) co-operating with the services responsible for the offender's supervision after release.

#### **Classification of inmates**

4.—<sup>[F21]</sup>(1) <sup>[F22]</sup>Subject to paragraphs (2) to (5), inmates may be classified, in accordance with any directions of the Secretary of State, taking into account their ages, characters and circumstances.

<sup>[F23]</sup>(2) Except where paragraph (5) applies, an inmate who has the relevant deportation status must not be classified as suitable for open conditions.

(3) If, immediately before the relevant time—

- (a) an inmate has been classified as suitable for open conditions; and
- (b) the young offender institution has received notice that the inmate has the relevant deportation status,

the inmate's classification must be reconsidered in accordance with this rule as soon as practicable after the relevant time.

(4) If—

- (a) an inmate has been classified as suitable for open conditions (whether before or after the relevant time); and
- (b) the young offender institution receives notice after the relevant time that the inmate has the relevant deportation status,

the inmate's classification must be reconsidered in accordance with this rule as soon as practicable after the young offender institution receives that notice.

(5) This paragraph applies if an inmate has been classified as suitable for open conditions and is located in open conditions immediately before the inmate's classification is reconsidered, whether under paragraph (3) or (4) or otherwise.

(6) For the purposes of this rule, an inmate has the relevant deportation status if—

- (a) there is a deportation order against the inmate under section 5(1) of the Immigration Act 1971; and
- (b) no appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") that may be brought or continued from within the United Kingdom in relation to the decision to make the deportation order—

(i) could be brought (ignoring any possibility of an appeal out of time with permission),  
or

(ii) is pending (within the meaning of section 104 of the 2002 Act).

(7) In paragraph (6), the reference to the decision to make a deportation order includes a decision that section 32(5) of the UK Borders Act 2007 applies in respect of the inmate.

(8) In this rule, “the relevant time” means 5.00 p.m on 13th August 2014.]

#### Textual Amendments

- F21** Rule 4 renumbered as rule 4(1) (13.8.2014 at 5 p.m.) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2014 \(S.I. 2014/2169\)](#), rules 1, **3(3)(a)**
- F22** Words in [rule 4\(1\)](#) inserted (13.8.2014 at 5 p.m.) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2014 \(S.I. 2014/2169\)](#), rules 1, **3(3)(a)**
- F23** Rule 4(2)-(8) inserted (13.8.2014 at 5 p.m.) by [The Prison and Young Offender Institution \(Amendment\) Rules 2014 \(S.I. 2014/2169\)](#), rules 1, **3(3)(b)**

### Release

#### Temporary release

5.—(1) [<sup>F24</sup>Subject to paragraph (1A), the Secretary of State] may, in accordance with the other provisions of this rule, release temporarily an inmate to whom this rule applies.

[<sup>F25</sup>(1A) An inmate who has the relevant deportation status must not be released under this rule unless the inmate is located in open conditions immediately before the time of release.]

(2) An inmate may be released under this rule for any period or periods and subject to any conditions.

(3) An inmate may only be released under this rule:

- (a) on compassionate grounds or for the purpose of receiving medical treatment;
- (b) to engage in employment or voluntary work;
- (c) to receive instruction or training which cannot reasonably be provided in the young offender institution;
- (d) to enable him to participate in any proceedings before any court, tribunal or inquiry;
- (e) to enable him to consult with his legal adviser in circumstances where it is not reasonably practicable for the consultation to take place in the young offender institution;
- (f) to assist any police officer in any enquiries;
- (g) to facilitate the inmate’s transfer between the young offender institution and another penal establishment;
- (h) to assist him in maintaining family ties or in his transition from life in the young offender institution to freedom; or

<sup>F26</sup>(i) .....

(4) An inmate shall not be released under this rule unless the Secretary of State is satisfied that there would not be an unacceptable risk of his committing offences whilst released or otherwise of his failing to comply with any condition upon which he is released.

(5) Where at any time an offender is subject concurrently:

- (a) to a detention and training order; and

(b) to a sentence of detention in a young offender institution,  
he shall be treated for the purposes of paragraphs (6) and (7) as if he were subject only to the one of them that was imposed on the later occasion.

(6) The Secretary of State shall not release under this rule an inmate if, having regard to:

(a) the period or proportion of his sentence which the inmate has served or, in a case where paragraph (10) does not apply to require all the sentences he is serving to be treated as a single term, the period or proportion of any such sentence he has served; and

(b) the frequency with which the inmate has been granted temporary release under this rule,  
the Secretary of State is of the opinion that the release of the inmate would be likely to undermine public confidence in the administration of justice.

(7) If an inmate has been temporarily released under this rule during the relevant period and has been sentenced to any period of detention, custody or imprisonment for a criminal offence committed whilst at large following that release, he shall not be released under this rule unless his release, having regard to the circumstances of his conviction, would not, in the opinion of the Secretary of State, be likely to undermine public confidence in the administration of justice; and for this purpose "the relevant period":

(a) in the case of an inmate serving a determinate sentence of imprisonment, detention or custody, is the period he has served in respect of that sentence, unless, notwithstanding paragraph (10), the sentences he is serving do not fall to be treated as a single term, in which case it is the period since he was last released in relation to one of those sentences under Part II of the Criminal Justice Act 1991 ("the 1991 Act") or section 100 of the Powers of the Criminal Courts (Sentencing) Act 2000 <sup>M3</sup> ("the 2000 Act") [<sup>F27</sup>or Chapter 6 of Part 12 of the 2003 Act]<sup>F28</sup> or by virtue of section 233 of the Sentencing Code]; or

(b) in the case of an inmate serving an indeterminate sentence of imprisonment, detention or custody, is, if the inmate has previously been released on licence under Part II of the 1991 Act or Part II of the Crime (Sentences) Act 1997 [<sup>F29</sup>or Chapter 6 of Part 12 of the 2003 Act], the period since the date of his last recall to a penal establishment in respect of that sentence or, where the inmate has not been so released, the period he has served in respect of that sentence,

save that where an inmate falls within both of sub-paragraphs (a) and (b) above, the "relevant period", in the case of that inmate, shall be determined by whichever of the applicable sub-paragraphs that produces the longer period.

(8) An inmate released under this rule may be recalled at any time whether the conditions of his release have been broken or not.

[<sup>F30</sup>(8A) If, immediately before the relevant time, an inmate has been released under this rule and the young offender institution has received notice that the inmate has the relevant deportation status, the inmate must be recalled unless—

(a) the period for which the inmate has been released is due to expire on 13th August 2014; or

(b) the inmate was released from open conditions.

(8B) If an inmate has been released under this rule (whether before or after the relevant time) and the young offender institution receives notice after the relevant time that the inmate has the relevant deportation status, the inmate must be recalled unless—

(a) the period for which the inmate has been released is due to expire on the day on which the young offender institution receives that notice; or

(b) the inmate was released from open conditions.]

(9) This rule applies to inmates other than persons committed in custody for trial or to be sentenced or otherwise dealt with before or by the Crown Court or remanded in custody by any court.

[<sup>F31</sup>(10) For the purposes of any reference in this rule to an inmate's sentence, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.]

(11) In this rule, any reference to release on licence under Part II of the 1991 Act includes any release on licence under any earlier legislation providing for early release on licence.

[<sup>F32</sup>(12) In this rule—

- (a) any reference to an inmate who has the relevant deportation status is to be read in accordance with rule 4(6) and (7); and
- (b) any reference to the relevant time is to be read in accordance with rule 4(8).]

#### Textual Amendments

- F24** Words in rule 5(1) substituted (13.8.2014 at 5 p.m.) by The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, **3(4)(a)**
- F25** Rule 5(1A) inserted (13.8.2014 at 5 p.m.) by The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, **3(4)(b)**
- F26** Rule 5(3)(i) repealed (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 2(a)**
- F27** Words in rule 5(7)(a) added (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 2(b)**
- F28** Words in rule 5(7)(a) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 326** (with Sch. 27); S.I. 2020/1236, reg. 2
- F29** Words in rule 5(7)(b) added (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 2(c)**
- F30** Rule 5(8A)(8B) inserted (13.8.2014 at 5 p.m.) by The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, **3(4)(c)**
- F31** Rule 5(10) substituted (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 2(d)**
- F32** Rule 5(12) inserted (13.8.2014 at 5 p.m.) by The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, **3(4)(d)**

#### Marginal Citations

**M3** 2000 c. 6.

### Coronavirus Restricted Temporary Release

<sup>F33</sup>**5A.** . . . . .

#### Textual Amendments

- F33** Rule 5A 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), **3(2)**

### Conditions

#### Privileges

**6.—(1)** There shall be established at every young offender institution systems of privileges <sup>F34</sup>... appropriate to the classes of inmates thereof and their ages, characters and circumstances, which



shall include arrangements under which money earned by inmates may be spent by them within the young offender institution.

(2) Systems of privileges [<sup>F35</sup>established] under paragraph (1) may include arrangements under which inmates may be allowed time outside the cells and in association with one another, in excess of the minimum time which, subject to the other provisions of these Rules apart from this rule, is otherwise allowed to inmates at the young offender institution for this purpose.

(3) Systems of privileges [<sup>F36</sup>established] under paragraph (1) may include arrangements under which privileges may be granted to inmates only in so far as they have met, and for so long as they continue to meet, specified standards in their behaviour and their performance in work or other activities.

(4) Systems of privileges which include arrangements of the kind referred to in paragraph (3) shall include procedures to be followed in determining whether or not any of the privileges concerned shall be granted, or shall continue to be granted, to an inmate; such procedures shall include a requirement that the inmate be given reasons for any decision adverse to him together with a statement of the means by which he may appeal against it.

(5) Nothing in this rule shall be taken to confer on an inmate any entitlement to any privilege or to affect any provision in these Rules other than this rule as a result of which any privilege may be forfeited or otherwise lost or an inmate deprived of association with other inmates.

#### Textual Amendments

- F34** Words in [rule 6\(1\)](#) omitted (22.5.2018) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2018 \(S.I. 2018/549\)](#), rules 1, [3\(3\)\(a\)](#)
- F35** Word in [rule 6\(2\)](#) substituted (22.5.2018) by [The Prison and Young Offender Institution \(Amendment\) Rules 2018 \(S.I. 2018/549\)](#), rules 1, [3\(3\)\(b\)](#)
- F36** Word in [rule 6\(3\)](#) substituted (22.5.2018) by [The Prison and Young Offender Institution \(Amendment\) Rules 2018 \(S.I. 2018/549\)](#), rules 1, [3\(3\)\(b\)](#)

#### Information to inmates

7.—(1) Every inmate shall be provided, as soon as possible after his reception into the young offender institution, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which it is necessary that he should know, including earnings and privileges, and the proper method of making requests and complaints.

(2) In the case of an inmate aged under 18, or an inmate aged 18 or over who cannot read or appears to have difficulty in understanding the information so provided, the governor, or an officer deputed by him, shall so explain it to him that he can understand his rights and obligations.

(3) A copy of these Rules shall be made available to any inmate who requests it.

#### Requests and complaints

8.—<sup>F37</sup>(1) An inmate may make a request or complaint to the governor or independent monitoring board relating to the inmate's detention.]

(2) <sup>F38</sup>... The governor shall [<sup>F39</sup>consider as soon as possible any] requests and complaints that are made to him under paragraph (1).

(3) A written request or complaint under paragraph (1) may be made in confidence.

### Textual Amendments

- F37** Rule 8(1) substituted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 2 para. 1\(a\)](#)
- F38** Words in rule 8(2) omitted (26.9.2011) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 2 para. 1\(b\)\(i\)](#)
- F39** Words in rule 8(2) substituted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, [Sch. 2 para. 1\(b\)\(ii\)](#)

### Communications generally

**9.—(1)** Without prejudice to sections 6 and 19 of the Prison Act 1952 and except as provided by these Rules, an inmate shall not be permitted to communicate with any person outside the young offender institution, or such person with him, except with the leave of the Secretary of State or as a privilege under rule 7.

(2) Notwithstanding paragraph (1), and except as otherwise provided in these Rules, the Secretary of State may impose any restriction or condition, either generally or in a particular case, upon the communications to be permitted between an inmate and other persons if he considers that the restriction or condition to be imposed—

- (a) does not interfere with the Convention rights of any person; or
- (b) is necessary on grounds specified in paragraph (3) below, provided that:
  - (i) reliance on the grounds is compatible with the Convention right to be interfered with; and
  - (ii) the restriction or condition is proportionate to what is sought to be achieved.

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

- (a) the interests of national security;
- (b) the prevention, detection, investigation or prosecution of crime;
- (c) the interests of public safety;
- (d) securing or maintaining security or good order and discipline in the young offender institution;
- (e) the protection of health or morals;
- (f) the protection of the reputation of others;
- (g) maintaining the authority and impartiality of the judiciary; or
- (h) the protection of the rights and freedoms of any person.

(4) Subject to paragraph (2), the Secretary of State may require that any visit, or class of visits, shall be held in facilities which include special features restricting or preventing physical contact between an inmate and a visitor.

(5) Every visit to an inmate shall take place within the sight of an officer or employee of the young offender institution authorised for the purposes of this rule by the governor (in this rule referred to as an “authorised employee”), unless the Secretary of State otherwise directs, and for the purposes of this paragraph a visit to an inmate shall be taken to take place within the sight of an officer or authorised employee if it can be seen by an officer or authorised employee by means of an overt closed circuit television system.

(6) Subject to rule 13, every visit to an inmate shall take place within the hearing of an officer or authorised employee, unless the Secretary of State otherwise directs.

(7) The Secretary of State may give directions, either generally or in relation to any visit or class of visits, concerning the day and times when inmates may be visited.

(8) In this rule—

- (a) references to communications include references to communications during visits;
- (b) references to restrictions and conditions upon communications include references to restrictions and conditions in relation to the length, duration and frequency of communications; and
- (c) references to Convention rights are to the Convention rights within the meaning of the Human Rights Act 1998 <sup>M4</sup>.

#### Marginal Citations

**M4** 1998 c. 42.

### Personal letters and visits

**10.**—(1) Subject to paragraph (7) an inmate shall be entitled—

- (a) to send and to receive a letter on his reception into a young offender institution and thereafter once a week; and
- (b) to receive a visit twice in every period of four weeks, but only once in every such period if the Secretary of State so directs.

[<sup>F40</sup>(1A) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1)(b), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution and proportionate to what is sought to be achieved.]

(2) The governor may allow an inmate an additional letter or visit as a privilege under rule 6 or when necessary for his welfare or that of his family.

(3) The governor may allow an inmate entitled to a visit to send and to receive a letter instead.

(4) The governor may defer the right of an inmate to a visit until the expiration of any period of confinement to a cell or room.

(5) The [<sup>F41</sup>independent monitoring board] may allow an inmate an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(6) The Secretary of State may allow additional letters and visits in relation to any inmate or class of inmates.

(7) An inmate shall not be entitled under this rule to receive a visit from—

- (a) any person, whether or not a relative or friend, during any period of time that person is the subject of a prohibition imposed under rule 77; or
- (b) any other person, other than a relative or friend, except with the leave of the Secretary of State.

(8) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this rule.

### Textual Amendments

- F40** Rule 10(1A) 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. 2 para. 4** (with rule 1(3))
- F41** Words in rule 10(5) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, **4(a)**

### Interception of communications

**11.**—(1) The Secretary of State may give directions to any governor concerning the interception in a young offender institution of any communication by any inmate or class of inmates if the Secretary of State considers that the directions are—

- (a) necessary on grounds specified in paragraph (4); and
- (b) proportionate to what is sought to be achieved.

(2) Subject to any directions given by the Secretary of State, the governor may make arrangements for any communication by an inmate or class of inmates to be intercepted in a young offender institution by an officer or an employee of the young offender institution authorised by the governor for the purposes of this rule (referred to in this rule as an “authorised employee”) if he considers that the arrangements are—

- (a) necessary on grounds specified in paragraph (4); and
- (b) proportionate to what is sought to be achieved.

[<sup>F42</sup>(2A) The governor may not make arrangements for interception of any communication between an inmate and

- (a) the inmate’s legal adviser; or
- (b) any body or organisation with which the Secretary of State has made arrangements for the confidential handling of correspondence,

unless the governor has reasonable cause to believe that the communication is being made with the intention of furthering a criminal purpose and unless authorised by [<sup>F43</sup>any one of the following: the chief executive officer of the National Offender Management Service; the director responsible for national operational services of that service; or the duty director of that service].]

(3) Any communication by an inmate may, during the course of its transmission in a young offender institution, be terminated by an officer or an authorised employee if he considers that to terminate the communication is—

- (a) necessary on grounds specified in paragraph (4); and
- (b) proportionate to what is sought to be achieved by the termination.

(4) The grounds referred to in paragraphs (1)(a), (2)(a) and (3)(a) are—

- (a) the interests of national security;
- (b) the prevention, detection, investigation or prosecution of crime;
- (c) the interests of public safety;
- (d) securing or maintaining security or good order and discipline in the young offender institution;
- (e) the protection of health or morals; or
- (f) the protection of the rights and freedoms of any person.

(5) Any reference to the grounds specified in paragraph (4) in relation to the interception of a communication by means of a telecommunications system in a young offender institution, or the disclosure or retention of intercepted material from such a communication, shall be taken to be a reference to those grounds with the omission of sub-paragraph (f).

(6) For the purposes of this rule “interception”—

- (a) in relation to a communication by means of a telecommunications system, means any action taken in relation to the system or its operation so as to make some or all of the contents of the communications available, while being transmitted, to a person other than the sender or intended recipient of the communication; and the contents of a communication are to be taken to be made available to a person while being transmitted where the contents of the communication, while being transmitted, are diverted or recorded so as to be available to a person subsequently; and
- (b) in relation to any written or drawn communication, includes opening, reading, examining and copying the communication.

#### Textual Amendments

- F42** Rule 11(2A) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 5**
- F43** Words in rule 11(2A) substituted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011 \(S.I. 2011/1663\)](#), rule 1, **Sch. 2 para. 2**

#### Permanent log of communications

**12.**—(1) The governor may arrange for a permanent log to be kept of all communications by or to an inmate.

(2) The log referred to in paragraph (1) may include, in relation to a communication by means of a telecommunications system in a young offender institution, a record of the destination, duration and cost of the communication and, in relation to any written or drawn communication, a record of the sender and addressee of the communication.

#### Disclosure of material

<sup>F44</sup>**13.**—(1) Except in accordance with paragraph (2), the governor may not disclose to any person who is not

- (a) an officer of a young offender institution;
- (b) an officer of the Secretary of State;
- (c) an officer of the Youth Justice Board for England and Wales, where the Board has entered into a contract for the provision or running, or both, of the young offender institution; or
- (d) an employee of the young offender institution authorised by the governor for the purpose of this rule,

any intercepted material, information retained pursuant to rule 12 or material obtained by means of an overt closed circuit television system used during a visit.

(2) The governor may disclose the material and information identified in paragraph (1) to persons, other than those mentioned in that paragraph, if:

- (a) he considers that such disclosure is—
  - (i) necessary on the grounds specified in rule 11(4); and
  - (ii) proportionate to what is sought to be achieved by the disclosure;

- (b) in the case of intercepted material or material obtained by means of an overt closed circuit television system used during a visit, all parties to the communication or visit consent to the disclosure; or
- (c) in the case of information retained pursuant to rule 12, the inmate to whose communication the information relates, consents to the disclosure.]

#### Textual Amendments

**F44** Rule 13 substituted (7.12.2008) by [The Youth Justice Board for England and Wales \(Amendment\) Order 2008 \(S.I. 2008/3155\)](#), arts. 1, 3

#### Retention of material

**14.**—(1) The governor shall not retain any intercepted material or material obtained by means of an overt closed circuit television system used during a visit for a period longer than 3 months beginning with the day on which the material was intercepted or obtained unless he is satisfied that continued retention of it is—

- (a) necessary on grounds specified in rule 11(4); and
- (b) proportionate to what is sought to be achieved by the continued retention.

(2) Where such material is retained for longer than three months pursuant to paragraph (1) the governor shall review its continued retention at periodic intervals until such time as it is no longer held by the governor.

(3) The first review referred to in paragraph (2) shall take place not more than three months after the decision to retain the material taken pursuant to paragraph (1) and subsequent reviews shall take place not more than three months apart thereafter.

(4) If the governor, on a review conducted pursuant to paragraph (2) or at any other time, is not satisfied that the continued retention of the material satisfies the requirements set out in paragraph (1), he shall arrange for the material to be destroyed.

#### Police interviews

**15.** A police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any inmate willing to see him.

#### [<sup>F45</sup>Visits from] legal advisers

**16.**—(1) [<sup>F46</sup>Where] the legal adviser of an inmate in any legal proceedings, civil or criminal, to which the inmate is a party [<sup>F47</sup>visits the inmate, the legal adviser] shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing of an officer.

(2) [<sup>F48</sup>On such a visit,] an inmate's legal adviser may, with the leave of the Secretary of State, interview the inmate in connection with any other legal business.

#### Textual Amendments

**F45** Words in [rule 16](#) heading inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 6\(a\)](#)

**F46** Word in [rule 16\(1\)](#) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 6\(b\)](#)

- F47** Words in rule 16(1) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 6(b)**
- F48** Words in rule 16(2) inserted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 6(c)**

### **[<sup>F49</sup>Delivery and receipt of legally privileged material]**

**17.**—[<sup>F50</sup>(1) An inmate may deliver to, or receive from, the inmate’s legal adviser and any court, either by post or during a legal visit under rule 16, any legally privileged material and such material may only be opened, read or stopped by the governor in accordance with the provisions of this rule.]

(2) [<sup>F51</sup>Material] to which this rule applies may be opened if the governor has reasonable cause to believe that it contains an illicit enclosure and any such enclosure shall be dealt with in accordance with the other provisions of these Rules.

(3) [<sup>F52</sup>Material] to which this rule applies may be opened, read and stopped if the governor has reasonable cause to believe its contents endanger prison or young offender institution security or the safety of others or are otherwise of a criminal nature.

(4) An inmate shall be given the opportunity to be present when any [<sup>F53</sup>material] to which this rule applies is opened and shall be informed if it or any enclosure is to be read or stopped.

(5) An inmate shall on request be provided with any writing materials necessary for the purposes of paragraph (1).

(6) In this rule, “court” includes the European Court of Human Rights and the European Court of Justice; and “illicit enclosure” includes any article possession of which has not been authorised in accordance with the other provisions of these Rules and any [<sup>F54</sup>material] to or from a person other than the inmate concerned, his legal adviser or a court.

### **Textual Amendments**

- F49** Rule 17 heading substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 7(a)**
- F50** Rule 17(1) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 7(b)**
- F51** Word in rule 17(2) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 7(c)**
- F52** Word in rule 17(3) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 7(c)**
- F53** Word in rule 17(4) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 7(c)**
- F54** Word in rule 17(6) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 7(c)**

### **Securing release of defaulters**

**18.** An inmate detained in a young offender institution in default of payment of a fine or any other sum of money may communicate with, and be visited at any reasonable time on a weekday by, any relative or friend for payment in order to secure his release.



## Clothing

**19.**—(1) An inmate shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State.

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

(3) Subject to the provisions of rule 45(3), an inmate 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 6.

(4) An inmate shall where necessary be provided with suitable and adequate clothing on his release.

## Food

**20.**—(1) Subject to any directions of the Secretary of State, no inmate shall be allowed, except as authorised by [<sup>F55</sup>a health care professional][<sup>F56</sup>working within the young offender institution], 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) <sup>F57</sup>... 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.

### Textual Amendments

**F55** Words in rule 20(1) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, [Sch. para. 3\(a\)](#)

**F56** Words in rule 20(1) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 4\(a\)](#)

**F57** Words in rule 20(3) omitted (3.1.2006) by virtue of [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, [Sch. para. 3\(b\)](#)

## Alcohol and tobacco

**21.**—(1) No inmate shall be allowed to have any intoxicating liquor <sup>F58</sup>....

(2) No inmate shall be allowed to smoke or to have any tobacco except in accordance with any directions of the Secretary of State.

### Textual Amendments

**F58** Words in rule 21(1) omitted (3.1.2006) by virtue of [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, [Sch. para. 4](#)

## Sleeping accommodation

**22.**—(1) No room or cell shall be used as sleeping accommodation for an inmate unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.



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

### **Beds and bedding**

**23.** Each inmate shall be provided with a separate bed and with separate bedding adequate for warmth and health.

### **Hygiene**

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

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

(3) An inmate's hair shall not be cut without his consent.

### **Female inmates**

**25.** The Secretary of State may, subject to any conditions he thinks fit, permit a female inmate to have her baby with her in a young offender institution, and everything necessary for the baby's maintenance and care may be provided there.

### **Library books**

**26.** A library shall be provided in every young offender institution and, subject to any directions of the Secretary of State, every inmate shall be allowed to have library books and to exchange them.

## *Medical Attention*

### **[<sup>F59</sup>Health services**

**27.—(1)** The governor must work in partnership with local health care providers to secure the provision to inmates in the young offender institution of access to the same quality and range of services as the general public receives from the National Health Service.

(2) Every request by an inmate to see a health care professional shall be recorded by the officer to whom it was made and promptly communicated to a health care professional.

(3) If an unconvicted inmate desires the attendance of a named registered medical practitioner or dentist other than one already working in the young offender institution, and will pay any expense incurred, the governor must, if satisfied that there are reasonable grounds for the request and unless the Secretary of State otherwise directs, allow the inmate to be visited and treated by that practitioner or dentist, in consultation with a registered medical practitioner who works in that institution.

(4) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of an inmate who is a party to any legal proceedings must be afforded reasonable facilities for examining the inmate in connection with the proceedings, and may do so out of hearing but in the sight of an officer.

(5) An inmate may correspond, in accordance with arrangements made by the Secretary of State for the confidential handling of correspondence, with a registered medical practitioner who has treated the inmate for a life threatening condition, and such correspondence may not be opened, read or stopped unless the governor has reasonable cause to believe its contents do not relate to the treatment of that condition. ]

#### Textual Amendments

- F59** Rule 27 substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 2](#)

#### Special illnesses and conditions

**28.**—(1) [<sup>F60</sup>A registered medical practitioner][<sup>F61</sup>working within the young offender institution] shall report to the governor on the case of any inmate whose health is likely to be injuriously affected by continued detention or any conditions of detention. The governor shall send the report to the Secretary of State without delay, together with his own recommendations.

<sup>F62</sup>(2) .....

#### Textual Amendments

- F60** Words in [rule 28\(1\)](#) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, [Sch. para. 6\(a\)](#)
- F61** Words in [rule 28\(1\)](#) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 4\(b\)](#)
- F62** [Rule 28\(2\)](#) omitted (3.1.2006) by virtue of [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, [Sch. para. 6\(b\)](#)

#### Notification of illness or death

**29.**—(1) If an inmate dies, or becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the governor shall, if he knows his or her address, at once inform the inmate's spouse or next of kin, and also any person who the inmate may reasonably have asked should be informed.

(2) If an inmate dies, the governor shall give notice immediately to the coroner having jurisdiction, to the [<sup>F63</sup>independent monitoring board] and to the Secretary of State.

#### Textual Amendments

- F63** Words in [rule 29\(2\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, [4\(a\)](#)

### Religion

#### Religious denomination

**30.** An inmate shall be treated as being of the religious denomination stated in the record made in pursuance of section 10(5) of the Prison Act 1952, but the governor may, in a proper case after due inquiry, direct that record to be amended.

#### Special duties of chaplains and appointed ministers

**31.**—(1) The chaplain or a minister appointed to a young offender institution shall [<sup>F64</sup>(or during a coronavirus period shall so far as reasonably practicable)]—

- (a) interview every inmate of his denomination individually as soon as he reasonably can after the inmate's reception into that institution and shortly before his release; and
  - (b) if no other arrangements are made, read the burial service at the funeral of any inmate of his denomination who dies in that institution.
- (2) The chaplain shall [<sup>F65</sup>(or during a coronavirus period shall so far as reasonably practicable),] visit daily all inmates belonging to the Church of England who are sick, under restraint or confined to a room or cell; and a minister appointed to a young offender institution shall do the same, as far as he reasonably can, for inmates of his own denomination.
- (3) If the inmate is willing, the chaplain shall [<sup>F66</sup>(or during a coronavirus period shall so far as reasonably practicable)] visit any inmate not of the Church of England who is sick, under restraint or confined to a room or cell, and is not regularly visited by a minister of his own denomination.

#### Textual Amendments

- F64** Words in rule 31(1) 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. 2 para. 5(a)** (with rule 1(3))
- F65** Words in rule 31(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. 2 para. 5(b)** (with rule 1(3))
- F66** Words in rule 31(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. 2 para. 5(c)** (with rule 1(3))

#### Regular visits by ministers of religion, etc

- 32.**—(1) The chaplain shall visit regularly the inmates belonging to the Church of England.
- (2) A minister appointed to a young offender institution shall visit the inmates of his denomination as regularly as he reasonably can.
- (3) The governor shall, if so requested by an inmate belonging to a denomination for which no minister has been appointed to a young offender institution do what he reasonably can to arrange for that inmate to be visited regularly by a minister of that denomination.
- (4) Every request by an inmate to see the chaplain or a minister appointed to a young offender institution shall be promptly passed on to the chaplain or minister.

#### Religious services

- 33.**—(1) The chaplain shall [<sup>F67</sup>(or during a coronavirus period shall so far as reasonably practicable)] conduct Divine Service for inmates belonging to the Church of England at least once every Sunday, Christmas Day and Good Friday, and such celebrations of Holy Communion and weekday services as may be arranged.
- (2) A minister appointed to a young offender institution shall conduct Divine Service for inmates of his denomination at such times as may be arranged.

#### Textual Amendments

- F67** Words in rule 33(1) 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. 2 para. 6** (with rule 1(3))

### **Substitute for chaplain or appointed minister**

**34.—**(1) A person approved by the Secretary of State may act for the chaplain in his absence.

(2) A minister appointed to a young offender institution may, with the leave of the Secretary of State, appoint a substitute to act for him in his absence.

### **Sunday work**

**35.** Arrangements shall be made so as not to require inmates to do any unnecessary work on Sunday, Christmas Day or Good Friday nor inmates of religions other than the Christian religion to do any unnecessary work on their recognised days of religious observance (as in alternative, but not in addition, to those days).

### **Religious books**

**36.** There shall, so far as reasonably practicable, be available for the personal use of every inmate such religious books recognised by his denomination as are approved by the Secretary of State for use in young offender institutions.

## *Occupation and Links with the Community*

### **Regime activities**

**37.—**(1) An inmate shall [<sup>F68</sup>(or during a coronavirus period shall so far as reasonably practicable)] be occupied in a programme of activities provided in accordance with rule 3 which shall include education, training courses, work and physical education.

(2) In all such activities regard shall be paid in individual assessment and personal development.

[<sup>F69</sup>(3) A registered medical practitioner working within the young offender institution may excuse an inmate from work or any other activity on medical grounds.]

(4) An inmate may be required to participate in regime activities for no longer than the relevant period in a day, "the relevant period" for this purpose being—

- (a) on a day in which an hour or more of physical education is provided for the inmate, 11 hours;
- (b) on a day in which no such education is provided for the inmate, ten hours; or
- (c) on a day in which a period of less than an hour of such education is provided for the inmate, the sum of ten hours and the period of such education provided,

provided that he may not be required to participate in any one regime activity for more than eight hours in a day.

(5) Inmates may be paid for their work or participation in other activities at rates approved by the Secretary of State, either generally or in relation to particular cases.

#### **Textual Amendments**

**F68** Words in [rule 37\(1\)](#) 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. 2 para. 7](#) (with [rule 1\(3\)](#))

**F69** [Rule 37\(3\)](#) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, [Sch. 2 para. 3](#)

## Education

**38.**—(1) Provision shall [<sup>F70</sup>(or during a coronavirus period shall so far as reasonable practicable)] be made at a young offender institution for the education of inmates by means of programmes of class teaching or private study within the normal working week and, so far as practicable, programmes of evening and weekend educational classes or private study. The educational activities shall, so far as practicable, be such as will foster personal responsibility and an inmate's interests and skills and help him to prepare for his return to the community.

(2) In the case of an inmate of compulsory school age, arrangements shall [<sup>F71</sup>(or during a coronavirus period shall so far as reasonably practicable)] be made for his participation in education or training courses for at least 15 hours a week within the normal working week.

(3) In the case of an inmate aged 17 or over who has special educational needs, arrangements shall be made for education appropriate to his needs, if necessary within the normal working week.

(4) In the case of a female inmate aged 21 or over who is serving a sentence of imprisonment or who has been committed to prison for default and who is detained in a young offender institution instead of a prison, reasonable facilities shall be afforded if she wishes to improve her education, by class teaching or private study.

### Textual Amendments

- F70** Words in rule 38(1) 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. 2 para. 8(a)** (with rule 1(3))
- F71** Words in rule 38(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. 2 para. 8(b)** (with rule 1(3))

## Training courses

**39.**—(1) Provision shall [<sup>F72</sup>(or during a coronavirus period shall so far as reasonably practicable)] be made at a young offender institution for the training of inmates by means of training courses, in accordance with directions of the Secretary of State.

(2) Training courses shall be such as will foster personal responsibility and an inmate's interests and skills and improve his prospects of finding suitable employment after release.

(3) Training courses shall, so far as practicable, be such as to enable inmates to acquire suitable qualifications.

### Textual Amendments

- F72** Words in rule 39(1) 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. 2 para. 9** (with rule 1(3))

## Work

**40.**—(1) Work shall, so far as practicable, be such as will foster personal responsibility and an inmate's interests and skills and help him to prepare for his return to the community.

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

## Physical education

**41.**—(1) Provision shall [<sup>F73</sup>(or during a coronavirus period shall so far as reasonably practicable)] be made at a young offender institution for the physical education of inmates within the normal working week, as well as evening and weekend physical recreation. The physical education activities shall be such as will foster personal responsibility and an inmate's interests and skills and encourage him to make good use of his leisure on release.

(2) Arrangements shall [<sup>F74</sup>(or during a coronavirus period shall so far as reasonably practicable)] be made for each inmate, other than one to whom paragraph (3) and (5) applies, to participate in physical education for at least two hours a week on average or, in the case of inmates detained in such institutions or parts of institutions as the Secretary of State may direct, for at least 1 hour each weekday on average, but outside the hours allotted to education under rule 38(2) in the case of an inmate of compulsory school age.

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

(4) In the case of an inmate with a need for remedial physical activity, appropriate facilities shall be provided.

(5) If the weather permits and subject to the need to maintain good order and discipline, a female inmate aged 21 years or over 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.

### Textual Amendments

- F73** Words in [rule 41\(1\)](#) 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. 2 para. 10\(a\)](#) (with [rule 1\(3\)](#))
- F74** Words in [rule 41\(2\)](#) 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. 2 para. 10\(b\)](#) (with [rule 1\(3\)](#))

## Outside contacts

**42.**—(1) The governor shall encourage links between the young offender institution and the community by taking steps to establish and maintain relations with suitable persons and agencies outside the institution.

(2) The governor shall ensure that special attention is paid to the maintenance of such relations between an inmate and his family as seem desirable in the best interests of both.

(3) Subject to any directions of the Secretary of State, an inmate shall be encouraged, as far as practicable, to participate in activities outside the young offender institution which will be of benefit to the community or of benefit to the inmate in helping him to prepare for his return to the community.

## After-care

**43.**—(1) From the beginning of his sentence, consideration shall be given, in consultation with the appropriate supervising service, to an inmate's future and the help to be given to him in preparation for and after his return to the community.

(2) Every inmate who is liable to supervision after release shall be given a careful explanation of his liability and the requirements to which he will be subject while under supervision.

## *Discipline and Control*

### **Maintenance of order and discipline**

**44.**—(1) Order and discipline shall be maintained, but with no more restriction than is required in the interests of security and well-ordered community life.

(2) Notwithstanding paragraph (1), regimes may be established at young offender institutions under which stricter order and discipline are maintained and which emphasise strict standards of dress, appearance and conduct; provided that no inmate shall be required to participate in such a regime unless he has been first assessed as being suitable for it and no inmate shall be required to continue with such a regime if at any time it appears that he is no longer suitable for it.

(3) For the purposes of paragraph (2), whether an inmate is suitable for a stricter regime is to be assessed by reference to whether he is sufficiently fit in mind and body to undertake it and whether, in the opinion of the Secretary of State, experience of the regime will further his rehabilitation.

(4) In the control of inmates, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.

### **Custody outside a young offender institution**

**45.**—(1) A person being taken to or from a young offender institution 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) An inmate required to be taken in custody anywhere outside a young offender institution shall be kept in the custody of an officer appointed under section 3 of the Prison Act 1952 or of a police officer.

(3) An inmate 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**

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

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

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

### **Record and photograph**

**47.**—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Secretary of State may direct, but no part of the record shall be disclosed to any person not authorised to receive it.

(2) Every inmate may be photographed on reception and subsequently, but no copy of the photograph [<sup>F75</sup>or any other personal record] shall be given to any person not authorised to receive it.

[<sup>F76</sup>(2A) In this rule “personal record” may include personal information and biometric records (such as fingerprints or other physical measurements).]

### Textual Amendments

- F75** Words in [rule 47\(2\)](#) inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), [rule 1\(1\)](#), [Sch. para. 2\(a\)](#)
- F76** [Rule 47\(2A\)](#) inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), [rule 1\(1\)](#), [Sch. para. 2\(b\)](#)

### Inmates' property

**48.—(1)** Anything, other than cash, which an inmate has at a young offender institution and which he is not allowed to retain for his own use shall be taken into the governor's custody.

(2) Any case which an inmate has at a young offender institution shall be paid into an account under the control of the governor and the inmate shall be credited with the amount in the books of the institution.

(3) Any article belonging to an inmate which remains unclaimed for a period of more than [<sup>F77</sup>1 year] after he is released, 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.

(4) The governor may confiscate any unauthorised article found in the possession of an inmate after his reception into a young offender institution, or concealed or deposited within a young offender institution.

### Textual Amendments

- F77** Words in [rule 48\(3\)](#) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), [rule 1](#), [Sch. 2 para. 8](#)

### Removal from association

**49.—(1)** Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that an inmate should not associate with other inmates, either generally or for particular purposes, the governor may arrange for the inmate's removal from association [<sup>F78</sup>for up to 72 hours].

[<sup>F79</sup>(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 inmate 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.]

[<sup>F80</sup>(3) The governor may arrange at his discretion for an inmate removed under this rule to resume association with other inmates at any time <sup>F81</sup>...].

[<sup>F82</sup>(4) 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 inmate resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the young offender institution.]



### Textual Amendments

- F78** Words in [rule 49\(1\)](#) substituted (4.9.2015) by [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), [rules 1\(2\)](#), [3\(2\)](#)
- F79** [Rule 49\(2\)-\(2C\)](#) substituted for [rule 49\(2\)](#) (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\(2\)\(3\)](#), [3\(3\)](#)
- F80** [Rule 49\(3\)](#) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), [rule 1](#), [Sch. para. 7\(b\)](#)
- F81** Words in [rule 49\(3\)](#) omitted (4.9.2015) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), [rules 1\(2\)](#), [3\(4\)](#)
- F82** [Rule 49\(4\)](#) inserted (4.9.2015) by [The Prison and Young Offender Institution \(Amendment\) Rules 2015 \(S.I. 2015/1638\)](#), [rules 1\(2\)](#), [3\(5\)](#)

### Use of force

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

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

### Temporary confinement

**51.—(1)** The governor may order an inmate who is refractory or violent to be confined temporarily in a special cell or room, but an inmate shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A cell or room shall not be used for the purpose of this rule unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that it is suitable for the purpose, that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.

(3) In relation to any young offender institution, section 14(6) of the Prison Act 1952 shall have effect so as to enable the provision of special rooms instead of special cells for the temporary confinement of refractory or violent inmates.

(4) An inmate shall not be confined under this rule for longer than 24 hours without a direction in writing given<sup>F83</sup>... by an officer of the Secretary of State<sup>F83</sup>....

### Textual Amendments

- F83** Words in [rule 51\(4\)](#) omitted (3.1.2006) by virtue of [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), [rule 1](#), [Sch. para. 8](#)

### Restraints

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

(2) The governor may not order an inmate aged under 17 to be put under restraint, except that he may order such an inmate be placed in handcuffs where this is necessary to prevent the inmate from injuring himself or others, damaging property or creating a disturbance.

(3) Notice of such an order shall be given without delay to a member of the [<sup>F84</sup>independent monitoring board] and to [<sup>F85</sup>a registered medical practitioner or registered nurse working within the young offender institution.]

(4) On receipt of the notice, [<sup>F86</sup>the registered medical practitioner or registered nurse] referred to in paragraph (3), shall inform the governor whether there are any reasons why the inmate should not be put under restraint. The governor shall give effect to any recommendation which may be made under this paragraph.

(5) An inmate 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 <sup>F87</sup>... an officer of the Secretary of State (not being an officer of a young offender institution). Such a direction shall state the grounds for the restraint and the time during which it may continue.

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

(7) Except as provided by this rule no inmate shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction of [<sup>F88</sup>a registered medical practitioner or registered nurse working within the young offender institution].

(8) 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.

#### Textual Amendments

- F84** Words in rule 52(3) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\), rules 1, 4\(a\)](#)
- F85** Words in rule 52(3) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 2 para. 4\(c\)](#)
- F86** Words in rule 52(4) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\), rule 1, Sch. para. 9\(b\)](#)
- F87** Words in rule 52(5) omitted (1.1.2010) by virtue of [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 2 para. 9](#)
- F88** Words in rule 52(7) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\), rule 1, Sch. 2 para. 4\(d\)](#)

#### Compulsory Testing for controlled drugs [<sup>F89</sup>, pharmacy medicines and other substances etc.]<sup>F90</sup>...

**53.**—(1) This rule applies where an officer, acting under the powers conferred by section 16A of the Prison Act 1952 (power to test inmates for drugs) <sup>M5</sup>, requires an inmate to provide a sample for the purposes of ascertaining whether he has any controlled drug [<sup>F91</sup>, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]<sup>F92</sup>... 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.

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

- (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 an inmate to provide a fresh sample, free from any adulteration.
- (5) An officer requiring a sample shall make such arrangements and give the inmate such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.
- (6) An inmate who is required to provide a sample may be kept apart from other inmates for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.
- (7) An inmate who is unable to provide a sample of urine when required to do so may be kept apart from other inmates until he has provided the required sample, save that an inmate may not be kept apart under this paragraph for a period of more than five hours.
- (8) An inmate 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 an inmate shall not be required to provide such a sample in the sight of a person of the opposite sex.

#### Textual Amendments

- F89** Words in [rule 53](#) heading 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), [3\(3\)\(a\)](#); S.I. 2021/1280, [reg. 2](#)
- F90** Words in [rule 53](#) title omitted (8.12.2021) by virtue of [Prisons \(Substance Testing\) Act 2021](#) (c. 18), [ss. 2\(4\)\(b\)\(i\)](#), 3(2); S.I. 2021/1280, [reg. 2](#)
- F91** Words in [rule 53\(1\)](#) 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), [3\(3\)\(b\)](#); S.I. 2021/1280, [reg. 2](#)
- F92** Words in [rule 53\(1\)](#) omitted (8.12.2021) by virtue of [Prisons \(Substance Testing\) Act 2021](#) (c. 18), [ss. 2\(4\)\(b\)\(ii\)](#), 3(2); S.I. 2021/1280, [reg. 2](#)

#### Marginal Citations

- M5** [Section 16A](#) was inserted by section 151(1) of the [Criminal Justice and Public Order Act 1994](#) (c. 33).

### Supervision of inmates by means of an overt closed circuit television system

**54.—**(1) Without prejudice to his powers to make arrangements for the supervision of inmates in his custody, the governor may make arrangements for any inmate to be placed under constant supervision by means of an overt closed circuit television system placed in a cell, dormitory or other place in the young offender institution if he considers that—

- (a) such supervision is necessary for—
- (i) the health and safety of the inmate or any other person;
  - (ii) the prevention, detection or prosecution of crime; or
  - (iii) securing or maintaining security or good order and discipline in the young offender institution; 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 13 and 14 shall apply to any material obtained.

### [<sup>F93</sup>Compulsory testing for alcohol

**54A.**—(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 an inmate to provide a sample for the purpose of ascertaining whether he has alcohol in his body.

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

- (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 inmate 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) an inmate who is required to provide a sample may be kept apart from other inmates for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

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

(6) An inmate 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 an inmate shall not be required to provide such a sample in the sight of a person of the opposite sex.]

#### Textual Amendments

**F93** Rule 54A inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), [Sch. para. 3](#)

### Offences against discipline

**55.** An inmate is guilty of an offence against discipline if he—

(1) commits any assault;

[<sup>F94</sup>(2) commits any assault aggravated by a protected characteristic;]

[<sup>F95</sup>(2A) commits any sexual assault;

(2B) commits exposure, or any other indecent or obscene act;

(2C) sexually harasses any person;]

(3) detains any person against his will;

(4) denies access to any part of the young offender institution to any officer or any person (other than an inmate) who is at the young offender institution for the purpose of working there;

(5) fights with any person;

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

(7) intentionally obstructs an officer in the execution of his duty, or any person (other than an inmate) who is at the young offender institution for the purpose of working there, in the performance of his work;

- (8) escapes or absconds from a young offender institution or from legal custody;
- (9) fails to comply with any condition upon which he was temporarily released under rule 5<sup>F96</sup> ... of these rules;
- [<sup>F97</sup>(10) is found with any substance in his urine which demonstrates that a controlled drug [<sup>F98</sup>, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]<sup>F99</sup> ... has, whether in prison or while on temporary release under rule 5<sup>F100</sup> ..., been administered to him by himself or by another person (but subject to rule 56);]
- [<sup>F101</sup>(11) is intoxicated as a consequence of consuming any alcoholic beverage (but subject to rule 56A);]
- [<sup>F102</sup>(12) consumes any alcoholic beverage whether or not provided to him by another person (but subject to rule 56A);]
- (13) has in his possession—
- (a) any unauthorised article, or
  - (b) a greater quantity of any article than he is authorised to have;
- (14) sells or delivers to any person any unauthorised article;
- (15) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;
- (16) takes improperly any article belonging to another person or to a young offender institution;
- (17) intentionally or recklessly sets fire to any part of a young offender institution or any other property, whether or not his own;
- (18) destroys or damages any part of a young offender institution or any other property other than his own;
- [<sup>F103</sup>(19) causes damage to, or destruction of, any part of a prison or any other property, other than his own, aggravated by a protected characteristic;]
- (20) absents himself from any place where he is required to be or is present at any place where he is not authorised to be;
- (21) is disrespectful to any officer, or any person (other than an inmate) who is at the young offender institution for the purpose of working there, or any person visiting a young offender institution;
- (22) uses threatening, abusive or insulting words or behaviour;
- [<sup>F104</sup>(23) uses threatening, abusive or insulting words or behaviour, which demonstrate, or are motivated (wholly or partly) by, hostility to persons based on them sharing a protected characteristic;]
- (24) intentionally fails to work properly or, being required to work, refuses to do so;
- (25) disobeys any lawful order;
- (26) disobeys or fails to comply with any rule or regulation applying to him;
- [<sup>F105</sup>(26A) fails to comply with any payback punishment;]
- (27) receives any controlled drug [<sup>F106</sup>, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]<sup>F107</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 16);
- [<sup>F108</sup>(28) displays, attaches or draws on any part of a prison, or on any other property, threatening, abusive or insulting words, drawings, symbols or other material, which demonstrate, or are motivated (wholly or partly) by, hostility to persons based on them sharing a protected characteristic;]
- (29) (a) attempts to commit,

- (b) incites another inmate to commit, or
  - (c) assists another inmate to commit or to attempt to commit,
- any of the foregoing offences.

#### Textual Amendments

- F94** Rule 55(2) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(3)(a)**
- F95** Rule 55 (2A-2C) inserted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(3)(b)**
- F96** Words in rule 55(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), **3(3)**
- F97** Rule 55(10) substituted (18.4.2005) by The Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897), rule 1(1), **Sch. para. 4(a)**
- F98** Words in rule 55(10) 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), **3(4)(a)**; S.I. 2021/1280, **reg. 2**
- F99** Words in rule 55(10) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(4)(c), 3(2)**; S.I. 2021/1280, **reg. 2**
- F100** Words in rule 55(10) 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), **3(3)**
- F101** Rule 55(11) substituted (18.4.2005) by The Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897), rule 1(1), **Sch. para. 4(b)**
- F102** Rule 55(12) substituted (18.4.2005) by The Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897), rule 1(1), **Sch. para. 4(c)**
- F103** Rule 55(19) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(3)(c)**
- F104** Rule 55(23) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(3)(d)**
- F105** Rule 55(26A) inserted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(3)(e)**
- F106** Words in rule 55(27) 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), **3(4)(b)**; S.I. 2021/1280, **reg. 2**
- F107** Words in rule 55(27) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(4)(c), 3(2)**; S.I. 2021/1280, **reg. 2**
- F108** Rule 55(28) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), **3(3)(f)**

#### Defences to rule 55(10)

**56.** It shall be a defence for an inmate charged with an offence under rule 55(10) to show that [<sup>F109</sup>the controlled drug, pharmacy medicine, prescription only medicine, psychoactive substance or specified substance]—

- (a) <sup>F110</sup>... <sup>F111</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>F112</sup>, medicine or substance] to him by another person;
- (b) <sup>F113</sup>... <sup>F114</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>F115</sup>, medicine or substance] was being administered; or

- (c) <sup>F116</sup> ... <sup>F117</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.

#### Textual Amendments

- F109** Words in rule 56 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), **3(5)(a)**; S.I. 2021/1280, **reg. 2**
- F110** Words in rule 56(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), **3(5)(b)(i)**; S.I. 2021/1280, **reg. 2**
- F111** Words in rule 56(a) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(4)(d), 3(2)**; S.I. 2021/1280, **reg. 2**
- F112** Words in rule 56(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), **3(5)(b)(ii)**; S.I. 2021/1280, **reg. 2**
- F113** Words in rule 56(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), **3(5)(c)(i)**; S.I. 2021/1280, **reg. 2**
- F114** Words in rule 56(b) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(4)(d), 3(2)**; S.I. 2021/1280, **reg. 2**
- F115** Words in rule 56(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), **3(5)(c)(ii)**; S.I. 2021/1280, **reg. 2**
- F116** Words in rule 56(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), **3(5)(d)**; S.I. 2021/1280, **reg. 2**
- F117** Words in rule 56(c) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), **ss. 2(4)(d), 3(2)**; S.I. 2021/1280, **reg. 2**

#### [<sup>F118</sup>Defences to rule 55(11) and rule 55(12)

**56A.** It shall be a defence for an inmate charged with an offence under rule 55(11) or (12) 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; or
- (b) the alcohol was consumed by him without his consent in circumstances where it was not reasonable for him to have resisted; or

<sup>F119</sup>(c) .....]

#### Textual Amendments

- F118** Rule 56A inserted (18.4.2005) by The Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897), rule 1(1), **Sch. para. 5**
- F119** Rule 56A(c) omitted (3.1.2006) by virtue of The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, **Sch. para. 10**

#### [<sup>F120</sup> Interpretation of rule 55

**57.** For the purposes of rule 55—



- (a) reference to a protected characteristic means a characteristic listed in section 4 of the Equality Act 2010;
- (b) a prisoner commits a sexual assault if the criteria in section 3(1) of the Sexual Offences Act 2003 are fulfilled;
- (c) Sections 3(2), 75 and 76 of the Sexual Offences Act 2003 apply to an offence under rule 55(2A);
- (d) a prisoner commits exposure if the criteria in section 66(1) of the Sexual Offences Act 2003 are fulfilled;
- (e) a prisoner sexually harasses a person if the criteria in section 26(2) of the Equality Act 2010 are fulfilled;
- (f) an offence is aggravated by a protected characteristic if—
  - (i) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim having that protected characteristic, or
  - (ii) the offence is motivated (wholly or partly) by hostility to persons based on them sharing that protected characteristic;
- (g) references to particular protected characteristics, to a person who has a particular protected characteristic, and to persons sharing a particular protected characteristic, are to be interpreted in line with sections 5 to 12 of the Equality Act 2010;
- (h) reference to a person having a protected characteristic includes a person being presumed to have, or associating with those who have, a protected characteristic;
- (i) reference to persons sharing a protected characteristic includes persons being presumed to share, or associating with those who share, a protected characteristic.]

#### Textual Amendments

**F120** Rule 57 substituted (31.5.2024) by [The Prison and Young Offender Institution \(Adjudication\) \(Amendment\) Rules 2024 \(S.I. 2024/212\)](#), rules 1(1), **3(4)**

#### Disciplinary charges

**58.**—(1) Where an inmate 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>F121</sup>or, as the case may be, the adjudicator].

[<sup>F122</sup>(3) Every charge shall be first inquired into not later, save in exceptional circumstances or in accordance with rule 60A(5) [<sup>F123</sup>or rule 65(4)] [<sup>F123</sup>, rule 65(4) or rule 58B(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 58A(2) [<sup>F124</sup>or 63(3)(b)], 28 days after it is so referred.]

(4) An inmate who is to be charged with an offence against discipline may be kept apart from other inmates pending the governor's first inquiry [<sup>F125</sup>or determination under rule 58A].



### Textual Amendments

- F121** Words in [rule 58\(2\)](#) added (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002](#) (S.I. 2002/2117), [rule 1](#), [Sch. para. 2\(a\)](#)
- F122** [Rule 58\(3\)](#) substituted (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002](#) (S.I. 2002/2117), [rule 1](#), [Sch. para. 2\(b\)](#)
- F123** Words in [rule 58\(3\)](#) substituted (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. 2 para. 11](#) (with [rule 1\(3\)](#))
- F124** Words in [rule 58\(3\)\(b\)](#) inserted (26.9.2011) by [The Prison and Young Offender Institution \(Amendment\) Rules 2011](#) (S.I. 2011/1663), [rule 1](#), [Sch. 2 para. 3](#)
- F125** Words in [rule 58\(4\)](#) added (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002](#) (S.I. 2002/2117), [rule 1](#), [Sch. para. 2\(c\)](#)

### [<sup>F126</sup> **Determination of mode of inquiry**

**58A.**—(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 inmate 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 inmate 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 inmate 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 inmate 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 inmate 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 inmate 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 inmate 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 inmate 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 inmate has already been found guilty, impose a punishment.]

#### Textual Amendments

**F126** Rule 58A substituted (4.4.2023) by [The Prison and Young Offender Institution \(Adjudication\) \(Amendment\) Rules 2023 \(S.I. 2023/321\)](#), rules 1(1), **3(2)**

#### [<sup>F127</sup> **Determination of mode of inquiry in a coronavirus period**

**58B.**—(1) This rule applies during a coronavirus period.

(2) Where a charge has been referred to an adjudicator under rule 58A or rule 63(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 58(3)(b) or rule 58A(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 60A (adjudicator's punishments).

(5) This rule applies to an inmate who has been charged with having committed an offence against discipline and referred to an adjudication under rule 58A or 63(3)(b) before the date on which the rule came into force in the same way as it applies to an inmate who has been charged with having committed an offence against discipline on or after that date.]

#### Textual Amendments

**F127** Rule 58B 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. 2 para. 13** (with rule 1(3))

#### Rights of inmates charged

**59.**—(1) Where an inmate 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>F128</sup>or, as the case may be, the adjudicator].

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

[<sup>F129</sup>(3) At an inquiry into a charge which has been referred to the adjudicator, the inmate who has been charged shall be given the opportunity to be legally represented.]

[<sup>F130</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.]

#### Textual Amendments

**F128** Words in [rule 59\(1\)](#) added (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002 \(S.I. 2002/2117\)](#), rule 1, **Sch. para. 4(a)**

**F129** Rule 59(3) added (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002 \(S.I. 2002/2117\)](#), rule 1, **Sch. para. 4(b)**

**F130** Rule 59(4) inserted (4.4.2023) by [The Prison and Young Offender Institution \(Adjudication\) \(Amendment\) Rules 2023 \(S.I. 2023/321\)](#), rules 1(1), **3(3)**

#### Governor's punishments

**60.**—(1) If he finds an inmate guilty of an offence against discipline the governor may, subject to paragraph (3) and [<sup>F131</sup>rule 65], impose one or more of the following punishments:

- (a) caution;
- (b) forfeiture for a period not exceeding 21 days of any of the privileges under rule 6;

- (c) removal for a period not exceeding 21 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 37, 38, 39, 40 and 41;
  - (d) extra work outside the normal working week for a period not exceeding 21 days and for not more than two hours on any day;
  - (e) stoppage of or deduction from earnings for a period not exceeding 42 days of <sup>F132</sup>...;
  - (f) in the case of an offence against discipline committed by an inmate who was aged 18 or over at the time of commission of the offence, other than an inmate who is serving the period of detention and training under a detention and training order pursuant to section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 [<sup>F133</sup>or section 233 of the Sentencing Code], confinement to a cell or room for a period not exceeding [<sup>F134</sup>ten days];
  - (g) removal from his wing or living unit for a period not exceeding 21 days;
  - <sup>F135</sup>(h) .....;
  - [<sup>F136</sup>(i) payback punishment, unless the inmate is an unconvicted inmate;]
- (2) If an inmate 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>F137</sup>in the case of a punishment of cellular confinement the total period shall not exceed ten days].
- (3) <sup>F138</sup>... A caution shall not be combined with any other punishment for the same charge.
- (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.

#### Textual Amendments

- F131** Words in rule 60(1) substituted (15.8.2002) by *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 5(a)**
- F132** Words in rule 60(1)(e) omitted (15.8.2002) by virtue of *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 5(b)**
- F133** Words in rule 60(1)(f) inserted (1.12.2020) by *Sentencing Act 2020* (c. 17), s. 416(1), **Sch. 24 para. 328** (with *Sch. 27*); S.I. 2020/1236, reg. 2
- F134** Words in rule 60(1)(f) substituted (15.8.2002) by *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 5(c)**
- F135** Rule 60(1)(h) omitted (15.8.2002) by virtue of *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 5(d)**
- F136** Rule 60(1)(i) inserted (31.5.2024) by *The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024* (S.I. 2024/212), rules 1(1), **3(5)(a)**
- F137** Words in rule 60(2) substituted (15.8.2002) by *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 5(e)**
- F138** Words in rule 60(3) omitted (15.8.2002) by virtue of *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 5(f)**

#### <sup>F139</sup>Adjudicator's punishments

**60A.**—(1) If he finds a inmate guilty of an offence against discipline the adjudicator may, subject to paragraph (2) and to rule 65, impose one or more of the following punishments:

- (a) [<sup>F140</sup>the punishments mentioned in rule 60(1)(a) to 60(1)(h)];

- (b) in the case of an inmate who is a <sup>F141</sup>...<sup>F142</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 an inmate 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 ten days.
- (4) This rule applies to an inmate 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 an inmate 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 58(3) shall not apply to a charge where, by virtue of paragraph (4), this rule applies to the inmate who has been charged.]

#### Textual Amendments

- F139** Rule 60A inserted (15.8.2002) by The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117), rule 1, Sch. para. 6
- F140** Words in rule 60A(1)(a) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), 3(6)
- F141** Words in rule 60A(1)(b) omitted (13.8.2014 at 5 p.m.) by virtue of The Prison and Young Offender Institution (Amendment) Rules 2014 (S.I. 2014/2169), rules 1, 3(5)
- F142** Words in rule 60A(1)(b) added (3.1.2006) by The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438), rule 1, Sch. para. 11

#### <sup>F143</sup> Requirement to pay for damage to young offender institution property

- 60AB.**—(1) This rule applies where an inmate is found guilty of an offence under rule 55(18) or 55(19) in respect of destroying or damaging any part of a young offender institution or any other property belonging to a young offender institution (“the relevant disciplinary offence”).
- (2) The governor or, as the case may be, the adjudicator [<sup>F144</sup>may] require the inmate to pay [<sup>F145</sup>towards] 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 60B, 64 and 64A 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 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 60, 60A or 65.
- (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.]

#### Textual Amendments

- F143** Rule 60AB inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, Sch. 2 para. 1 (with art. 4)

**F144** Word in rule 60AB(2) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), 3(7)(a)

**F145** Word in rule 60AB(2) substituted (31.5.2024) by The Prison and Young Offender Institution (Adjudication) (Amendment) Rules 2024 (S.I. 2024/212), rules 1(1), 3(7)(b)

### **[<sup>F146</sup>Review of adjudicator's punishment**

**60B.**—(1) A reviewer means [<sup>F147</sup>the Senior District Judge (Chief Magistrate)] or any deputy of such a judge as nominated by that judge.

(2) [<sup>F148</sup>Where an adjudicator imposes a punishment under rule 60A(1) or rule 65(1A), a compensation requirement under rule 60AB(2), or both] an inmate may, within 14 days of receipt of the punishment [<sup>F149</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>F150</sup>(4) The review may be of the punishment, the compensation requirement or both (whether or not the inmate requested a review of both) but must not be a review of the finding of guilt.]

(5) On completion of the review, if it appears to the reviewer that the [<sup>F151</sup>imposition of the punishment, the compensation requirement or both] was manifestly unreasonable, he may [<sup>F152</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>F153</sup>...
- (c) quash the punishment entirely;
- [ reduce the amount of the compensation requirement.]

<sup>F154</sup>(d)

(6) An inmate requesting a review shall serve any additional days awarded under rule 60A(1)(b) or 65(1A)(b) unless and until they are reduced.]

### **Textual Amendments**

**F146** Rule 60B inserted (18.4.2005) by The Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897), rule 1(1), **Sch. para. 6**

**F147** Words in rule 60B(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. 60**

**F148** Words in rule 60B(2) substituted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 2(1)(a)** (with art. 4)

**F149** Words in rule 60B(2) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 2(1)(b)** (with art. 4)

**F150** Rule 60B(4) substituted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 2(2)** (with art. 4)

**F151** Words in rule 60B(5) substituted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 2(3)(a)** (with art. 4)

**F152** Words in rule 60B(5) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 2(3)(b)** (with art. 4)

**F153** Word in rule 60B(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. 2 para. 2(3)(c)** (with art. 4)

**F154** Rule 60B(5)(d) inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 2 para. 2(3)(d)** (with art. 4)

### Confinement to a cell or room

**61.**—<sup>F155</sup>(1) Before deciding whether to impose a punishment of confinement to a cell or room, the governor, adjudicator or reviewer shall first enquire of a registered medical practitioner or registered nurse, <sup>F156</sup>[working within the young offender institution], as to whether there are any medical reasons why the punishment is unsuitable and shall take this into account when making his decision.]

(2) No cell or room shall be used as a detention cell or room for the purpose of a punishment of confinement to a cell or room unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that it is suitable for the purpose; that its size, lighting, heating, ventilation and fittings are adequate for health; and that it allows the inmate to communicate at any time with an officer.

#### Textual Amendments

**F155** Rule 61(1) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, **Sch. para. 12**

**F156** Words in rule 61(1) substituted (1.1.2010) by [The Prison and Young Offender Institution \(Amendment\) Rules 2009 \(S.I. 2009/3082\)](#), rule 1, **Sch. 2 para. 4(b)**

### Removal from wing or living unit

**62.** Following the imposition of a punishment of removal from his wing or living unit, an inmate shall be accommodated in a separate part of the young offender institution under such restrictions of earnings and activities as the Secretary of State may direct.

### <sup>F157</sup> Suspended punishments

**63.**—(1) Subject to any directions given by the Secretary of State, the power to impose a disciplinary punishment (other than a caution or payback punishment) includes the power to give a suspended punishment direction.

(2) A suspended punishment direction is a direction that the punishment is not to take effect, unless the inmate breaches a condition.

(3) A condition may be either that the inmate—

- (a) does not commit another offence against discipline during a specified period (a “non-offending condition”), or
- (b) complies with or completes a specified rehabilitative activity during a specified period (a “rehabilitative condition”).

(4) For the purposes of paragraph (3), a condition’s specified period may not be any longer than six months from the date of the direction.

(5) An adjudicator may only give a suspended punishment direction containing a non-offending condition.

(6) A governor may give a suspended punishment direction containing either a non-offending condition or one or more rehabilitative conditions.



(7) Subject to paragraph (11), where an inmate breaches a non-offending condition, the governor or adjudicator (as the case may be) must take one of the steps set out in paragraph (10).

(8) Where it appears to a governor that an inmate may have breached a rehabilitative condition without good reason, the governor must inquire into, and come to a finding as to, whether they had done so.

(9) If a governor finds that an inmate has without good reason breached a rehabilitative condition, the governor must take one of the steps set out in paragraph (10).

(10) The steps referred to in paragraphs (7) and (9) are—

- (a) direct that the suspended punishment will be activated;
- (b) reduce the period or amount of the suspended punishment and direct that it will be activated as so reduced;
- (c) vary the original suspended punishment direction by substituting for the period specified a period expiring not later than six months from the date of variation;
- (d) direct that the suspended punishment will not be activated and the suspended punishment direction will remain in force.

(11) A governor may not direct that a suspended punishment be activated where the suspended punishment is in respect of an award of additional days.]

#### Textual Amendments

**F157** Rule 63 substituted (31.5.2024) by [The Prison and Young Offender Institution \(Adjudication\) \(Amendment\) Rules 2024 \(S.I. 2024/212\)](#), rules 1(1), **3(8)**

#### Remission and mitigation of punishments [<sup>F158</sup>, variation of compensation requirements] and quashing of findings of guilt

**64.**—(1) [<sup>F159</sup>Except in the case of a finding of guilt made, or a punishment imposed, by an adjudicator under rule 60A(1)(b) or rule 65(1A)(b)] the Secretary of State may quash any findings of guilt and may remit a disciplinary punishment or mitigate it either by reducing it or by substituting a punishment which is, in his opinion, less severe.

[<sup>F160</sup>(1A) Where a compensation requirement has been imposed by a governor under rule 60AB(2), the Secretary of State may reduce the amount of the requirement.]

[<sup>F161</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>F162</sup>or governor].]

#### Textual Amendments

**F158** Words in rule 64 title inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 2 para. 3(2)** (with art. 4)

**F159** Words in rule 64(1) inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), **Sch. para. 7(a)**

**F160** Rule 64(1A) inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), rule 1, **Sch. 2 para. 3(1)** (with art. 4)

**F161** Rule 64(2) substituted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), **Sch. para. 7(b)**



**F162** Words in rule 64(2) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, 5

### **[<sup>F163</sup>Enforcement of compensation requirements**

**64A.**—(1) Where a compensation requirement has been imposed under rule 60AB(2), the governor may debit any amount of money with which the inmate has been credited in the books of the young offender institution under rule 48(2) 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 inmate is credited in the books of the young offender institution under rule 48(2).]

### **Textual Amendments**

**F163** Rule 64A inserted (1.11.2013) by [The Prison and Young Offender Institution \(Amendment\) Rules 2013 \(S.I. 2013/2462\)](#), art. 1, [Sch. 2 para. 4](#) (with rule 4)

### **Adult female inmates: disciplinary punishments**

**65.**—(1) In the case of a female inmate aged 21 years or over, rule 60 shall not apply, but the governor may, if he finds the inmate guilty of an offence against discipline, 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 6;
- (c) removal for a period not exceeding 21 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 37, 38, 39, 40 and 41;
- (d) stoppage of or deduction from earnings for a period not exceeding 84 days <sup>F164</sup>...;
- (e) confinement to a cell or room for a period not exceeding [<sup>F165</sup>21 days];
- <sup>F166</sup>(f) .....

[<sup>F167</sup>(1A) In the case of a female inmate aged 21 years or over, where a charge has been referred to the adjudicator, rule 60A shall not apply, but the adjudicator may if he finds the inmate guilty of an offence against discipline, impose one or more of the following punishments:

- (a) any of the punishments mentioned in paragraph (1);
- (b) in the case of an inmate who is a <sup>F168</sup>...[<sup>F169</sup> fixed-term prisoner], an award of additional days not exceeding 42 days.]

(2) If an inmate 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.

[<sup>F170</sup>(3) Paragraph (1A) applies to an inmate who has been charged with having committed an offence against discipline before the date on which that paragraph came into force, in the same way as it applies to an inmate 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.

(4) Rule 58(3) shall not apply to a charge where, by virtue of paragraph (3), paragraph (1A) applies to the inmate who has been charged.]

#### Textual Amendments

- F164** Words in rule 65(1)(d) omitted (15.8.2002) by virtue of *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 8(a)**
- F165** Words in rule 65(1)(e) substituted (15.8.2002) by *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 8(b)**
- F166** Rule 65(1)(f) omitted (15.8.2002) by virtue of *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 8(c)**
- F167** Rule 65(1A) inserted (15.8.2002) by *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 8(d)**
- F168** Words in rule 65(1A)(b) omitted (13.8.2014 at 5 p.m.) by virtue of *The Prison and Young Offender Institution (Amendment) Rules 2014* (S.I. 2014/2169), rules 1, **3(6)**
- F169** Words in rule 65(1A)(b) added (3.1.2006) by *The Young Offender Institution (Amendment) (No. 2) Rules 2005* (S.I. 2005/3438), rule 1, **Sch. para. 13**
- F170** Rule 65(3)(4) added (15.8.2002) by *The Young Offender Institution (Amendment) Rules 2002* (S.I. 2002/2117), rule 1, **Sch. para. 8(e)**

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

**66.**—(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.

(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 number of days of remission which he has forfeited.

## PART III

### *Officers of Young Offender Institutions*

#### General duty of officers

**67.**—(1) It shall be the duty of every officer to conform to these Rules and the rules and regulations of the young offender institution, to assist and support the governor in their maintenance and to obey his lawful instructions.

(2) An officer shall inform the governor promptly of any abuse or impropriety which comes to his knowledge.

#### Gratuities forbidden

**68.** No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his office.

#### Search of officers

**69.** An officer shall submit himself to be searched in a young offender institution if the governor so directs. Any such search shall be conducted in as seemly a manner as is consistent with discovering anything concealed.

### **Transactions with inmates**

**70.**—(1) No officer shall take part in any business or pecuniary transaction with or on behalf of an inmate without the leave of the Secretary of State.

(2) No officer shall, without authority, bring in or take out, or attempt to bring in or take out, or knowingly allow to be brought in or taken out, to or for an inmate, or deposit in any place with intent that it shall come into the possession of an inmate, any article whatsoever.

### **Contact with former inmates, etc**

**71.** No officer shall, without the knowledge of the governor, communicate with any person who he knows to be a former inmate or a relative or friend of an inmate or former inmate.

### **Communications to the press, etc**

**72.**—(1) No officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning matters which have become known to him in the course of his duty.

(2) No officer shall, without authority, publish any matter or make any public pronouncement relating to the administration of any institution to which the Prison Act 1952 applies or to any of its inmates.

### **Code of discipline**

**73.** The Secretary of State may approve a code of discipline to have effect in relation to officers, or such classes of officers as it may specify, setting out the offences against discipline, the awards which may be made in respect of them and the procedure for dealing with charges.

## **PART IV**

### *Persons Having Access to a Young Offender Institution*

### **Prohibited articles**

**74.** No person shall, without authority, convey into or throw into or deposit in a young offender institution, or convey to an inmate, or deposit in any place with intent that it shall come into the possession of an inmate, any article whatsoever. Anything so conveyed, thrown or deposited may be confiscated by the governor.

### **[<sup>F171</sup>List C Articles**

A List C article is any article or substance in the following list—

- (a) tobacco;
- (b) money;
- (c) clothing;
- (d) food;
- (e) drink;
- (f) letters;
- (g) paper;
- (h) books;

- (i) tools;
- (j) information technology equipment.]
- [<sup>F172</sup>(k) electronic cigarettes;
- (l) matches;
- (m) lighters.]

#### Textual Amendments

- F171** Rule 74A inserted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, **6**
- F172** Rule 74A(k)-(m) inserted (22.5.2018) by [The Prison and Young Offender Institution \(Amendment\) Rules 2018 \(S.I. 2018/549\)](#), rules 1, **3(4)**

### Control of persons and vehicles

**75.**—[<sup>F173</sup>(1) Any person or vehicle entering or leaving a young offender institution may be stopped, examined and searched and in addition any such person may be photographed, fingerprinted or required to submit to other physical measurement.]

[<sup>F174</sup>(1A) Any such search of a person shall be carried out in as seemly a manner as is consistent with discovering anything concealed about the person or their belongings.]

(2) The governor may direct the removal from a young offender institution of any person who does not leave on being required to do so.

#### Textual Amendments

- F173** Rule 75(1) substituted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), **Sch. para. 8(a)**
- F174** Rule 75(1A) inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), **Sch. para. 8(b)**

### Viewing of young offender institutions

**76.**—(1) No outside person shall be permitted to view a young offender institution unless authorised by statute or the Secretary of State.

(2) No person viewing a young offender institution shall be permitted to take a photograph, make a sketch or communicate with an inmate unless authorised by statute or the Secretary of State.

### Visitors

**77.**—(1) Without prejudice to any other powers to prohibit or restrict entry to young offender institutions, or his powers under rules 9 and 10, the Secretary of State may prohibit visits by a person to a young offender institution or to an inmate in a young offender institution for such periods of time as he considers necessary if the governor considers that such a prohibition is—

- (a) necessary on grounds specified in rule 11(4); and
- (b) is proportionate to what is sought to be achieved by the prohibition.

[<sup>F175</sup>(1A) During a coronavirus period, the Secretary of State may prohibit visits by all persons or classes of persons to a young offender institution or to an inmate in a young offender institution for such periods of time as the Secretary of State considers necessary, if the Secretary of State considers

that such prohibition is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution.]

(2) [<sup>F176</sup>Paragraph (1)] [<sup>F176</sup>Paragraph (1) and (1A)] shall not apply in relation to any visit to a young offender institution or inmate by a member of the [<sup>F177</sup>independent monitoring board] of the young offender institution, or justice of the peace, or to prevent any visit by a legal adviser for the purposes of an interview under rule 16 or visit allowed by the [<sup>F177</sup>independent monitoring board] under rule 10(5).

#### Textual Amendments

- F175** Rule 77(1A) 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. 2 para. 14(a)** (with rule 1(3))
- F176** Words in rule 77(2) substituted (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. 2 para. 14(b)** (with rule 1(3))
- F177** Words in rule 77(2) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, **4(a)**

## PART V

### *[<sup>F178</sup>Independent monitoring board]*

#### Textual Amendments

- F178** Words in [Pt. 5](#) Title substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, **4(b)**

#### Disqualification for membership

**78.** Any person directly or indirectly interested in any contract for the supply of goods or services to a young offender institution shall not be a member of the [<sup>F179</sup>independent monitoring board] for that institution and any member who becomes so interested in such a contract shall vacate office as a member.

#### Textual Amendments

- F179** Words in [rule 78](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), rules 1, **4(a)**

#### Appointment

**79.**—(1) A member of the [<sup>F180</sup>independent monitoring board] for a young offender institution appointed by the Secretary of State under section 6(2) of the Prison Act 1952 shall subject to paragraphs (3) and (4) hold office for three years or such shorter period as the Secretary of State may appoint.

(2) A member—

(a) appointed for the first time to the [F181independent monitoring board] for a particular young offender institution; or

(b) re-appointed 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) re-appointed, 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 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 [F182independent monitoring board] for a young offender institution 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 the suspension, be regarded as being a member of the board, other than for the purposes of this paragraph and paragraphs (1) and (2).

(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 12 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 a vice chairman for that year, having first consulted the board; and
- (c) promptly fill, after having first 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; or
- (b) has grossly misconducted himself whilst performing those functions.

#### Textual Amendments

- F180** Words in [rule 79\(1\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\), rules 1, 4\(a\)](#)
- F181** Words in [rule 79\(2\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\), rules 1, 4\(a\)](#)
- F182** Words in [rule 79\(4\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\), rules 1, 4\(a\)](#)

### Proceedings of boards

**80.**—(1) The [<sup>F183</sup>independent monitoring board] for a young offender institution shall meet at the institution at least once a month.

(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.

#### Textual Amendments

- F183** Words in [rule 80\(1\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\), rules 1, 4\(a\)](#)

### General duties of boards

**81.**—(1) The [<sup>F184</sup>independent monitoring board] for a young offender institution shall satisfy themselves as to the state of the premises, the administration of the institution and the treatment of the inmates.

(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 matters 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.

#### Textual Amendments

- F184** Words in [rule 81\(1\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\), rules 1, 4\(a\)](#)

### Particular duties

**82.**—(1) The [<sup>F185</sup>independent monitoring board] for a young offender institution and any member of the board shall hear any complaint or request which an inmate wishes to make to them or him.

(2) The board shall arrange for the food of the inmates 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 an inmate's health, mental or physical, is likely to be injuriously affected by any conditions of his detention.

#### Textual Amendments

**F185** Words in [rule 82\(1\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), [rules 1, 4\(a\)](#)

### Members visiting young offender institutions

**83.**—(1) The members of the [<sup>F186</sup>independent monitoring board] for a young offender institution shall visit the institution frequently, and the board shall arrange a rota for the purpose.

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

[<sup>F187</sup>(3) A member of the board shall have access to the records of the young offender institution, 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.]

#### Textual Amendments

**F186** Words in [rule 83\(1\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), [rules 1, 4\(a\)](#)

**F187** [Rule 83\(3\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), [rules 1, 7](#)

### Annual report

**84.**—(1) The [<sup>F188</sup>independent monitoring board] for a young offender institution shall, in accordance with paragraphs (2) and (3), from time to time make a report to the Secretary of State concerning the state of the institution 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; provided 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.

#### Textual Amendments

**F188** Words in [rule 84\(1\)](#) substituted (1.4.2008) by [The Young Offender Institution \(Amendment\) Rules 2008 \(S.I. 2008/599\)](#), [rules 1, 4\(a\)](#)

## PART VI

### *Supplemental*

#### Delegation by governor

**85.** The governor of a young offender institution may, with the leave of the Secretary of State, delegate any of his powers and duties under these Rules to another officer of that institution.

#### Contracted out young offender institutions

**86.—(1)** <sup>M6</sup>Where the Secretary of State has entered into a contract for the running of a young offender institution under section 84 of the Criminal Justice Act 1991 (in this rule “the 1991 Act”) these Rules shall have effect in relation to that young offender institution with the following modifications—

- (a) references to an officer shall include references to a prisoner custody officer certified as such under section 89(1) of the 1991 Act;
- (b) references to a governor shall include references to a director approved by the Secretary of State for the purposes of section 85(1)(a) of the 1991 Act except—
  - [<sup>F189</sup>(i) in rule 85 the reference to a governor shall include a reference to a controller appointed by the Secretary of State under section 85(1)(b) of the 1991 Act; and]
  - (ii) in rules 67(1), 71 and 81 where references to a governor shall include references to a director and a controller;
  - [<sup>F190</sup>(iii) in rules 49, 51, 52, 58, 58A, [<sup>F191</sup>58B,] 60, [<sup>F192</sup>60AB,] 63, 64 [<sup>F192</sup>, 64A] and 65 where references to a governor shall include a reference to the director or the controller;]
- (c) rule 73 shall not apply in relation to a prisoner custody officer certified as such under section 89(1) of the 1991 Act and performing custodial duties.

[<sup>F193</sup>(1A) The director of a prison may, with the leave of the Secretary of State, delegate any of his powers and duties under rules 49, 51, 52, 58, 58A, [<sup>F194</sup>58B,] 60, [<sup>F195</sup>60AB,] 63, 64 [<sup>F195</sup>, 64A] and 65 to another officer of that prison.]

<sup>F196</sup>(2) .....

#### Textual Amendments

**F189** [Rule 86\(1\)\(b\)\(i\)](#) substituted (1.11.2007) by [The Young Offender Institution \(Amendment\) Rules 2007 \(S.I. 2007/2953\)](#), [rules 1, 2](#)

**F190** [Rule 86\(1\)\(b\)\(iii\)](#) inserted (11.11.2007) by [The Young Offender Institution \(Amendment No. 2\) Rules 2007 \(S.I. 2007/3220\)](#), [rules 1, 2\(2\)\(a\)](#)

- F191** Word in rule 86(1)(a)(iii) 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. 2 para. 15(a)** (with rule 1(3))
- F192** Word in rule 86(1)(b)(iii) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 5** (with art. 4)
- F193** Rule 86(1A) inserted (11.11.2007) by The Young Offender Institution (Amendment No. 2) Rules 2007 (S.I. 2007/3220), rules 1, **2(2)(b)**
- F194** Word in rule 86(1A) 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. 2 para. 15(b)** (with rule 1(3))
- F195** Word in rule 86(1A) inserted (1.11.2013) by The Prison and Young Offender Institution (Amendment) Rules 2013 (S.I. 2013/2462), rule 1, **Sch. 2 para. 5** (with art. 4)
- F196** Rule 86(2) omitted (11.11.2007) by virtue of The Young Offender Institution (Amendment No. 2) Rules 2007 (S.I. 2007/3220), rules 1, **2(2)(c)**

#### Marginal Citations

- M6** Section 84 was substituted by section 96 of the Criminal Justice and Public Order Act 1994.

### Contracted out parts of young offender institutions

**87.** Where the Secretary of State has entered into a contract for the running of part of a young offender institution under section 84(1) of the Criminal Justice Act 1991, that part and the remaining part shall each be treated for the purposes of Parts I to IV and Part VI of these Rules as if they were separate young offender institutions.

### Contracted out functions at directly managed young offender institutions

**88.—(1)** Where the Secretary of State has entered into a contract under section 88A(1) of the Criminal Justice Act 1991 <sup>M7</sup> for any functions at a directly managed young offender institution too be performed by prisoner custody officers who are authorised to perform custodial duties under section 89(1) of that Act, references to an officer in these Rules shall, subject to paragraph (2), include references to a prisoner custody officer who is so authorised and who is performing contracted out functions for the purposes of, or for purposes connected with, the young offender institution.

(2) Paragraph (1) shall not apply to references to an officer in rule 73.

(3) In this rule “directly managed young offender institution” means a young offender institution which is not a contracted out young offender institution.

#### Marginal Citations

- M7** Section 88A was inserted by section 99 of the Criminal Justice and Public Order Act 1994.

### Revocations and savings

**89.—(1)** Subject to paragraphs (2) and (3), the Rules specified in [F197 Schedule 1] to these Rules are hereby revoked.

(2) Without prejudice to the Interpretation Act 1978 <sup>M8</sup> (“the 1978 Act”), where an inmate committed an offence against discipline contrary to rule 50 of the Young Offender Institution Rules 1988 <sup>M9</sup> (“the 1988 Rules”) prior to the coming into force of these Rules, the 1988 Rules shall continue to have effect to permit the prisoner to be charged with such an offence, disciplinary

proceedings in relation to such an offence to be continued, and the governor to impose punishment for such an offence.

(3) Without prejudice to the 1978 Act, any award of additional days or other punishment or suspended punishment for an offence against discipline awarded or imposed under any provision of the Rules revoked by this rule, or the 1988 Rules as saved by paragraph (2), or treated by any such provision as having been awarded or imposed under the Rules revoked by this rule, shall have effect as if awarded or imposed under the corresponding provision of these Rules.

#### Textual Amendments

**F197** Words in [rule 89\(1\)](#) substituted (19.10.2018) by [The Prison and Young Offender Institution \(Amendment\) \(No. 2\) Rules 2018 \(S.I. 2018/960\)](#), rules 1, [3\(2\)\(b\)](#)

#### Marginal Citations

**M8** [1978 c. 30.](#)

**M9** [S.I. 1988/1422.](#)

Home Office  
21st December 2000

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State

[<sup>F198</sup>Schedule 1]

Rule 89(1)

## REVOCATIONS

**Textual Amendments**

**F198** Sch. renumbered as Sch. 1 (19.10.2018) by [The Prison and Young Offender Institution \(Amendment\) \(No. 2\) Rules 2018 \(S.I. 2018/960\)](#), rules 1, **3(4)**

<b><i>Rules Revoked</i></b>	<b><i>S.I. number</i></b>
The Young Offender Institution Rules 1988	1988/1422
The Young Offender Institution (Amendment) Rules 1989	1989/331
The Young Offender Institution (Amendment) (No. 2) Rules 1989	1989/2142
The Young Offender Institution (Amendment) Rules 1990	1990/1763
The Young Offender Institution (Amendment) Rules 1992	1992/513
The Young Offender Institution (Amendment) (No. 2) Rules 1992	1992/2081
The Young Offender Institution (Amendment) Rules 1993	1993/3076
The Young Offender Institution (Amendment) Rules 1994	1994/3194
The Young Offender Institution (Amendment) Rules 1995	1995/984
The Young Offender Institution (Amendment) (No. 2) Rules 1995	1995/1599
The Young Offender Institution (Amendment) Rules 1996	1996/1662
The Young Offender Institution (Amendment) Rules 1997	1997/789
The Young Offender Institution (Amendment) Rules 1998	1998/1545
The Young Offender Institution (Amendment) (No. 2) Rules 1999	1999/962
The Young Offender Institution (Amendment) Rules 2000	2000/700
The Young Offender Institution (Amendment) (No. 2) Rules 2000	2000/1795
The Young Offender Institution (Amendment) (No. 3) Rules 2000	2000/2642

.....

**Textual Amendments**

**F199** Sch. 2 omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), ss. 2(4)(e), 3(2); S.I. 2021/1280, reg. 2

EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules make provision for the management of young offender institutions, including the treatment of inmates, the conduct of young offender institution officers, and the powers and duties of the boards of visitors. They revoke and replace the Young Offender Institution Rules 1988, as amended.

The provisions of the new Rules generally re-enact those of the previous Rules. However, certain minor changes have been made to the latter. Among these are the inclusion of rule 2(3) in relation to interpretation of rule numbers and the inclusion of rule 89 which deals with revocations and savings in relation to disciplinary proceedings. In addition to these changes, rule 80 of the Young Offender Institution Rules 1988 (transitionals) has been omitted as obsolete.

**Changes to legislation:**

There are currently no known outstanding effects for the The Young Offender Institution Rules 2000.