
STATUTORY INSTRUMENTS

2000 No. 3371

The Young Offender Institution Rules 2000

PART II

INMATES

Release

Temporary release

5.—(1) The Secretary of State may, in accordance with the other provisions of this rule, release temporarily an inmate to whom this rule applies.

(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

^{F1}(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:

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- (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 ^{F1} ("the 2000 Act") [^{F2}or Chapter 6 of Part 12 of the 2003 Act]; 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 [^{F3}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.

(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.

[^{F4}(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.

Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**

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Marginal Citations

M1 2000 c. 6.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Sch. renumbered as Sch. 1 by [S.I. 2018/960 rule 3\(4\)](#)
- Sch. 2 inserted by [S.I. 2018/960 Sch.](#)
- Sch. 2 para. (wi) inserted by [S.I. 2020/1077 rule 3\(3\)](#)
- Sch. 2 omitted by [2021 c. 18 s. 2\(4\)\(e\)](#)
- rule 1(b) words substituted by [S.I. 2018/960 rule 3\(2\)\(a\)](#)
- rule 2A inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 3](#)
- rule 2A revocation of earlier affecting provision [S.I. 2020/508, Sch. 2 para. 3](#) by [S.I. 2020/1077 rule 5\(2\)](#)
- rule 4(1) words renumbered as rule 4(1) by [S.I. 2014/2169 rule 3\(3\)\(a\)](#)
- rule 4(2)-(8) inserted by [S.I. 2014/2169 rule 3\(3\)\(b\)](#)
- rule 5(1A) inserted by [S.I. 2014/2169 rule 3\(4\)\(b\)](#)
- rule 5(8A)(8B) inserted by [S.I. 2014/2169 rule 3\(4\)\(c\)](#)
- rule 5(12) inserted by [S.I. 2014/2169 rule 3\(4\)\(d\)](#)
- rule 5A inserted by [S.I. 2020/400 rule 3\(2\)](#)
- rule 5A omitted by [S.I. 2020/508 rule 3\(2\)](#)
- rule 5A(2)(b)(iii) words inserted by [2020 c. 17 Sch. 24 para. 327](#)
- rule 5A(4) words inserted by [S.I. 2020/1077 rule 3\(2\)](#)
- rule 10(1A) inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 4](#)
- rule 11(2A) inserted by [S.I. 2009/3082 Sch. 2 para. 5](#)
- rule 11(2A) words substituted by [S.I. 2011/1663 Sch. 2 para. 2](#)
- rule 49(2)-(2C) substituted for rule 49(2) by [S.I. 2015/1638 rule 3\(3\)](#)
- rule 49(4) inserted by [S.I. 2015/1638 rule 3\(5\)](#)
- rule 55(2A)-(2C) inserted by [S.I. 2024/212 rule 3\(3\)\(b\)](#)
- rule 55(26A) inserted by [S.I. 2024/212 rule 3\(3\)\(e\)](#)
- rule 58(3)(b) words inserted by [S.I. 2011/1663 Sch. 2 para. 3](#)
- rule 58A substituted by [S.I. 2023/321 rule 3\(2\)](#)
- rule 58A(1) words substituted by [S.I. 2011/1663 Sch. 2 para. 4\(a\)](#)
- rule 58A(2)(a) words inserted by [S.I. 2011/1663 Sch. 2 para. 4\(b\)\(i\)](#)
- rule 58A(2)(b) words inserted by [S.I. 2011/1663 Sch. 2 para. 4\(b\)\(ii\)](#)
- rule 58A(3) word inserted by [S.I. 2011/1663 Sch. 2 para. 4\(c\)\(i\)](#)
- rule 58A(3) words inserted by [S.I. 2011/1663 Sch. 2 para. 4\(c\)\(ii\)](#)
- rule 58A(3)(a) words inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 12](#)
- rule 58B inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 13](#)
- rule 59(4) inserted by [S.I. 2023/321 rule 3\(3\)](#)
- rule 60(1)(i) inserted by [S.I. 2024/212 rule 3\(5\)\(a\)](#)
- rule 60A(1)(a) words substituted by [S.I. 2024/212 rule 3\(6\)](#)
- rule 60A(1)(b) words omitted by [S.I. 2014/2169 rule 3\(5\)](#)
- rule 60B(2) words inserted by [S.I. 2013/2462 Sch. 2 para. 2\(1\)\(b\)](#)
- rule 60B(2) words substituted by [S.I. 2013/2462 Sch. 2 para. 2\(1\)\(a\)](#)
- rule 60B(4) substituted by [S.I. 2013/2462 Sch. 2 para. 2\(2\)](#)
- rule 60B(5) words inserted by [S.I. 2013/2462 Sch. 2 para. 2\(3\)\(b\)](#)
- rule 60B(5) words substituted by [S.I. 2013/2462 Sch. 2 para. 2\(3\)\(a\)](#)
- rule 60B(5)(b) word omitted by [S.I. 2013/2462 Sch. 2 para. 2\(3\)\(c\)](#)
- rule 60B(5)(d) inserted by [S.I. 2013/2462 Sch. 2 para. 2\(3\)\(d\)](#)
- rule 60AB inserted by [S.I. 2013/2462 Sch. 2 para. 1](#)
- rule 60AB(2) word substituted by [S.I. 2024/212 rule 3\(7\)\(a\)](#)
- rule 60AB(2) word substituted by [S.I. 2024/212 rule 3\(7\)\(b\)](#)

- rule 64(1A) inserted by [S.I. 2013/2462 Sch. 2 para. 3\(1\)](#)
- rule 64A inserted by [S.I. 2013/2462 Sch. 2 para. 4](#)
- rule 65(1A)(b) words omitted by [S.I. 2014/2169 rule 3\(6\)](#)
- rule 74A inserted by [S.I. 2008/599 rule 6](#)
- rule 74A(k)-(m) inserted by [S.I. 2018/549 rule 3\(4\)](#)
- rule 77(1A) inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 14\(a\)](#)
- rule 86(1)(a)(iii) word inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 15\(a\)](#)
- rule 86(1)(b)(iii) word inserted by [S.I. 2013/2462 Sch. 2 para. 5](#)
- rule 86(1A) word inserted by [S.I. 2013/2462 Sch. 2 para. 5](#)
- rule 86(1A) word inserted (temp.) by [S.I. 2020/508 Sch. 2 para. 15\(b\)](#)