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## STATUTORY INSTRUMENTS

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# 2000 No. 3371

## The Young Offender Institution Rules 2000

### 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.** Inmates may be classified, in accordance with any directions of the Secretary of State, taking into account their ages, characters and circumstances.

##### *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;

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- (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>F1</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>M1</sup> (“the 2000 Act”) [<sup>F2</sup>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 [<sup>F3</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.

(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>F4</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.

- 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)**

#### Marginal Citations

- M1** 2000 c. 6.

### Conditions

#### Privileges

6.—(1) There shall be established at every young offender institution systems of privileges approved by the Secretary of State and 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 approved 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 approved 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.

#### 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.—**(1) A request or complaint to the governor or Board of Visitors relating to an inmate's detention shall be made orally or in writing by that inmate.

(2) On every day the governor shall hear any oral 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.

### **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>M2</sup>.

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**Marginal Citations**

**M2** 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.

(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 board of visitors 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.

**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.

(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.

### **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**

**13.**—(1) The governor may not disclose to any person who is not an officer of a young offender institution or of the Secretary of State or an employee of the young offender institution authorised by the governor for the purposes 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 unless—

- (a) he considers that such disclosure is—
  - (i) necessary on 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.

### **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.

### **Legal advisers**

**16.**—(1) The legal adviser of an inmate in any legal proceedings, civil or criminal, to which the inmate is a party shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing of an officer.

(2) An inmate's legal adviser may, with the leave of the Secretary of State, interview the inmate in connection with any other legal business.

### Correspondence with legal advisers and courts

17.—(1) An inmate may correspond with his legal adviser and any court and such correspondence may only be opened, read or stopped by the governor in accordance with the provisions of this rule.

(2) Correspondence 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) Correspondence 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 correspondence 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 correspondence to or from a person other than the inmate concerned, his legal adviser or a court.

### 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>F5</sup>a health care professional] as is mentioned in rule 27(3), 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>F6</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.

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**F5** 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\(a\)](#)



**F6** 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>F7</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.

**F7** 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.

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*Medical Attention*

**Medical attendance**

27.—(1) The medical officer of a young offender institution shall have the care of the health, mental and physical, of the inmates of that institution.

[<sup>F8</sup>(2) Every request by an inmate to see a registered medical practitioner, a registered nurse or other health care professional such as is mentioned in paragraph (3) of this rule shall be recorded by the officer to whom it is made and promptly passed on to the medical officer]

- [<sup>F9</sup>(3) The medical officer may consult—

  - (a) a registered medical practitioner,
  - (b) a registered nurse, or
  - (c) any other health care professional,

and such a person may work within the young offender institution under the general supervision of the medical officer.]

[<sup>F10</sup>(4) .....

(5) 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 shall be afforded reasonable facilities for examining him in connection with the proceedings, and may do so out of hearing but in the sight of an officer.

<b>F8</b>	Rule 27(2) substituted (3.1.2006) by <a href="#">The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438)</a> , rule 1, <b>Sch. para. 5(a)</b>
<b>F9</b>	Rule 27(3) substituted (3.1.2006) by <a href="#">The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438)</a> , rule 1, <b>Sch. para. 5(b)</b>
<b>F10</b>	Rule 27(4) omitted (3.1.2006) by virtue of <a href="#">The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438)</a> , rule 1, <b>Sch. para. 5(c)</b>

**Special illnesses and conditions**

28.—(1) [<sup>F11</sup>A registered medical practitioner] such as is mentioned in rule 27(3) 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>F12</sup>(2) .....

<b>F11</b>	Words in rule 28(1) substituted (3.1.2006) by <a href="#">The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438)</a> , rule 1, <b>Sch. para. 6(a)</b>
<b>F12</b>	Rule 28(2) omitted (3.1.2006) by virtue of <a href="#">The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438)</a> , rule 1, <b>Sch. para. 6(b)</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 board of visitors and to the Secretary of State.

## 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—

- (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 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 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.

### 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 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.

### 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 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.

(3) The medical officer or a medical practitioner such as is mentioned in rule 27(3) may excuse an inmate from work or any other activity on medical grounds; and no inmate shall be set to participate in work or any other activity of a kind for which he is considered by the medical officer or a medical practitioner such as is mentioned in rule 27(3) to be unfit.

(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.

### **Education**

**38.—(1)** Provision shall 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 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.

### **Training courses**

**39.**—(1) Provision shall 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.

### **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 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 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.

### **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>F13</sup>or any other personal record] shall be given to any person not authorised to receive it.

[<sup>F14</sup>(2A) In this rule “personal record” may include personal information and biometric records (such as fingerprints or other physical measurements).]

**F13** 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)**

**F14** 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 three years 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.

### 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 accordingly.

[<sup>F15</sup>(2) An inmate shall not be removed under this rule for a period of more than 72 hours without the authority of the Secretary of State and authority given under this paragraph shall be for a period not exceeding 14 days but it may be renewed from time to time for a like period.]

[<sup>F16</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, and in exercising that discretion the governor must fully consider any recommendation that the inmate resumes association on medical grounds made by a registered medical practitioner or registered nurse such as is mentioned in rule 27(3)]

**F15** Rule 49(2) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, **Sch. para. 7(a)**

**F16** 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)**

### 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>F17</sup>... by an officer of the Secretary of State<sup>F17</sup>....

**F17** 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 board of visitors and to [<sup>F18</sup>the registered medical practitioner or registered nurse] such as is mentioned in [rule 27\(3\)](#).

(4) On receipt of the notice, [<sup>F19</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 a member of the board of visitors or by 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>F20</sup>the registered medical practitioner or registered nurse] such as is mentioned in [rule 27\(3\)](#). No inmate shall be put under restraint as a punishment.

(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.

**F18** Words in [rule 52\(3\)](#) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), [rule 1](#), [Sch. para. 9\(a\)](#)

**F19** 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\(b\)](#)



**F20** Words in rule 52(7) substituted (3.1.2006) by [The Young Offender Institution \(Amendment\) \(No. 2\) Rules 2005 \(S.I. 2005/3438\)](#), rule 1, [Sch. para. 9\(c\)](#)

### Compulsory Testing for controlled drugs

**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>M3</sup>, requires an inmate to provide a sample for the purposes of ascertaining whether he has any controlled drug 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.

#### Marginal Citations

**M3** [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>F21</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.]

<p><b>F21</b> Rule 54A inserted (18.4.2005) by <a href="#">The Young Offender Institution (Amendment) Rules 2005 (S.I. 2005/897)</a>, rule 1(1), <a href="#">Sch. para. 3</a></p>
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### Offences against discipline

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

- (1) commits any assault;
- (2) commits any racially aggravated assault;
- (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 of these rules;

[<sup>F22</sup>(10) is found with any substance in his urine which demonstrates that a controlled drug has, whether in prison or while on temporary release under rule 5, been administered to him by himself or by another person (but subject to rule 56);]

[<sup>F23</sup>(11) is intoxicated as a consequence of consuming any alcoholic beverage (but subject to rule 56A);]

[<sup>F24</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;

(19) causes racially aggravated damage to, or destruction of, any part of a young offender institution or any other property, other than his own;

(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;

(23) uses threatening, abusive or insulting racist words or behaviour;

(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;

(27) receives any controlled drug 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);

(28) displays, attaches or draws on any part of a young offender institution, or on any other property, threatening, abusive, or insulting racist words, drawings, symbols or other material;

(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.

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**F22** [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\(a\)](#)

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- F23** 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)**
- F24** 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)**

**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—
- (a) the controlled drug 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 to him by another person;
  - (b) the controlled drug was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
  - (c) the controlled drug 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.

**[<sup>F25</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>F26</sup>(c) .....]

- F25** Rule 56A inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), **Sch. para. 5**
- F26** 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**

**Interpretation of rule 55**

**57.** For the purposes of rule 55 words, behaviour or material shall be racist if they demonstrate or are motivated (wholly or partly) by hostility to members of a racial group (whether identifiable or not) based on their membership (or presumed membership) of a racial group, and “membership”, “presumed”, “racial group” and “racially aggravated”, shall have the meanings assigned to them by section 28 of the Crime and Disorder Act 1998 <sup>M4</sup>

**Marginal Citations**

**M4** 1998 c. 37.

**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>F27</sup>or, as the case may be, the adjudicator].

[<sup>F28</sup>(3) Every charge shall be first inquired into not later, save in exceptional circumstances or in accordance with rule 60A(5) or rule 65(4), 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), 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>F29</sup>or determination under rule 58A].

**F27** 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)**

**F28** 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)**

**F29** 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>F30</sup>**Determination of mode of inquiry**

**58A.**—(1) Before inquiring into a charge the governor shall determine whether it is so serious that additional days should be awarded for the offence, if the inmate is found guilty.

(2) Where the governor determines:

- (a) that it is so serious, he shall:
  - (i) refer the charge to the adjudicator forthwith for him to inquire into it;
  - (ii) refer any other charge arising out of the same incident to the adjudicator forthwith for him to inquire into it; and
  - (iii) inform the inmate who has been charged that he has done so;
- (b) that it is not so serious, he shall proceed to 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 he has imposed a punishment for that offence,

it appears to the governor that the charge is so serious that additional days should be awarded for the offence if (where sub-paragraph (a) applies) the inmate is found guilty, the governor shall act in accordance with paragraph (2)(a)(i) to (iii) and the adjudicator shall first inquire into any charge referred to him under this paragraph not later than, save in exceptional circumstances, 28 days after the charge was referred.]

**F30** Rule 58A inserted (15.8.2002) by The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117), rule 1, **Sch. para. 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>F31</sup>or, as the case may be, the adjudicator].

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(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>F32</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.]

- F31** 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)**
- F32** 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)**

**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>F33</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>F34</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, confinement to a cell or room for a period not exceeding [<sup>F35</sup>ten days];
- (g) removal from his wing or living unit for a period not exceeding 21 days;
- <sup>F36</sup>(h) .....

(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>F37</sup>in the case of a punishment of cellular confinement the total period shall not exceed ten days].

(3) <sup>F38</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.

- F33** 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)**
- F34** 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)**
- F35** 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)**
- F36** 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)**
- F37** 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)**

**F38** 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>F39</sup>Adjudicator's punishments

**60A.**—(1) If he finds an 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) any of the punishments mentioned in rule 60(1);
- (b) in the case of an inmate who is a short-term prisoner or long-term prisoner [<sup>F40</sup>or 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.]

**F39** Rule 60A inserted (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002 \(S.I. 2002/2117\)](#), rule 1, **Sch. para. 6**

**F40** 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>F41</sup>Review of adjudicator's punishment

**60B.**—(1) A reviewer means [<sup>F42</sup>the Senior District Judge (Chief Magistrate)] or any deputy of such a judge as nominated by that judge.

(2) Where a punishment is imposed by an adjudicator under rule 60A(1) or rule 65(1A) an inmate may, within 14 days of receipt of the punishment, 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.

(4) The review must only be of the punishment imposed and must not be a review of the finding of guilt.

(5) On completion of the review, if it appears to the reviewer that the punishment imposed was manifestly unreasonable, he may—

- (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; or
- (c) quash the punishment entirely.

(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.]

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- F41** Rule 60B inserted (18.4.2005) by [The Young Offender Institution \(Amendment\) Rules 2005 \(S.I. 2005/897\)](#), rule 1(1), **Sch. para. 6**
- F42** 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**

### Confinement to a cell or room

**61.**—<sup>F43</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, such as is mentioned in rule 27(3), 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.

- F43** 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**

### 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.

### Suspended punishments

**63.**—(1) Subject to any directions of the Secretary of State, the power to impose a disciplinary punishment (other than a caution) shall include a power to direct that the punishment is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction), the inmate commits another offence against discipline and a direction is given under paragraph (2).

(2) Where an inmate commits an offence against discipline during the period specified in a direction given under paragraph (1), the person dealing with that offence may—

- (a) direct that the suspended punishment shall take effect; or
- (b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced; or
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended punishment.

<sup>F44</sup>(3) Where an award of additional days has been suspended under paragraph (1) and an inmate is charged with committing an offence against discipline during the period specified in a direction given under that paragraph, the governor shall either:

- (a) inquire into the charge and give no direction with respect to the suspended award; or
- (b) refer the charge to the adjudicator for him to inquire into it.]



**F44** Rule 63(3) added (15.8.2002) by [The Young Offender Institution \(Amendment\) Rules 2002 \(S.I. 2002/2117\)](#), rule 1, [Sch. para. 7](#)

**Remission and mitigation of punishments and quashing of findings of guilt**

**64.**—(1) [<sup>F45</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>F46</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, governor or the board of visitors.]

**F45** 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\(a\)](#)  
**F46** 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\(b\)](#)

**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>F47</sup>...;
- (e) confinement to a cell or room for a period not exceeding [<sup>F48</sup>21 days];
- <sup>F49</sup>(f) .....

[<sup>F50</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 short-term or long-term prisoner [<sup>F51</sup>or 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>F52</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.

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(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.]

- |            |   |
|------------|---|
| <b>F47</b> | Words in rule 65(1)(d) omitted (15.8.2002) by virtue of <a href="#">The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117)</a> , rule 1, <b>Sch. para. 8(a)</b> |
| <b>F48</b> | Words in rule 65(1)(e) substituted (15.8.2002) by <a href="#">The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117)</a> , rule 1, <b>Sch. para. 8(b)</b>       |
| <b>F49</b> | Rule 65(1)(f) omitted (15.8.2002) by virtue of <a href="#">The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117)</a> , rule 1, <b>Sch. para. 8(c)</b>          |
| <b>F50</b> | Rule 65(1A) inserted (15.8.2002) by <a href="#">The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117)</a> , rule 1, <b>Sch. para. 8(d)</b>                     |
| <b>F51</b> | Words in rule 65(1A)(b) added (3.1.2006) by <a href="#">The Young Offender Institution (Amendment) (No. 2) Rules 2005 (S.I. 2005/3438)</a> , rule 1, <b>Sch. para. 13</b>       |
| <b>F52</b> | Rule 65(3)(4) added (15.8.2002) by <a href="#">The Young Offender Institution (Amendment) Rules 2002 (S.I. 2002/2117)</a> , rule 1, <b>Sch. para. 8(e)</b>                      |

#### **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.

**Changes to legislation:**

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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\(b\)](#)