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## EXPLANATORY NOTE

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

These Rules amend the Young Offender Institution Rules 2000 (“the 2000 Rules”).

These Rules amend the Prison Rules 1999 (“the 1999 Rules”). Rule 4 alters all references to “boards of visitors” in the 2000 Rules to “independent monitoring boards”, following the renaming of the board by section 26(1) of the Offender Management Act 2007. Rule 5 removes the reference to ‘boards of visitors’ in rule 64(2) of the 2000 Rules. Boards of visitors, now independent monitoring boards, no longer have any role in imposing punishments for disciplinary offences.

Section 22 of the [Offender Management Act 2007\(c.21\)](#) inserted sections 40A to 40C of the Prison Act 1952. In consequence, Rule 7 inserts a new Rule 70A into the 1999 Rules. Rule 70A lists for the purposes of the new section 40C, the List C articles which it is an offence to bring, or attempt to bring into a prison intending to give to a prisoner, or intending it to come into a prisoner’s possession, or to take out of a prison on a prisoner’s behalf.

They also make amendments to rule 83(3) which relates to access to the records of the young offender institution by members of the independent monitoring board. They provide that member of the board shall have access to the records of the young offender institution, except that they shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part II of the Regulation of Investigatory Powers Act 2000 ([c.23](#)), which relates to surveillance and covert human intelligence sources.