

**2008 No. 599**

**YOUNG OFFENDER INSTITUTIONS, ENGLAND AND  
WALES**

**The Young Offender Institution (Amendment) Rules 2008**

<i>Made</i>	- - - -	<i>4th March 2008</i>
<i>Laid before Parliament</i>		<i>5th March 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Secretary of State, in exercise of the powers conferred by section 47 of the Prison Act 1952(a), makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Young Offender Institution (Amendment) Rules 2008 and shall come into force on 1st April 2008.

**Amendment of the Young Offender Institution Rules 2000**

2. The Young Offender Institution Rules 2000(b) are amended as follows.

3. In rule 2(1) (interpretation), the following definition shall be added in the appropriate place—

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

- (a) a component part of a device of that description; or
- (b) any article designed or adapted for use with any information technology equipment (including any disk, film or other separate article on which images, sounds, computer code or other information may be stored or recorded)”.

4. For “board of visitors” substitute “independent monitoring board” in—

- (a) each place where it occurs in rules 8(1), 10(5), 29(2), 52(3) and (5)(c), 77(2), 78, 79(1), (2) and (4), 80(1), 81(1), 82(1), 83(1) and 84(1);
- (b) the title to Part 5.

5. In rule 64(2)(d) for “, governor or the board of visitors” substitute “or governor”.

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(a) 1952 c.52. Section 47 was amended by the Criminal Justice and Public Order Act 1994, section 6(2). Section 40A(6), which provides for List C articles to be prescribed by prison rules, was inserted by the Offender Management Act 2007 (c.21).  
(b) S.I. 2000/3371 as amended by S.I. 2005/897 and S.I. 2005/3438. There are other amending instruments but none is relevant.  
(c) Rule 52(3) was amended by S.I. 2005/3438.  
(d) Rule 64(2) was amended by S.I. 2005/897.

6. After rule 74 insert—

“**74A.** List C Articles

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

- (a) tobacco;
- (b) money;
- (c) clothing;
- (d) food;
- (e) drink;
- (f) letters;
- (g) paper;
- (h) books;
- (i) tools;
- (j) information technology equipment.”

7. In rule 83 for paragraph (3) substitute—

“(3) A member of the board shall have access to the records of the prison, except that members of the board shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 2 of the Regulation of Investigatory Powers Act 2000(a).”

Signed by authority of the Secretary of State

4th March 2008

*David Hanson*  
Minister of State  
Ministry of Justice

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(a) 2000 c.23.

## **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.

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STATUTORY INSTRUMENTS

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