
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (“the Prison Rules”) and the Young Offender Institution Rules 2000 (“the Young Offender Rules”).

Paragraphs 1 to 4 of Schedule 1 amend the provisions regarding health care in a prison reflecting the removal by the Offender Management Act 2007 (c. 21) of the requirement to appoint a medical officer for each prison. They provide for confidential communications between a prisoner and their own registered medical practitioner in specific circumstances. Paragraphs 1 to 4 of Schedule 2 make a similar change in the arrangements for health care provision in a young offender institution.

Paragraph 5 of Schedule 1 relates to communications between a prisoner and his legal adviser or a body or organisation with which the Secretary of State has made arrangements for confidential handling of correspondence. Such communications may only be intercepted where there is reasonable cause to believe that it is being made with the intention of furthering a criminal purpose, and then only if authorised by the chief operating officer of the prison service. Paragraph 5 of Schedule 2 achieves the same effect in young offender institutions.

Paragraphs 6 and 7 of Schedule 1 clarify the point that the protection for legally privileged material and correspondence with a court applies not only to material sent by post but also to material handed over by a legal adviser to a prisoner at a legal visit. Paragraphs 6 and 7 of Schedule 2 have the same effect for young offender institutions.

Paragraph 8 of Schedule 1 reduces the length of time that a prison will retain any unclaimed property of a prisoner who has left the prison or died. The period is reduced from 3 years to one year. Paragraph 8 of Schedule 2 achieves a similar result for a young offender’s property.

Paragraph 9 of Schedule 1 removes the functions of the independent monitoring board in relation to the authorisation or continuation of a prisoner’s restraint. Paragraph 9 of Schedule 2 has the same effect for young offender institutions.