

SCHEDULE 1

Rule 2

Amendment of the Prison Rules 1999

Health care

1. In rule 2(1)—
 - (a) in the interpretation of “health care professional” omit “pursuant to rule 20(3)”;
 - (b) after the interpretation of “health care professional” insert—

““health care provider” includes any provider of health services, whether or not commissioned by an NHS body (within the meaning given by section 28(6) of the National Health Service 2006(2))”;
 - (c) omit the interpretation of “registered medical practitioner” and “registered nurse”.
2. For rule 20 (Medical attendance)(3) substitute the following—

“Health services

20.—(1) The governor must work in partnership with local health care providers to secure the provision to prisoners of access to the same quality and range of services as the general public receives from the National Health Service.

(2) Every request by a prisoner to see a health care professional shall be recorded by the officer to whom it was made and promptly communicated to a health care professional.

(3) If an unconvicted prisoner desires the attendance of a named registered medical practitioner or dentist other than one already working in the prison, and will pay any expense incurred, the governor must, if satisfied that there are reasonable grounds for the request and unless the Secretary of State otherwise directs, allow the prisoner to be visited and treated by that practitioner or dentist, in consultation with a registered medical practitioner who works in the prison.

(4) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of a prisoner who is a party to any legal proceedings must be afforded reasonable facilities for examining the prisoner in connection with the proceedings, and may do so out of hearing but in the sight of an officer

(5) A prisoner may correspond, in accordance with arrangements made by the Secretary of State for the confidential handling of correspondence, with a registered medical practitioner who has treated the prisoner for a life threatening condition, and such correspondence may not be opened, read or stopped unless the governor has reasonable cause to believe its contents do not relate to the treatment of that condition.”

3. For rule 31(2)(4) substitute—

“(2) A registered medical practitioner or registered nurse working within the prison may excuse a prisoner from work on medical grounds.”
4. The following rules are amended(5)—
 - (a) in rules 21(1), 45(3), 49(2) and (6) and 58, for the words “such as is mentioned in rule 20(3) substitute “working within the prison”; and

(1) Rule 2 has been amended by [S.I. 2005/3437](#). There have been other amendments to rule 2 which are not relevant.

(2) [2006 c.41](#)

(3) Rule 20 was substituted by [S.I. 2005/3437](#).

(4) Rule 31(2) was substituted by [S.I. 2005/3437](#).

(5) Rules 21(1), 24(1), 45(3), 49(2) and (6) and 58 were amended by [S.I. 2005/3437](#).

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- (b) in rule 24(1), omit the words “such as is mentioned in rule 20(3)”.

Communications

- 5. In rule 35A (interception of communications)(6), after paragraph (2) insert—
 - “(2A) The governor may not make arrangements for interception of any communication between a prisoner and
 - (a) the prisoner’s legal adviser; or
 - (b) any body or organisation with which the Secretary of State has made arrangements for the confidential handling of correspondence,unless the governor has reasonable cause to believe that the communication is being made with the intention of furthering a criminal purpose and unless authorised by the chief operating officer of the prison service.”
- 6. Rule 38 (legal advisers) is amended as follows—
 - (a) at the beginning of the heading to the rule, insert “visits from”;
 - (b) at the beginning of paragraph (1) insert “Where”, and after the words “to which the prisoner is a party” insert “visits the prisoner, the legal adviser”;
 - (c) at the beginning of paragraph (2) insert “On such a visit,”.
- 7. In rule 39 (Correspondence with legal advisers and courts)—
 - (a) for the heading to the rule substitute “Delivery and receipt of legally privileged material”;
 - (b) for paragraph (1) substitute—
 - “(1) A prisoner may deliver to, or receive from, the prisoner’s legal adviser and any court, either by post or during a legal visit under rule 38, any legally privileged material and such material may only be opened, read or stopped by the governor in accordance with the provisions of this rule.”;
 - (c) for “correspondence” where that word appears in paragraphs (2), (3), (4) and (6) substitute “material”.

Miscellaneous

- 8. In rule 43(4) (prisoners’ property) for “3 years” substitute “one year”.
- 9. In rule 49(4) (restraints) omit “a member of the independent monitoring board or by”.

(6) Rule 35A was inserted by [SI 2000/2641](#).