

## SCHEDULE 1

Rule 2

### Amendment of the Prison Rules 1999

1. In rule 11 (requests and complaints)(1)—
  - (a) for paragraph (1) substitute—

“(1) A prisoner may make a request or complaint to the governor or independent monitoring board relating to the prisoner’s imprisonment.”;
  - (b) in paragraph (2)—
    - (i) omit “On every day”,
    - (ii) for “hear” substitute “consider as soon as possible”.
2. After rule 31 (work) insert—

**“31A. Prescription of certain matters in respect of prisoners’ earnings**

  - (1) The amount prescribed for the purpose of section 1(1)(b) of the Prisoners’ Earnings Act 1996 (“the 1996 Act”) is £20.
  - (2) The percentage prescribed for the purpose of section 1(2) of the 1996 Act is 40%.
  - (3) All amounts deducted or levied under section 1 of the 1996 Act shall be applied for the purpose referred to in section 2(1)(a) of the 1996 Act.
  - (4) Victim Support(2) is prescribed as a voluntary organisation to which payments may be made under section 2(1)(a) of the 1996 Act.”.
3. In rule 35A(2A) (interception of communications)(3), for “the chief operating officer of the prison service” substitute “any one of the following: the chief executive officer of the National Offender Management Service; the director responsible for national operational services of that service; or the duty director of that service”.
4. In rule 53(3)(b) (disciplinary charges)(4), after “rule 53A(2)” insert “or 60(3)(b)”(5).
5. In rule 53A (determination of mode of inquiry)(6)—
  - (a) in paragraph (1), for “whether it is so serious” to the end substitute—

“—

    - (i) whether the charge is so serious that additional days should be awarded for the offence if the prisoner is found guilty, or
    - (ii) whether it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator.”;
  - (b) in paragraph (2)—
    - (i) in sub-paragraph (a), after “that it is so serious” insert “or that it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator”,
    - (ii) in sub-paragraph (b), after “that it is not so serious” insert “or that it is not necessary or expedient for some other reason for the charge to be inquired into by the adjudicator”;
  - (c) in paragraph (3)—

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(1) Rule 11 was amended by [S.I. 2008/597](#).

(2) Victim Support is a registered charity (no. 298028) for victims and witnesses of crime in England and Wales.

(3) Rule 35A was inserted by [S.I. 2000/2641](#) and amended by [S.I. 2009/3082](#).

(4) Rule 53 was amended by [S.I. 2002/2116](#).

(5) Rule 60(3) was inserted by [S.I. 2002/2116](#).

(6) Rule 53A was inserted by [S.I. 2002/2116](#).

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- (i) after “it appears to the governor” insert “either”,
- (ii) after “the prisoner is found guilty” insert “or that it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator”.

## SCHEDULE 2

Rule 3

### Amendment of the Young Offender Institution Rules 2000

**1.** In rule 8 (requests and complaints)(7)—

(a) for paragraph (1) substitute—

“(1) An inmate may make a request or complaint to the governor or independent monitoring board relating to the inmate’s detention.”;

(b) in paragraph (2)—

(i) omit “On every day”,

(ii) for “hear any oral” substitute “consider as soon as possible any”.

**2.** In rule 11(2A) (interception of communications)(8), for “the chief operating officer of the prison service” substitute “any one of the following: the chief executive officer of the National Offender Management Service; the director responsible for national operational services of that service; or the duty director of that service”.

**3.** In rule 58(3)(b) (disciplinary charges)(9), after “rule 58A(2)” insert “or 63(3)(b)”(10).

**4.** In rule 58A (determination of mode of inquiry)(11)—

(a) in paragraph (1) for “whether it is so serious” to the end substitute—

“—

(i) whether the charge is so serious that additional days should be awarded for the offence if the inmate is found guilty, or

(ii) whether it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator.”;

(b) in paragraph (2)—

(i) in sub-paragraph (a), after “that it is so serious” insert “or that it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator”,

(ii) in sub-paragraph (b), after “that it is not so serious” insert “or that it is not necessary or expedient for some other reason for the charge to be inquired into by the adjudicator”;

(c) in paragraph (3)—

(i) after “it appears to the governor” insert “either”,

(ii) after “the inmate is found guilty” insert “or that it is necessary or expedient for some other reason for the charge to be inquired into by the adjudicator”.

(7) Rule 8 was amended by S.I. 2008/599.

(8) Rule 11 was amended by S.I. 2009/3082.

(9) Rule 58 was amended by S.I. 2002/2117.

(10) Rule 63(3) was inserted by S.I. 2002/2117.

(11) Rule 58A was inserted by S.I. 2002/2117.

*Document Generated: 2023-08-16*

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