
EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Under the 1999 Rules prison disciplinary charges are inquired into by either governors or, in certain circumstances, by adjudicators who are District Judges. Equivalent arrangements exist in respect of young offender institutions.

Paragraph 1 of Schedule 1 inserts new rule 55AB into the 1999 Rules to require governors or, as the case may be, adjudicators to impose a requirement (a “compensation requirement”) on prisoners to pay for the destruction of or damage to prison property where prisoners have been found guilty of causing the destruction or damage at an adjudication. The amount must not exceed the cost of the destruction or damage and, in any event, must not exceed £2,000. The compensation requirement ceases to have effect after two years from when it was imposed regardless of whether the prisoner has paid the full amount due.

Paragraph 2 of Schedule 1 amends rule 55B of the 1999 Rules so that a prisoner may seek a review of the amount ordered to be paid under a compensation requirement. The reviewer may vary the amount required to be paid by the prisoner.

Paragraph 3 of Schedule 1 amends rule 61 of the 1999 Rules so that, where a compensation requirement has been imposed by a governor, the Secretary of State may reduce the amount to be paid.

Paragraph 4 of Schedule 1 inserts new rule 61A into the 1999 Rules; new rule 61A provides the governor with a power to debit money from the money held by the prison for the prisoner in order to recover the amount to be paid under the compensation requirement. The governor must ensure that the prisoner is left with not less than £5 in their prison account after any amount has been debited. Paragraph 4 also provides that a compensation requirement imposed against an inmate in a young offender institution under the 2000 Rules may be enforced as though it were imposed under the 1999 Rules where the person against whom the compensation requirement was imposed is detained in a prison.

Paragraph 5 of Schedule 1 amends rule 82 of the 1999 Rules so that, in contracted out prisons, the director or governor is empowered to exercise the powers conferred on governors in new rules 55AB and 61A.

Schedule 2 makes equivalent amendments to the 2000 Rules.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.