
STATUTORY INSTRUMENTS

2020 No. 400

**The Prison and Young Offender Institution
(Coronavirus) (Amendment) Rules 2020**

Amendment of the Young Offender Institution Rules 2000

- 3.—(1) The Young Offender Institution Rules 2000⁽¹⁾ are amended as follows.
(2) After rule 5 (temporary release) insert—

“Coronavirus Restricted Temporary Release

5A.—(1) During a transmission control period, the Secretary of State may, in accordance with the other provisions of this rule, temporarily release an inmate falling within a description specified in a direction made under this rule.

- (2) An inmate may only be released under this rule (subject to paragraph (3)) if—
- (a) a transmission control period is in effect; and
 - (b) the inmate is—
 - (i) a fixed term prisoner subject to release pursuant to section 244 of the 2003 Act; or
 - (ii) a fine defaulter or contemnor subject to release pursuant to section 258 of the 2003 Act; or
 - (iii) serving a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000⁽²⁾; and
 - (c) the Secretary of State is satisfied that the temporary release is—
 - (i) for the purpose of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus; or
 - (ii) for the facilitation of the most appropriate deployment of personnel and resources in, or in connection with, young offender institutions in England and Wales.
- (3) An inmate must not be released under this rule if—
- (a) the inmate would not be eligible for release on temporary licence under the following restrictions on rule 5 of these Rules (temporary release):
 - (i) rule 5(1A) (inmates with a relevant deportation status);
 - (ii) rule 5(7) (inmates who have committed offences whilst at large following temporary release);
 - (iii) rule 5(9) (inmates committed or remanded);

⁽¹⁾ [S.I. 2000/3371](#), amended by [S.I. 2014/2169](#). There are other amending instruments but none is relevant.

⁽²⁾ [2000 c. 6](#). Section 100 has been amended by paragraph 111(2)(a) and (b) of Schedule 32 and paragraph 1 of Schedule 37(7) to the Criminal Justice Act [2003 \(c. 44\)](#), paragraph 13 of Schedule 21 and paragraph 11 of Schedule 26 to the Legal Aid, Sentencing and Punishment of Offenders Act [2012 \(c. 10\)](#), paragraph 5 of Schedule 5 to the Criminal Justice and Courts Act [2015 \(c. 2\)](#).

- (b) the inmate is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.
- (4) A description specified in a direction under this rule may be framed by reference to whatever matters the Secretary of State considers appropriate.
- (5) An inmate may be released under this rule for any period or periods and subject to any conditions.
- (6) In particular, the Secretary of State may impose a condition which requires the inmate to—
 - (a) report to a specified person at a specified place at a specified time;
 - (b) return to custody at a specified time;
 - (c) comply with directions issued by the Secretary of State or another person.
- (7) An inmate released under this rule may be recalled at any time whether the conditions of his release have been broken or not.
- (8) In this rule—
 - “coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);
 - “the 2020 Act” means the Coronavirus Act 2020;
 - “transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.
- (3) In rule 55(9) (offences against discipline), after “under rule 5”, insert “or rule 5A”.
- (4) In rule 55(10) (offences against discipline), after “under rule 5”, insert “or rule 5A”.