

1988 No. 1421

PRISONS

The Prison (Amendment) (No. 3) Rules 1988

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| <i>Made</i> - - - - | <i>5th August 1988</i> |
| <i>Laid before Parliament</i> | <i>18th August 1988</i> |
| <i>Coming into force</i> | <i>1st October 1988</i> |

In exercise of the powers conferred upon me by sections 25(1) and 47 of the Prison Act 1952(a), I hereby make the following Rules:

1. These Rules may be cited as the Prison (Amendment) (No. 3) Rules 1988 and shall come into force on 1st October 1988.

2. The Prison Rules 1964(b) shall be amended as follows:-

- (a) in rule 5(3)(a)(c), there shall be substituted for the words "a detention centre order, a youth custody sentence" the words "a sentence of detention in a young offender institution";
- (b) in rule 39(3), there shall be added at the end the words "or in the sight or presence of an officer not of the same sex".
- (c) in rule 43(2), there shall be added at the end the words "except that, in the case of a person aged less than 21 years who is detained in prison by virtue of a sentence of detention in a young offender institution, such an authority shall be for a period not exceeding 14 days, but may be renewed from time to time for a like period".
- (d) in rule 54(2)(d), for the words "youth custody", there shall be substituted the words "detention in a young offender institution";
- (e) in rule 54A(e), after the words "youth custody" there shall be inserted the words "or detention in a young offender institution"; and
- (f) in rule 54B(e), there shall be added, after paragraph (2), the following paragraph:-

(a) 1952 c.52. Section 47 was extended by the Criminal Justice Act 1961 (c.39), section 23(2), the Criminal Justice Act 1982 (c.48), section 13(5) and Schedule 17, paragraph 9 and the Criminal Justice Act 1988 (c.33), Schedule 8, paragraph 14; and amended by the Criminal Justice Act 1961, Schedule 4, the Criminal Justice Act 1967 (c.80), section 66(5), the Courts Act 1971 (c.23), Schedule 8, paragraph 33 and the Criminal Justice Act 1982, Schedule 14, paragraph 7. Section 47 of the 1952 Act was also affected by an amendment to section 52(2) of that Act by the Criminal Justice Act 1967, section 66(4). The Criminal Justice Act 1988, Schedule 8, paragraph 1, contains amendments affecting these provisions.

(b) S.I. 1964/388; relevant amending instruments are S.I. 1974/713 and 1983/568.

(c) As amended by S.I. 1983/568.

(d) As amended by S.I. 1974/713 and 1983/568.

(e) As inserted by S.I. 1983/568.

“(3) In the case of a person detained in a prison who, by virtue of paragraph 12 of Schedule 8 to the Criminal Justice Act 1988, on 1st October 1988 falls to be treated for all purposes of detention, release and supervision as if his sentence had been a sentence of detention in a young offender institution, any award for an offence against discipline made in respect of him before that date under Rule 50, 51 or 52 of these Rules or treated, by virtue of Rule 5(4A)(a) thereof, as having been imposed under these Rules shall, if it has not been exhausted or remitted, continue to have effect as if it had been made under Rule 50, 51 or 52 of these Rules, as the case may be.”.

Douglas Hurd

Home Office
5th August 1988

One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1964, as amended, so that, where appropriate, they apply to offenders who are serving a sentence of detention in a young offender institution under Part I of the Criminal Justice Act 1982, as amended by section 123 of the Criminal Justice Act 1988 (which comes into force on 1st October 1988 (S.I.1988/1408)) and are detained in prison in accordance with the provisions of section 1C of the 1982 Act.

The amendments enable remission to be granted to such offenders and preserve the effect of any forfeiture of remission awarded whilst the offender was in a young offender institution. They also provide for the removal from association for a shorter period (not more than 14 days) than is provided for adult prisoners and for any disciplinary awards made in such an institution to remain in effect if, under section 13 of the Criminal Justice Act 1982, the sentence is converted to one of imprisonment. Rule 39 of the Prison Rules is amended so as to provide that a prisoner must not be stripped and searched in the sight or presence of an officer not of the same sex. Finally, the Rules contain transitional provisions to preserve the effect of any disciplinary award made before 1st October 1988 in respect of an offender sentenced to youth custody or ordered to be detained in a detention centre whose sentence is converted to one of detention in a young offender institution under paragraph 13 of Schedule 8 to the 1988 Act.

(a) As inserted by S.I. 1983/568.

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