

1988 No. 1422

**YOUNG OFFENDER INSTITUTIONS,
ENGLAND AND WALES**

The Young Offender Institution Rules 1988

<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>

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SCHEDULE

Instruments revoked.

In pursuance of sections 25, 43(5) and 47 of the Prison Act 1952(a), I hereby make the following Rules:—

(a) 1952 c.52; section 43 was substituted by the Criminal Justice Act 1982, (c.48), section 11; section 47 was extended by the Criminal Justice Act 1961 (c.39), section 23(2), the Criminal Justice Act 1982, 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.

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Young Offender Institution Rules 1988 and shall come into force on 1st October 1988.

Interpretation

2.—(1) In these Rules, where the context so admits, the expression:—

“compulsory school age” has the same meaning as in the Education Act 1944(a);

“governor” includes an officer for the time being in charge of a young offender institution;

“inmate” means a person detained in a young offender institution;

“legal adviser” means, in relation to an inmate, his counsel or solicitor, and includes a clerk acting on behalf of his solicitor;

“minister appointed to a young offender institution” means a minister so appointed under section 10 of the Prison Act 1952;

“officer” means an officer of a young offender institution.

(a) 1944 c.31; section 35 of that Act was amended by the Raising of School Leaving Age Order 1972 (S.I. 1972/444).

(2) In these Rules a reference to the Church of England includes a reference to the Church in Wales.

(3) The Rules set out in the Schedule to this Order are hereby revoked.

PART II

INMATES

General

Aims and general principles of young offender institutions

3.—(1) The aim of a young offender institution shall be to help offenders to prepare for their return to the outside community.

- (2) The aim mentioned in paragraph (1) above shall be achieved, in particular, by —
- (a) providing a programme of activities, including education, training and work designed to assist offenders to acquire or develop personal responsibility, self-discipline, physical fitness, interests and skills and to obtain suitable employment after release;
 - (b) fostering links between the offender and the outside community;
 - (c) co-operating with the services responsible for the offender's supervision after release.

Classification of inmates

4. Inmates may be classified, in accordance with any directions of the Secretary of State, taking into account their ages, characters and circumstances.

Release

Remission of sentence

5.—(1) An inmate serving a sentence of detention in a young offender institution for an actual term of more than 5 days may, on the ground of his industry and good conduct, be granted remission not exceeding, in the case of a sentence for a term of more than 12 months, one-third of the total of the actual term and any period taken into account under section 67 of the Criminal Justice Act 1967(a) (which relates to the computation of custodial sentences) and, in the case of a sentence for a term not exceeding 12 months, one-half of that total:

Provided that this rule shall not permit the reduction of the actual term to less than 5 days, or in the case of an inmate who has been released on licence and recalled, permit his release before the thirtieth day following his return to a young offender institution on recall.

(2) For the purposes of this rule—

- (a) an inmate committed to be detained under section 9 of the Criminal Justice Act 1982 for default in payment of a fine or any other sum of money, or for contempt of court or any kindred offence, shall be treated as serving a sentence of detention in a young offender institution;

(a) 1967 c.80; section 67 was amended by the Criminal Justice Act 1972 (c.71), Schedule 5, the Powers of Criminal Courts Act 1973 (c.62), Schedule 5 and the Criminal Justice Act 1982, sections 10 and 34, Schedule 14, paragraph 22 and Schedule 16.

- (b) a woman aged 21 years or over who is serving a sentence of imprisonment (other than a sentence of imprisonment for life) or who has been committed to prison for default in payment of a sum of money and is detained in a young offender institution instead of a prison shall be treated as serving a sentence of detention in a young offender institution; and
- (c) consecutive terms of detention in a young offender institution shall be treated as one term.

(3) In the case of a woman aged 21 years or over in respect of whom a sentence of imprisonment for an offence has been passed with an order under subsection (1) of section 47 of the Criminal Law Act 1977(a) (partly suspended sentences):—

- (a) if she has not been released from an institution to which the Prison Act 1952(b) applies since the sentence for the offence was passed, she shall be treated for the purposes of this rule as if her only sentence for that offence were any portion of it that she is required to serve in prison under subsection (1) or (3) of the said section 47; and
- (b) if she has been released from such an institution but part of her sentence for the offence has subsequently been restored under subsection (3) of that section, she shall be treated for the purposes of this rule as if her only sentence for that offence were the part of the sentence so restored.

(4) This rule shall have effect subject to any disciplinary award of forfeiture of remission.

(5) In the case of an inmate who is received into a young offender institution from another institution (other than a young offender institution) to which the Prison Act 1952 applies and who, immediately before his reception, was subject to a disciplinary award of forfeiture of remission imposed, or having effect as if imposed, under rules made under section 47 of that Act in relation to that other institution, the award shall have effect for the purposes of this rule as if it had been imposed under these Rules.

(6) In this rule—

- (a) “actual term” means the term of a sentence of detention in a young offender institution as reduced by section 67 of the Criminal Justice Act 1967;
- (b) a reference to a person being recalled shall include a reference to the revocation of a licence by a court.

Temporary release

6.—(1) An inmate to whom this rule applies may be temporarily released for any period or periods and subject to any conditions.

(2) An inmate released under this rule may be recalled at any time whether any conditions of his release have been broken or not.

(3) This rule applies to inmates other than persons committed in custody for trial or to be sentenced or otherwise dealt with before or by the Crown Court or remanded in custody by any court.

Conditions

Privileges

7. There shall be established at every young offender institution systems of privileges approved by the Secretary of State and appropriate to the classes of inmates thereof and their ages, characters and circumstances, which shall include arrangements under which money earned by inmates may be spent by them within the young offender institution.

Information to inmates

8.—(1) Every inmate shall be provided, as soon as possible after his reception into the young offender institution, and in any case within 24 hours, with information in writing about those provisions of these Rules and other matters which it is necessary that he should know, including earnings and privileges, and the proper method of making requests and complaints and of petitioning the Secretary of State.

(a) 1977 c.45; section 47 was amended by section 30 of the Criminal Justice Act 1982. (b) 1952 c.52.

(2) In the case of an inmate aged less than 18, or an inmate aged 18 or over who cannot read or appears to have difficulty in understanding the information so provided, the governor, or an officer deputed by him, shall so explain it to him that he can understand his rights and obligations.

(3) A copy of these Rules shall be made available to any inmate who requests it.

Applications

9.—(1) Every request by an inmate to see the governor, a visiting officer of the Secretary of State or a member of the board of visitors shall be recorded by the officer to whom it is made and promptly passed on to the governor.

(2) On every day, other than a Sunday or public holiday, the governor shall hear the applications of inmates who have asked to see him.

(3) Where an inmate has asked to see any other such person as aforesaid, the governor shall ensure that that person is told of the request on his next visit to the young offender institution.

Letters and visits generally

10.—(1) The Secretary of State may, with a view to securing discipline and good order or the prevention of crime or in the interests of any persons, impose restrictions, either generally or in a particular case, upon the communications to be permitted between an inmate and other persons.

(2) Except as provided by statute or these Rules, an inmate shall not be permitted to communicate with any outside person, or that person with him, without the leave of the Secretary of State.

(3) Except as provided by these Rules, every letter or communication to or from an inmate may be read or examined by the governor or an officer deputed by him, and the governor may, at his discretion, stop any communication on the ground that its contents are objectionable or that it is of inordinate length.

(4) Subject to the provisions of these Rules, the governor may give such directions as he thinks fit for the supervision of visits to inmates, either generally or in a particular case.

Personal letters and visits

11.—(1) An inmate shall be entitled—

(a) to send and to receive a letter on his reception into a young offender institution and thereafter once a week; and

(b) to receive a visit once in four weeks.

(2) The governor may allow an inmate an additional letter or visit when necessary for his welfare or that of his family.

(3) The governor may allow an inmate entitled to a visit to send and to receive a letter instead.

(4) The governor may defer the right of an inmate to a visit until the expiration of any period of confinement to a cell or room.

(5) The board of visitors may allow an inmate an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(6) The Secretary of State may allow additional letters and visits in relation to any inmate or class of inmates.

(7) An inmate shall not be entitled under this rule to receive a visit from any person other than a relative or friend, except with the leave of the Secretary of State.

(8) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this rule.

Police interviews

12. A police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any inmate willing to see him.

Legal advisers

13.—(1) The legal adviser of an inmate in any legal proceedings, civil or criminal, to which the inmate is a party shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing of an officer.

(2) An inmate's legal adviser may, with the leave of the Secretary of State, interview the inmate in connection with any other legal business.

Further facilities in connection with legal proceedings

14.—(1) An inmate who is a party to any legal proceedings may correspond with his legal adviser in connection with the proceedings and unless the governor has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under rule 10(3) of these Rules.

(2) An inmate shall on request be provided with any writing materials necessary for the purposes of paragraph (1) of this rule.

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

(4) Subject to any directions of the Secretary of State, an inmate may correspond with a solicitor for the purpose of obtaining legal advice concerning any cause of action in relation to which the inmate may become a party to legal proceedings or for the purpose of instructing the solicitor to issue such proceedings.

Securing release of defaulters

15. An inmate detained in a young offender institution in default of payment of a fine or any other sum of money may communicate with, and be visited at any reasonable time on a weekday by, any relative or friend to arrange for payment in order to secure his release.

Clothing

16.—(1) An inmate shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State.

(2) The clothing provided under this rule shall include suitable protective clothing for use at work, where this is needed.

(3) Subject to the provisions of rule 42(3) of these Rules, an inmate shall wear clothing provided under this rule and no other, except on the directions of the Secretary of State.

(4) An inmate shall where necessary be provided with suitable and adequate clothing on his release.

Food

17.—(1) Subject to any directions of the Secretary of State, no inmate shall be allowed, except as authorised by the medical officer, to have any food other than that ordinarily provided.

(2) The food provided shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.

(3) The medical officer shall regularly inspect the food both before and after it is cooked, and shall report any deficiency or defect to the governor.

(4) In this rule, "food" includes drink.

Alcohol and tobacco

18.—(1) No inmate shall be allowed to have any intoxicating liquor except under a written order of the medical officer specifying the quantity and the name of the inmate.

(2) No inmate aged less than 17 shall be allowed to smoke or to have any tobacco and an inmate aged 17 or over shall only be allowed to smoke or to have any tobacco as a privilege under rule 7 of these Rules and in accordance with any orders of the governor.

Sleeping accommodation

19.—(1) No room or cell shall be used as sleeping accommodation for an inmate unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.

(2) A certificate given under this rule shall specify the maximum number of inmates who may sleep in the room or cell at one time, and the number so specified shall not be exceeded without the leave of the Secretary of State.

Beds and bedding

20. Each inmate shall be provided with a separate bed and with separate bedding adequate for warmth and health.

Hygiene

21.—(1) Every inmate shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(2) Every inmate shall be required to wash at proper times, have a hot bath or shower on reception and thereafter at least once a week.

(3) Subject to any directions of the Secretary of State, a male inmate may be required by the governor to shave or be shaved and to have his hair cut as may be necessary for neatness or, as directed by the medical officer, for health or cleanliness.

(4) A female inmate's hair shall not be cut without her consent except where the medical officer directs that it is necessary for health or cleanliness.

Female inmates

22. The Secretary of State may, subject to any conditions he thinks fit, permit a female inmate to have her baby with her in a young offender institution, and everything necessary for the baby's maintenance and care may be provided there.

Library books

23. A library shall be provided in every young offender institution and, subject to any directions of the Secretary of State, every inmate shall be allowed to have library books and to exchange them.

Medical attention

Medical attendance

24.—(1) The medical officer of a young offender institution shall have the care of the health, mental and physical, of the inmates of that institution.

(2) Every request by an inmate to see the medical officer shall be recorded by the officer to whom it is made and promptly passed on to the medical officer.

(3) The medical officer may call another medical practitioner into consultation at his discretion, and shall do so if time permits before performing any serious operation.

Special illnesses and conditions

25.—(1) The medical officer shall report to the governor on the case of any inmate whose health is likely to be injuriously affected by continued detention or any conditions of detention. The governor shall send the report to the Secretary of State without delay, together with his own recommendations.

(2) The medical officer shall pay special attention to any inmate whose mental condition appears to require it, and make any special arrangements which appear necessary for his supervision or care.

(3) The medical officer shall inform the governor if he suspects any inmate of having suicidal intentions, and the inmate shall be placed under special observation.

Notification of illness or death

26.—(1) If an inmate dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the governor shall, if he knows his or her address, at once inform the inmate's spouse or next of kin, and also any person who the inmate may reasonably have asked should be informed.

(2) If an inmate dies, the governor shall give notice immediately to the coroner having jurisdiction, to the board of visitors and to the Secretary of State.

Religion

Religious denomination

27. An inmate shall be treated as being of the religious denomination stated in the record made in pursuance of section 10(5) of the Prison Act 1952(a), but the governor may, in a proper case after due inquiry, direct that record to be amended.

Special duties of chaplains and appointed ministers

28.—(1) The chaplain or a minister appointed to a young offender institution shall—

(a) interview every inmate of his denomination individually as soon as he reasonably can after the inmate's reception into that institution and shortly before his release; and

(b) if no other arrangements are made, read the burial service at the funeral of any inmate of his denomination who dies in that institution.

(2) The chaplain shall visit daily all inmates belonging to the Church of England who are sick, under restraint or confined to a room or cell; and a minister appointed to a young offender institution shall do the same, as far as he reasonably can, for inmates of his own denomination.

(3) If the inmate is willing, the chaplain shall visit any inmate not of the Church of England who is sick, under restraint or confined to a room or cell, and is not regularly visited by a minister of his own denomination.

Regular visits by ministers of religion, etc.

29.—(1) The chaplain shall visit regularly the inmates belonging to the Church of England.

(2) A minister appointed to a young offender institution shall visit the inmates of his denomination as regularly as he reasonably can.

(a) 1952 c.52.

(3) The governor shall, if so requested by an inmate belonging to a denomination for which no minister has been appointed to a young offender institution do what he reasonably can to arrange for that inmate to be visited regularly by a minister of that denomination.

(4) Every request by an inmate to see the chaplain or a minister appointed to a young offender institution shall be promptly passed on to the chaplain or minister.

Religious services

30.—(1) The chaplain shall conduct Divine Service for inmates belonging to the Church of England at least once every Sunday, Christmas Day and Good Friday, and such celebrations of Holy Communion and weekday services as may be arranged.

(2) A minister appointed to a young offender institution shall conduct Divine Service for inmates of his denomination at such times as may be arranged.

Substitute for chaplain or appointed minister

31.—(1) A person approved by the Secretary of State may act for the chaplain in his absence.

(2) A minister appointed to a young offender institution may, with the leave of the Secretary of State, appoint a substitute to act for him in his absence.

Sunday work

32. Arrangements shall be made so as not to require inmates to do any unnecessary work on Sunday, Christmas Day or Good Friday nor inmates of religions other than the Christian religion to do any unnecessary work on their recognised days of religious observance (as an alternative, but not in addition, to those days).

Religious books

33. There shall, so far as reasonably practicable, be available for the personal use of every inmate such religious books recognised by his denomination as are approved by the Secretary of State for use in young offender institutions.

Occupation and links with the community

Regime activities

34.—(1) An inmate shall be occupied in education, training courses, work and physical education provided in accordance with rule 3 of these Rules.

(2) In all such activities regard shall be paid to individual assessment and personal development.

(3) The medical officer may excuse an inmate from work or any other activity on medical grounds; and no inmate shall be set to participate in work or any other activity of a kind for which he is considered by the medical officer to be unfit.

(4) An inmate may be required to participate in regime activities for no more than 8 hours a day.

(5) Inmates may be paid for their work or participation in other activities at rates approved by the Secretary of State, either generally or in relation to particular cases.

Education

35.—(1) Provision shall be made at a young offender institution for the education of inmates by means of programmes of class teaching or private study within the normal working week and, so far as practicable, programmes of evening and weekend educational classes or private study. The educational activities shall, so far as practicable, be such as will foster personal responsibility and an inmate's interests and skills and help him to prepare for his return to the community.

(2) In the case of an inmate aged less than 17, arrangements shall be made for his participation in education or training courses for at least 15 hours a week within the normal working week.

(3) In the case of an inmate aged 17 or over who is illiterate or backward, arrangements shall be made for education appropriate to his needs, if necessary within the normal working week.

(4) In the case of a female inmate aged 21 or over who is serving a sentence of imprisonment or who has been committed to prison for default and who is detained in a young offender institution instead of a prison, reasonable facilities shall be afforded if she wishes to improve her education, by class teaching or private study.

Training courses

36.—(1) Provision shall be made at a young offender institution for the training of inmates by means of training courses, in accordance with directions of the Secretary of State.

(2) Training courses shall be such as will foster personal responsibility and an inmate's interests and skills and improve his prospects of finding suitable employment after release.

(3) Training courses shall, so far as practicable, be such as to enable inmates to acquire suitable qualifications.

Work

37.—(1) Work shall, so far as practicable, be such as will foster personal responsibility and an inmate's interests and skills and help him to prepare for his return to the community.

(2) No inmate shall be set to do work of a kind not authorised by the Secretary of State.

Physical education

38.—(1) Provision shall be made at a young offender institution for the physical education of inmates within the normal working week, as well as evening and weekend physical recreation. The physical education activities shall be such as will foster personal responsibility and an inmate's interests and skills and encourage him to make good use of his leisure on release.

(2) Arrangements shall be made for each inmate, other than one to whom paragraph (4) of this rule applies, to participate in physical education for at least two hours a week on average or, in the case of inmates detained in such institutions or parts of institutions as the Secretary of State may direct, for at least 1 hour each weekday on average, but outside the hours allotted to education under rule 35(2) in the case of an inmate of compulsory school age.

(3) In the case of an inmate with a need for remedial physical activity, appropriate facilities shall be provided.

(4) A female inmate aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default and who is detained in a young offender institution instead of a prison shall, if not engaged in outdoor work or detained in an open institution, be given the opportunity of exercise in the open air for not less than one hour in all, each day, if weather permits; but the Secretary of State may in special circumstances authorise the reduction of the period aforesaid to half an hour a day:

Provided that exercise consisting of physical education may be given indoors instead of in the open air.

Outside contacts

39.—(1) The governor shall encourage links between the young offender institution and the community by taking steps to establish and maintain relations with suitable persons and agencies outside the institution.

(2) The governor shall ensure that special attention is paid to the maintenance of such relations between an inmate and his family as seem desirable in the best interests of both.

(3) Subject to any directions of the Secretary of State, an inmate shall be encouraged, as far as practicable, to participate in activities outside the young offender institution which will be of benefit to the community or of benefit to the inmate in helping him to prepare for his return to the community.

After-care

40.—(1) From the beginning of his sentence, consideration shall be given, in consultation with the appropriate supervising service, to an inmate's future and the help to be given to him in preparation for and after his return to the community.

(2) Every inmate who is liable to supervision after release shall be given a careful explanation of his liability and the requirements to which he will be subject while under supervision.

Discipline and control

Maintenance of order and discipline

41.—(1) Order and discipline shall be maintained, but with no more restriction than is required in the interests of security and well-ordered community life.

(2) In the control of inmates, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.

Custody outside a young offender institution

42.—(1) A person being taken to or from a young offender institution in custody shall be exposed as little as possible to public observation and proper care shall be taken to protect him from curiosity and insult.

(2) An inmate required to be taken in custody anywhere outside a young offender institution shall be kept in the custody of an officer appointed under section 3 of the Prison Act 1952(a) or of a police officer.

(3) An inmate required to be taken in custody to any court shall wear his own clothing or clothing different from the dress worn at any institution to which the Prison Act 1952 applies.

Search

43.—(1) Every inmate shall be searched when taken into custody by an officer, on his reception into a young offender institution and subsequently as the governor thinks necessary.

(2) An inmate shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No inmate shall be stripped and searched in the sight of another inmate or in the sight or presence of an officer not of the same sex.

(4) An inmate shall be searched only by an officer of the same sex.

Record and photograph

44.—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Secretary of State may direct, but no part of the record shall be disclosed to any person not authorised to receive it.

(a) 1952 c.52.

(2) Every inmate may be photographed on reception and subsequently, but no copy of the photograph shall be given to any person not authorised to receive it.

Inmates' property

45.—(1) Anything, other than cash, which an inmate has at a young offender institution and which he is not allowed to retain for his own use shall be taken into the governor's custody.

(2) Any cash which an inmate has at a young offender institution shall be paid into an account under the control of the governor and the inmate shall be credited with the amount in the books of the institution.

(3) Any article belonging to an inmate which remains unclaimed for a period of more than 3 years after he is released, or dies, may be sold or otherwise disposed of; and the net proceeds of any sale shall be paid to the National Association for the Care and Resettlement of Offenders, for its general purposes.

(4) The governor may confiscate any unauthorised article found in the possession of an inmate after his reception into a young offender institution, or concealed or deposited within a young offender institution.

Removal from association

46.—(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that an inmate should not associate with other inmates, either generally or for particular purposes, the governor may arrange for the inmate's removal from association accordingly.

(2) An inmate shall not be removed under this rule for a period of more than 24 hours without the authority of a member of the board of visitors or of the Secretary of State. An authority given under this paragraph shall in the case of a female inmate aged 21 years or over, be for a period not exceeding one month and, in the case of any other inmate, be for a period not exceeding 14 days, but may be renewed from time to time for a like period.

(3) The governor may arrange at his discretion for such an inmate as aforesaid to resume association with other inmates, and shall do so if in any case the medical officer so advises on medical grounds.

Use of force

47.—(1) An officer in dealing with an inmate shall not use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke an inmate.

Temporary confinement

48.—(1) The governor may order an inmate who is refractory or violent to be confined temporarily in a special cell or room, but an inmate shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A cell or room shall not be used for the purpose of this rule unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that it is suitable for the purpose, that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.

(3) In relation to any young offender institution, section 14(6) of the Prison Act 1952 shall have effect so as to enable the provision of special rooms instead of special cells for the temporary confinement of refractory or violent inmates.

Restraints

49.—(1) The governor may order an inmate, other than an inmate aged less than 17, to be put under restraint where this is necessary to prevent the inmate from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to a member of the board of visitors and to the medical officer.

(3) On receipt of the notice the medical officer shall inform the governor whether he concurs in the order. The governor shall give effect to any recommendation which the medical officer may make.

(4) An inmate shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by a member of the board of visitors or by an officer of the Secretary of State (not being an officer of a young offender institution). Such a direction shall state the grounds for the restraint and the time during which it may continue.

(5) Particulars of every case of restraint under the foregoing provisions of this rule shall be forthwith recorded.

(6) Except as provided by this rule no inmate shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer. No inmate shall be put under restraint as a punishment.

(7) Any means of restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.

Offences against discipline

50. An inmate shall be guilty of an offence against discipline if he—

(1) mutinies or incites another inmate to mutiny;

(2) does gross personal violence to an officer;

(3) does gross personal violence to any person not being an officer;

(4) commits any assault;

(5) absconds from a young offender institution or from legal custody;

(6) absents himself without permission from any place where he is required to be, whether within or outside a young offender institution;

(7) has in his possession or in his cell or room any unauthorised article, or attempts to obtain such an article;

(8) delivers to or receives from any person any unauthorised article;

(9) sells or delivers to any person, without permission, anything he is allowed to have only for his own use;

(10) takes improperly or is in unauthorised possession of any article belonging to another person or to a young offender institution;

(11) wilfully damages or disfigures any part of the institution or any property not his own;

(12) makes any false and malicious allegation against an officer;

(13) treats with disrespect an officer or any person visiting a young offender institution;

(14) uses any abusive, insolent, threatening or other improper language;

(15) is indecent in language, act or gesture;

(16) repeatedly makes groundless complaints;

(17) is idle, careless or negligent at work or refuses to work;

(18) disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the institution;

- (19) attempts to do any of the foregoing things;
- (20) in any way offends against good order and discipline; or
- (21) does not return to a young offender institution when he should have returned after being temporarily released under rule 6 of these rules, or does not comply with any condition upon which he was so released.

Disciplinary charges

51.—(1) Where an inmate is to be charged with an offence against discipline, the charge shall be laid as soon as possible.

(2) An inmate who is to be charged with an offence against discipline may be kept apart from other inmates pending adjudication.

(3) Every charge shall be inquired into, in the first instance, by the governor.

(4) Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Sunday or public holiday, after it is laid.

Rights of inmates charged

52.—(1) Where an inmate is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.

(2) At any inquiry into a charge against an inmate he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

Governor's awards

53. Subject to the provisions of rules 54 and 60(i) of these rules, the governor may make any one or more of the following awards for an offence against discipline:—

- (a) caution;
- (b) forfeiture for a period not exceeding 14 days of any of the privileges under rule 7 of these rules;
- (c) removal for a period not exceeding 14 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 34, 35, 36, 37 and 38 of these rules;
- (d) extra work outside the normal working week for a period not exceeding 14 days and for not more than 2 hours on any day;
- (e) stoppage of earnings for a period not exceeding 14 days;
- (f) confinement to a cell or room for a period not exceeding 3 days;
- (g) removal from his wing or living unit for a period not exceeding 14 days;
- (h) forfeiture of remission of a period not exceeding 28 days.

Graver offences

54.—(1) Where an inmate is charged with any of the following offences against discipline:—

- (a) mutiny or incitement to mutiny,
- (b) doing gross personal violence to an officer or to any other person, or
- (c) assaulting an officer,

the governor shall, unless he dismisses the charge, forthwith inform the Secretary of State and shall, unless otherwise directed by him, refer the charge to the board of visitors.

(2) Where an inmate is charged with any serious or repeated offence against discipline for which the awards the governor can make seem insufficient, the governor may, after investigation, refer the charge to the board of visitors.

(3) Where a charge is referred to the board of visitors under this rule, the chairman thereof shall summon a special meeting at which not more than 5 nor fewer than 2 members shall be present.

(4) The board so constituted shall inquire into the charge, and, if they find the offence proved, shall, subject to the provisions of rule 60(ii) of these rules, make one or more of the following awards:—

- (a) caution;
- (b) forfeiture for a period not exceeding 28 days of any of the privileges under rule 7 of these rules;
- (c) removal for a period not exceeding 28 days from any particular activity or activities of the young offender institution, other than, training courses, work, education and physical education in accordance with rules 34, 35, 36, 37 and 38 of these rules;
- (d) extra work outside the normal working week for a period not exceeding 28 days and for not more than 2 hours on any day;
- (e) stoppage of earnings for a period not exceeding 28 days;
- (f) confinement to a cell or room for a period not exceeding 7 days;
- (g) removal from his wing or living unit for a period not exceeding 28 days;
- (h) forfeiture of remission of a period not exceeding, in the case of a charge referred to the board under paragraph (1) of this rule, 180 days, and in the case of a charge so referred under paragraph (2) of this rule, 90 days.

(5) The Secretary of State may require any charge to which this rule applies to be referred to him, instead of to the board of visitors, and in that case an officer of the Secretary of State (not being an officer of a young offender institution) shall inquire into the charge and, if he finds the offence proved, shall, subject to the provisions of rule 60(ii) of these rules, make one or more of the awards listed in paragraph (4) of this rule.

Stoppage of earnings

55. An award of stoppage of earnings may, instead of forfeiting all an inmate's earnings for a specified period not exceeding 14, 28 or 56 days, as the case may be, be expressed so as to forfeit a proportion (not being less than one-half) of his earnings for a specified period not exceeding a correspondingly greater number of days.

Confinement to a cell or room

56.—(1) No award of confinement to a cell or room shall be made unless the medical officer has certified that the inmate is in a fit state of health to be so dealt with.

(2) No cell or room shall be used as a detention cell or room for the purpose of an award of confinement to a cell or room unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that it is suitable for the purpose, that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.

Removal from wing or living unit

57. On an award of removal from his wing or living unit, an inmate shall be accommodated in a separate part of the young offender institution under such restrictions of earnings and activities as the Secretary of State may direct.

Suspended awards

58.—(1) Subject to any directions of the Secretary of State, the power to make a disciplinary award (other than a caution) shall include power to direct that the award is not to take effect unless, during a period specified in the direction (not being more than 6 months from the date of the direction), the inmate commits another offence against discipline and a direction is given under paragraph (2) below.

(2) Where an inmate commits an offence against discipline during the period specified in a direction given under paragraph (1) above, the person or board dealing with that offence may—

- (a) direct that the suspended award shall take effect; or
- (b) reduce the period or amount of the suspended award and direct that it shall take effect as so reduced; or
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than 6 months from the date of variation; or
- (d) give no direction with respect to the suspended award.

Remission and mitigation of awards

59.—(1) The Secretary of State may remit a disciplinary award or mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

(2) Subject to any directions of the Secretary of State, the governor may remit or mitigate any award made by a governor and the board of visitors may remit or mitigate any disciplinary award.

Adult female inmates: disciplinary awards

60. In the case of a female inmate aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default—

- (i) rule 53 of these rules shall not apply, and the governor may instead make any one or more of the following awards for an offence against discipline:—
 - (a) caution;
 - (b) forfeiture for a period not exceeding 28 days of any of the privileges under rule 7 of these rules;
 - (c) removal for a period not exceeding 14 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 34, 35, 36, 37 and 38 of these rules;
 - (d) extra work outside the normal working week for a period not exceeding 14 days and for not more than 2 hours on any day;
 - (e) stoppage of earnings for a period not exceeding 28 days;
 - (f) confinement to a cell or room for a period not exceeding 3 days;
 - (g) forfeiture of remission of a period not exceeding 28 days;
- (ii) paragraph (4) of rule 54 of these rules shall not apply and instead, where the board constituted in accordance with the provisions of paragraph (3) of that rule, or an officer of the Secretary of State acting in accordance with the provisions of paragraph (5) of that rule, finds a graver offence against discipline proved, they or he shall make one or more of the following awards:—
 - (a) caution;
 - (b) forfeiture for any period of any of the privileges under rule 7 of these rules;
 - (c) stoppage of earnings for a period not exceeding 56 days;
 - (d) confinement to a cell or room for a period not exceeding 56 days;
 - (e) forfeiture of remission of a period not exceeding 180 days, except in the case of an offence of mutiny or incitement to mutiny or doing gross personal violence to an officer when an award of forfeiture of remission may be of a period exceeding 180 days.

PART III

OFFICERS OF YOUNG OFFENDER INSTITUTIONS

General duty of officers

61.—(1) It shall be the duty of every officer to conform to these rules and the rules and regulations of the young offender institution, to assist and support the governor in their maintenance and to obey his lawful instructions.

(2) An officer shall inform the governor promptly of any abuse or impropriety which comes to his knowledge.

Gratuities forbidden

62. No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his office.

Search of officers

63. An officer shall submit himself to be searched in a young offender institution if the governor so directs.

Transactions with inmates

64.—(1) No officer shall take part in any business or pecuniary transaction with or on behalf of an inmate without the leave of the Secretary of State.

(2) No officer shall, without authority, bring in or take out, or attempt to bring in or take out, or knowingly allow to be brought in or taken out, to or for an inmate, or deposit in any place with intent that it shall come into the possession of an inmate, any article whatsoever.

Contact with former inmates, etc.

65. No officer shall, without the knowledge of the governor, communicate with any person who he knows to be a former inmate or a relative or friend of an inmate or former inmate.

Communications to the press, etc.

66.—(1) No officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning matters which have become known to him in the course of his duty.

(2) No officer shall, without authority, publish any matter or make any public pronouncement relating to the administration of any institution to which the Prison Act 1952(a) applies or to any of its inmates.

Quarters

67. An officer shall occupy any quarters which may be assigned to him.

Code of discipline

68. The Secretary of State may approve a code of discipline to have effect in relation to officers, or such classes of officers as it may specify, setting out the offences against discipline, the awards which may be made in respect of them and the procedure for dealing with charges.

(a) 1952 c.52.

PART IV

PERSONS HAVING ACCESS TO A YOUNG OFFENDER INSTITUTION

Prohibited articles

69. No person shall, without authority, convey into or throw into or deposit in a young offender institution, or convey to an inmate, or deposit in any place with intent that it shall come into the possession of an inmate, any article whatsoever. Anything so conveyed, thrown or deposited may be confiscated by the governor.

Control of persons and vehicles

70.—(1) Any person or vehicle entering or leaving a young offender institution may be stopped, examined and searched.

(2) The governor may direct the removal from a young offender institution of any person who does not leave on being required to do so.

Viewing of young offender institutions

71.—(1) No outside person shall be permitted to view a young offender institution unless authorised by statute or the Secretary of State.

(2) No person viewing a young offender institution shall be permitted to take a photograph, make a sketch or communicate with an inmate unless authorised by statute or the Secretary of State.

PART V

BOARDS OF VISITORS

Disqualification for membership

72. Any person interested in any contract for the supply of goods or services to a young offender institution shall not be a member of the board of visitors for that institution.

Appointment

73.—(1) A member of the board of visitors for a young offender institution appointed by the Secretary of State under section 6(2) of the Prison Act 1952 shall hold office for 3 years or such less period as the Secretary of State may appoint.

(2) When a board is first constituted, the Secretary of State shall appoint one of its members to be chairman for a period not exceeding twelve months.

(3) Subject to paragraph (2) of this rule, at their first meeting in any year of office the board shall appoint one of their number to be chairman for that year, and thereafter shall fill any casual vacancy in that office promptly.

(4) The board may appoint one of their number to be vice-chairman to hold office for the remainder of the period for which the chairman was appointed.

Proceedings of boards

74.—(1) The board of visitors for a young offender institution shall meet at the institution at least once a month.

(2) The board may fix a quorum of not fewer than 3 members for proceedings other than those under rule 54 of these rules.

(3) The board shall keep minutes of their proceedings.

(4) The proceedings of the board shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

General duties of boards

75.—(1) The board of visitors for a young offender institution shall satisfy themselves as to the state of the premises, the administration of the institution and the treatment of the inmates.

(2) The board shall inquire into and report upon any matter into which the Secretary of State asks them to inquire.

(3) The board shall direct the attention of the governor to any matter which calls for his attention, and shall report to the Secretary of State any matters which they consider it expedient to report.

(4) The board shall inform the Secretary of State immediately of any abuse which comes to their knowledge, and shall have power in any case of urgent necessity to suspend any officer until the decision of the Secretary of State is known.

(5) Before exercising any power under these rules (other than rules 54, 59 and 60(ii)), the board and any member of the board shall consult the governor in relation to any matter which may affect discipline.

Particular duties

76.—(1) The board of visitors for a young offender institution and any member of the board shall hear any complaint or request which an inmate wishes to make to them or him.

(2) The board shall arrange for the food of the inmates to be inspected by a member of the board at frequent intervals.

(3) The board shall inquire into any report made to them, whether or not by a member of the board, that an inmate's health, mental or physical, is likely to be injuriously affected by any conditions of his detention.

Members visiting young offender institutions

77.—(1) The members of the board of visitors for a young offender institution shall visit the institution frequently, and the board shall arrange a rota for the purpose.

(2) A member of the board shall have access at any time to every part of the institution and to every inmate, and he may interview any inmate out of the sight and hearing of officers.

(3) A member of the board shall have access to the records of the young offender institution.

Annual report

78. The board of visitors for a young offender institution shall make an annual report to the Secretary of State at the end of each year concerning the state of the institution and its administration, including in it any advice and suggestions they consider appropriate.

PART VI
SUPPLEMENTAL

Delegation by governor

79. The governor of a young offender institution may, with the leave of the Secretary of State, delegate any of his powers and duties under these rules to another officer of that institution.

Transitional

80. In the case of an inmate who, by virtue of paragraph 12 of Schedule 8 to the Criminal Justice Act 1988(a), falls to be treated for all purposes of detention, release and supervision as if he had been sentenced to detention in a young offender institution or who, under paragraph 13 of the said Schedule 8, is detained in such an institution, any award for an offence against discipline made in respect of him under rule 53 or 54 of the Detention Centre rules 1983(b) or rule 53 or 54 of the Youth Custody Centre rules 1983(c) shall, if it has not been exhausted or remitted, continue to have effect as if it had been made under rule 53 or 54, respectively, of those rules.

Home Office
5th August 1988

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

SCHEDULE
INSTRUMENTS REVOKED

The Detention Centre rules 1983 (S.I. 1983/569).

 c Youth Custody Centre rules 1983 (S.I. 1983/570).

The Detention Centre (Amendment) rules 1987 (S.I. 1987/1255).

The Youth Custody Centre (Amendment) rules 1987 (S.I. 1987/1257).

(a) 1988 c. . (b) S.I. 1983/569. (c) S.I. 1983/570.

EXPLANATORY NOTE

(This note is not part of the rules)

These rules make provision for the management of young offender institutions provided under section 43 of the Prison Act 1952 as amended by section 11 of the Criminal Justice Act 1982 and Schedules 8 and 15 to the Criminal Justice Act 1988 which comes into force on 1st October 1988 (S.I. 1988/1408). They replace the Detention Centre rules 1983 (S.I. 1983/569) and the Youth Custody rules 1983 (S.I. 1983/570), as amended. They include provision for the treatment, occupation, discipline and control of inmates who may be detained therein, the conduct of officers of young offender institutions and the constitution, powers and duties of boards of visitors.

Rule 3 contains the aims and general principles of young offender institutions and rules 34 to 40 contain more detailed provisions regulating the regime. The provisions of the rules are generally similar in substance to those of the Youth Custody rules 1983, with some modifications to take account of the fact that the new sentence replaces both the detention centre order and the youth custody sentence. rule 43 provides that an inmate may not be stripped and searched either in the sight of another inmate or in the sight or presence of an officer not of the same sex.

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ISBN 0 11 087422 6