STATUTORY INSTRUMENTS

2015 No. 1638

PRISONS, ENGLAND AND WALES
YOUNG OFFENDER INSTITUTIONS, ENGLAND AND WALES

The Prison and Young Offender Institution (Amendment) Rules 2015

Made - - - - 27th August 2015

Laid before Parliament 3rd September 2015

Coming into force in accordance with Rule 1(2) and (3)

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) of the Prison Act 1952(**1**).

Citation and commencement

1.—(1) These Rules may be cited as the Prison and Young Offender Institution (Amendment) Rules 2015.

(2) These Rules come into force on 4th September 2015, except as provided for in paragraph (3).

(3) In so far as they insert rule 45(2B) and (2C) of the Prison Rules 1999(**2**) and rule 49(2B) and (2C) of the Young Offender Institution Rules 2000(**3**), rules 2(3) and 3(3) come into force on 16th October 2015.

Amendment of the Prison Rules 1999

2.—(1) Rule 45 (removal from association) of the Prison Rules 1999 is amended as follows.

(2) In paragraph (1), for "accordingly" substitute "for up to 72 hours".

(3) For paragraph (2)(**4**) substitute—

"(2) Removal for more than 72 hours may be authorised by the governor in writing who may authorise a further period of removal of up to 14 days.

(**1**) 1952 c. 52. Section 47(1) was amended by section 6 of the Criminal Justice and Public Order Act 1994 (c. 33).
(**2**) S.I. 1999/728.
(**3**) S.I. 2000/3371.
(**4**) Rule 45(2) was substituted by S.I. 2005/3437.

(2A) Such authority may be renewed for subsequent periods of up to 14 days.

(2B) But the governor must obtain leave from the Secretary of State in writing to authorise removal under paragraph (2A) where the period in total amounts to more than 42 days starting with the date the prisoner was removed under paragraph (1).

(2C) The Secretary of State may only grant leave for a maximum period of 42 days, but such leave may be renewed for subsequent periods of up to 42 days by the Secretary of State.".

(4) In paragraph (3)(**5**) omit ", and in exercising that discretion the governor must fully consider any recommendation that the prisoner resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the prison".

(5) After paragraph (3) insert—

"(3A) In giving authority under paragraphs (2) and (2A) and in exercising the discretion under paragraph (3), the governor must fully consider any recommendation that the prisoner resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the prison.".

Amendment of the Young Offender Institution Rules 2000

3.—(1) Rule 49 (removal from association) of the Young Offender Institution Rules 2000 is amended as follows.

(2) In paragraph (1), for "accordingly" substitute "for up to 72 hours".

(3) For paragraph (2)(**6**) substitute—

"(2) Removal for more than 72 hours may be authorised by the governor in writing who may authorise a further period of removal of up to 14 days.

(2A) Such authority may be renewed for subsequent periods of up to 14 days.

(2B) But the governor must obtain leave from the Secretary of State in writing to authorise removal under paragraph (2A) where the period in total amounts to more than 42 days starting with the date the inmate was removed under paragraph (1).

(2C) The Secretary of State may only grant leave for a maximum period of 42 days, but such leave may be renewed for subsequent periods of up to 42 days by the Secretary of State.".

(4) In paragraph (3)(**7**) omit ", and in exercising that discretion the governor must fully consider any recommendation that the inmate resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the young offender institution".

(5) After paragraph (3) insert—

"(4) In giving authority under paragraphs (2) and (2A) and in exercising the discretion under paragraph (3), the governor must fully consider any recommendation that the inmate resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the young offender institution.".

(**5**) Rule 45(3) was substituted by S.I. 2005/3437 and amended by S.I. 2009/3082.
(**6**) Rule 49(2) was substituted by S.I. 2005/3438.
(**7**) Rule 49(3) was substituted by S.I. 2005/3438 and amended by S.I. 2009/3082.