STATUTORY RULES OF NORTHERN IRELAND

2004 No. 4

PRISON AND YOUNG OFFENDERS CENTRES

The Prison and Young Offenders Centre (Amendment) Rules (Northern Ireland) 2004

Made - - - -	*7th January 2004*
Laid before Parliament	*9th January 2004*
Coming into operation	*1st February 2004*

The Secretary of State in exercise of the powers conferred on him by section 13(1) of the Prison Act (Northern Ireland) 1953(**1**), as extended by section 2 of the Treatment of Offenders Act (Northern Ireland) 1968(**2**), hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Prison and Young Offenders Centre (Amendment) Rules (Northern Ireland) 2004 and shall come into operation on 1st February 2004.

(2) In these Rules "the principal rules" means the Prison and Young Offenders Centre Rules (Northern Ireland) 1995(**3**).

Application of the principal rules to separated prisoners

2. After paragraph (5) of rule 3 of the principal rules insert –

"(6) These Rules shall apply to separated prisoners, subject to Part XIIIA.".

Interpretation in the principal rules

3. In rule 4 of the principal rules insert the following at the appropriate places:

""Commissioner" means a Commissioner appointed under section 2(2) of the Act, for the purpose of hearing referrals under rule 109B;"(**4**)

""separated prisoner" means a prisoner who has applied to be accommodated in separated conditions, whom the Secretary of State considers should be held in those conditions for reasons of security, safety, good order or discipline and who is so held;".

(**1**) 1953 c. 18 (N.I.) as amended by S.I.1973/2163
(**2**) 1968 c. 29 (N.I.) as amended by S.I. 1973/2163
(**3**) S.R. 1995/8 as amended by S.I. 1995/264, S.I. 1997/86, S.R. 2000/26 and S.R. 2001/221
(**4**) Rule 109B is inserted below by rule 8 of these Rules

Amendment of rule 30 of the principal rules

4. Rule 30(3) and (4) of the principal rules are omitted.

Offences against prison discipline

5. After paragraph (23) of rule 38 of the principal rules insert –

"(23A) Wears an item of clothing, or wears, carries or displays an article in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or a supporter of a proscribed organisation within the meaning of section 3 of the Terrorism Act 2000(**5**);

(23B) without reasonable excuse wears any hood, mask, or other article made, adapted or used for concealing his identity or features;".

Increase in level of governor's awards

6.—(1) Rule 39 of the principal rules is amended as follows –

(a) paragraph (1)(b) is omitted;

(b) in paragraph (1)(c) for "28" substitute "56";

(c) in paragraph (1)(d) for "28" substitute "42";

(d) in paragraph (1)(f) for "3" substitute "14".

(2) Rule 95 of the principal rules is amended as follows –

(a) paragraph (2)(b) is omitted;

(b) in paragraph (2)(c) for "14" substitute "28";

(c) in paragraph (2)(f) for "3" substitute "7".

(3) The amendments made by paragraph (1)(b), (c) and (d) and paragraph (2)(b) and (c) of this rule apply only in respect of offences against prison discipline committed after the coming into force of this rule.

Revocation of rule 42 of the principal rules

7. Rule 42 of the principal rules is omitted.

New Part XIIIA: Separated prisoners

8. After Part XIII of the principal rules insert –

"PART XIIIA

separated prisoners

Rules not applying to separated prisoners

109A. The following rules shall not apply to separated prisoners:

(a) rule 2(d) and (e);

(b) rule 51(1) and (5);

(c) rule 52(4);

(**5**) 2000 c. 11