1982 No. 170

PRISONS

The Prison Rules (Northern Ireland) 1982

Made . . . . . *3rd June 1982*

Coming into operation . . . . *1st September 1982*

To be laid before Parliament

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The Secretary of State in pursuance of section 13 of the Prison Act (Northern Ireland) 1953(**a**), as extended by section 2 of the Treatment of Offenders Act (Northern Ireland) 1968(**b**), hereby makes the following rules—

PART I
PRELIMINARY

Citation and commencement

1. These rules may be cited as the Prison Rules (Northern Ireland) 1982 and shall come into operation on 1st September 1982.

(**a**) 1953 c. 18 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(**b**) 1968 c. 29 (N.I.) as modified by S.I. 1973/2163

Interpretation and application

2.—(1) In these rules—

"board of visitors" means a board of visitors appointed for a prison under section 10 of the Act;

"chaplain" means a minister of any religious denomination appointed under section 9(1) of the Act;

"chief medical officer" means the chief medical officer of the Department of Health and Social Services;

"code of discipline" means, in relation to an officer, the code of discipline approved by the Secretary of State under rule 94;

"legal adviser" means, in relation to a prisoner, the prisoner's counsel or solicitor;

"medical officer" means the officer, being a registered medical practitioner, appointed by the Secretary of State to perform the functions of that officer;

"officer" means an officer of a prison;

"privilege" means any of the privileges under rule 6;

"the Act" means the Prison Act (Northern Ireland) 1953.

(2) Subject to paragraph (3) and to rule 35, nothing in these rules shall apply to a young offenders centre or a person detained in such a centre.

(3) Subject to paragraph (4), where a person ordered to be detained in a young offenders centre is kept in custody in a prison other than such a centre until arrangements are made for his transfer to a centre, any disciplinary award made under these rules in respect of any offence against discipline committed by him while in such custody shall have effect as if made under any rules applying to the centre to which he is transferred to the extent (if any) that the award has not been exhausted at the time of such transfer.

(4) No award shall have effect by virtue of paragraph (3) to the extent, if any, that the award made was more severe than could, at the time it was made, have been made under the rules applying to the centre.

Revocations

3. The rules specified in the Schedule are revoked.

PART II

CLASSIFICATION, TRAINING AND PRIVILEGES

Application of Parts II – VIII

4. Parts II to VIII have effect subject to Parts IX and X (untried prisoners and prisoners committed for contempt, etc.).

Classification

5.—(1) Prisoners may be classified, in accordance with any directions by the Secretary of State, having regard to their age, temperament and record.

(2) The governor may transfer a prisoner to another class if he considers it necessary to do so with a view to maintaining good order and discipline or to facilitate training.

(3) Nothing under this rule shall require a prisoner to be deprived unduly of the society of other persons.

Privileges and earnings

6. There shall be established at every prison systems of privileges approved by the Secretary of State and appropriate to the classes of prisoners there which shall include arrangements under which money earned by prisoners in prison may be spent by them within the prison.

PART III

ACCOMMODATION

Sleeping accommodation

7.—(1) Sleeping accommodation for prisoners shall be such as is approved by the Secretary of State and shall be of such size and be lighted, warmed, ventilated and fitted in such a manner as is requisite for health.

(2) Such accommodation shall be provided with the means whereby prisoners locked therein can communicate at any time with an officer.

(3) Sleeping accommodation shall be provided for each prisoner in a separate room or cell, but where necessary the Secretary of State may authorise the accommodating of 2 or more prisoners in a room or cell.

Beds and bedding

8. Every prisoner shall be provided with a separate bed and with separate bedding adequate for warmth and health.

PART IV

RECEPTION, TRANSFER AND DISCHARGE

Search

9.—(1) Every prisoner shall be searched by an officer on reception into prison, and at such subsequent times as the governor may order subject to any direction of the Secretary of State.

(2) Any unauthorised article found during the search shall be taken from the prisoner.

(3) A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(4) A prisoner shall not be stripped and searched in the sight of another prisoner.

(5) A prisoner shall be searched only by, and only in the presence of, officers of the same sex as the prisoner.

Prisoners' property

10.—(1) Property which a prisoner has at a prison and which he is not allowed to retain for his own use shall, subject to paragraph (3), be taken into the governor's custody.

(2) An inventory of such property shall be kept and the prisoner shall be required to sign it after having a proper opportunity to see that it is correct.

(3) Any cash which a prisoner has at a prison shall be paid into an account under the control of the governor and the prisoner shall be credited with the amount in the books of the prison.

(4) Any article belonging to a prisoner which remains unclaimed for a period of more than one year after he leaves prison, or dies, may be sold or otherwise disposed of subject to any direction by the Secretary of State.