
STATUTORY INSTRUMENTS

2020 No. 400

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

**The Prison and Young Offender Institution
(Coronavirus) (Amendment) Rules 2020**

<i>Made</i>	- - - -	<i>5th April 2020</i>
		<i>at 11.00 a.m. on 6th</i>
<i>Laid before Parliament</i>		<i>April 2020</i>
		<i>at 12.01 a.m. on 6th</i>
<i>Coming into force</i>	- -	<i>April 2020</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) and (5) of the Prison Act 1952(1):

Citation and commencement

1. These Rules may be cited as the Prison and Young Offender Institution (Coronavirus) (Amendment) Rules 2020 and shall come into force at 12.01 a.m. on 6th April 2020.

Amendment of the Prison Rules 1999

- 2.—(1) The Prison Rules 1999(2) are amended as follows.
(2) After rule 9 (temporary release) insert the following—

“Coronavirus Restricted Temporary Release

9A.—(1) During a transmission control period, the Secretary of State may, in accordance with the other provisions of this rule, temporarily release a prisoner falling within a description specified in a direction made under this rule.

(1) 1952 c. 52. Section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2). Section 47(5) was amended by Schedule 4 to the Criminal Justice Act 1961 (c. 39), paragraph 33 of Schedule 8 to the Courts Act 1971 (c. 23), paragraph 7(b) of Schedule 14 to the Criminal Justice Act 1982 (c. 48), section 6(4) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(5) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2).
(2) S.I. 1999/728.

- (2) A prisoner may only be released under this rule (subject to paragraph (3)) if—
- (a) a transmission control period is in effect; and
 - (b) the prisoner is—
 - (i) a fixed term prisoner subject to release pursuant to section 244(3) of the 2003 Act; or
 - (ii) a fine defaulter or contemnor subject to release pursuant to section 258(4) of the 2003 Act; and
 - (c) the Secretary of State is satisfied that the temporary release is—
 - (i) for the purpose of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus; or
 - (ii) for the facilitation of the most appropriate deployment of personnel and resources in, or in connection with, prisons in England and Wales.
- (3) A prisoner must not be released under this rule if—
- (a) the prisoner would not be eligible for release on temporary licence under the following restrictions on rule 9 of these Rules (temporary release)—
 - (i) rule 9(1A) (prisoners with a relevant deportation status);
 - (ii) rule 9(6) (prisoners who have committed offences whilst at large following temporary release);
 - (iii) rule 9(9) (prisoners committed or remanded).
 - (b) the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003(5);
 - (c) the Secretary of State has classified the prisoner as Category A or restricted status in accordance with a direction under rule 7 (classification of prisoners).
- (4) A description specified in a direction under this rule may be framed by reference to whatever matters the Secretary of State considers appropriate.
- (5) A prisoner may be released under this rule for any period or periods and subject to any conditions.
- (6) In particular, the Secretary of State may impose a condition which requires the prisoner to—
- (a) report to a specified person at a specified place at a specified time;
 - (b) return to a prison at a specified time;
 - (c) comply with directions issued by the Secretary of State or another person.
- (7) A prisoner released under this rule may be recalled at any time whether the conditions of his release have been broken or not.
- (8) In this rule –
- “coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);

(3) Section 244 has been amended by sections 114(2) and 125(2) of, and paragraph 21 of Schedule 10, paragraph 6 of Schedule 14 and paragraph 2 of Schedule 17 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 9(2) of, and paragraph 18 of Schedule 3 to, the Offender Rehabilitation Act 2014 (c. 11), paragraph 5 of Schedule 1 to the Criminal Justice and Courts Act 2015 (c. 2) and section 2(3) of the Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3).

(4) Section 258 has been amended by sections 117(1) and (6), 121(6) and 125(4) of, and paragraphs 1 and 5 of Schedule 17, and paragraphs 1 and 8 of Schedule 20 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and section 6 of, and paragraphs 14 and 19 of Schedule 1 to, the Criminal Justice and Courts Act 2015 (c. 2).

(5) 2003 c. 42.

“the 2020 Act” means the Coronavirus Act 2020⁽⁶⁾;

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.

(3) In rule 51(8) (offences against discipline), after “under rule 9”, insert “or rule 9A”.

(4) In rule 51(9) (offences against discipline), after “under rule 9”, insert “or rule 9A”.

Amendment of the Young Offender Institution Rules 2000

3.—(1) The Young Offender Institution Rules 2000⁽⁷⁾ are amended as follows.

(2) After rule 5 (temporary release) insert—

“Coronavirus Restricted Temporary Release

5A.—(1) During a transmission control period, the Secretary of State may, in accordance with the other provisions of this rule, temporarily release an inmate falling within a description specified in a direction made under this rule.

(2) An inmate may only be released under this rule (subject to paragraph (3)) if—

(a) a transmission control period is in effect; and

(b) the inmate is—

(i) a fixed term prisoner subject to release pursuant to section 244 of the 2003 Act; or

(ii) a fine defaulter or contemnor subject to release pursuant to section 258 of the 2003 Act; or

(iii) serving a detention and training order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁸⁾; and

(c) the Secretary of State is satisfied that the temporary release is—

(i) for the purpose of preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus; or

(ii) for the facilitation of the most appropriate deployment of personnel and resources in, or in connection with, young offender institutions in England and Wales.

(3) An inmate must not be released under this rule if—

(a) the inmate would not be eligible for release on temporary licence under the following restrictions on rule 5 of these Rules (temporary release):

(i) rule 5(1A) (inmates with a relevant deportation status);

(ii) rule 5(7) (inmates who have committed offences whilst at large following temporary release);

(iii) rule 5(9) (inmates committed or remanded);

(b) the inmate is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.

⁽⁶⁾ 2020 c. 7.

⁽⁷⁾ S.I. 2000/3371, amended by S.I. 2014/2169. There are other amending instruments but none is relevant.

⁽⁸⁾ 2000 c. 6. Section 100 has been amended by paragraph 111(2)(a) and (b) of Schedule 32 and paragraph 1 of Schedule 37(7) to the Criminal Justice Act 2003 (c. 44), paragraph 13 of Schedule 21 and paragraph 11 of Schedule 26 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), paragraph 5 of Schedule 5 to the Criminal Justice and Courts Act 2015 (c. 2).

(4) A description specified in a direction under this rule may be framed by reference to whatever matters the Secretary of State considers appropriate.

(5) An inmate may be released under this rule for any period or periods and subject to any conditions.

(6) In particular, the Secretary of State may impose a condition which requires the inmate to—

- (a) report to a specified person at a specified place at a specified time;
- (b) return to custody at a specified time;
- (c) comply with directions issued by the Secretary of State or another person.

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

(8) In this rule—

“coronavirus” has the meaning given by section 1 of the 2020 Act (meaning of “coronavirus” and related terminology);

“the 2020 Act” means the Coronavirus Act 2020;

“transmission control period” has the meaning given by paragraph 5 of Schedule 21 to the 2020 Act.”.

(3) In rule 55(9) (offences against discipline), after “under rule 5”, insert “or rule 5A”.

(4) In rule 55(10) (offences against discipline), after “under rule 5”, insert “or rule 5A”.

5th April 2020

Lucy Frazer
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 (S.I. 1999/728) (“the 1999 Rules”) and the Young Offender Institution Rules 2000 (S.I. 2000/3371) (“the 2000 Rules”). The amendments provide for coronavirus restricted temporary release (“CRTR”) of certain offenders directed by the Secretary of State in response to the coronavirus pandemic.

Rule 2 inserts a new rule 9A into the 1999 Rules. This provides that, during a transmission control period, as defined in paragraph 5 of Schedule 21 to the Coronavirus Act 2020 (c. 7), the Secretary of State may issue a direction describing a class or classes of prisoners who will be released, for the purposes of managing coronavirus in the prison estate or managing appropriate prison staffing, and may then release those specified in a direction. Only fixed term prisoners who are eventually to be released on licence under section 244 of the Criminal Justice Act 2003, or fine defaulters or contemnors who are eventually to be released under section 258 of the Criminal Justice Act 2003 (excluding certain categories of prisoners listed in new paragraph (3)), are eligible for CRTR. Prisoners may only be released during a transmission control period.

Paragraphs (4), (5), (6) and (7) of new rule 9A set the parameters for release periods and conditions to which offenders will be subject on CRTR, including recall to custody at any time.

Paragraphs (3) and (4) of rule 2 makes consequential amendment to rule 51 to ensure breaches committed on CRTR are classified as offences against discipline.

Rule 3 inserts a new rule 5A into the 2000 Rules, which provides the same CRTR power and consequential provision for inmates serving their sentences in a young offender institution. Inmates serving a detention and training order will also be eligible for CRTR, subject to exclusions in new paragraph (3).

A full impact assessment will be produced for this instrument and published on the [legislation.gov.uk](https://www.legislation.gov.uk) website.