STATUTORY INSTRUMENTS

1974 No. 1923

BORSTAL INSTITUTIONS

The Borstal (Amendment) Rules 1974

Made - - -	*17th November* 1974
Laid before Parliament	*27th November* 1974
Coming into Operation	*1st January* 1975

In pursuance of section 47(1) of the Prison Act 1952(**a**), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Borstal (Amendment) Rules 1974 and shall come into operation on 1st January 1975.

(2) In these Rules, "the principal Rules" means the Borstal Rules 1964(**b**).

2. At the beginning of Rule 2(2) and of Rule 3(1) of the principal Rules (which relate to the allocation of inmates to borstals and borstal reception centres) there shall be inserted the words "Subject to any directions of the Secretary of State,".

3. For Rule 12 of the principal Rules (which relates to the determination of an inmate's religious denomination) there shall be substituted the Rule set out in Part I of the Schedule to these Rules.

4. In Rule 34(3) of the principal Rules (which requires an inmate's correspondence to be censored), for the word "shall" there shall be substituted the word "may".

5. In Rule 35(1)*(b)* of the principal Rules (which entitles an inmate to a visit once in eight weeks), for the word "eight" there shall be substituted the word "four".

6. In Rule 49*(d)* of the principal Rules (which relates to a governor's award of stoppage of earnings) for the words "14 days" there shall be substituted the words "28 days".

(**a**) 1952 c. 52.

(**b**) S.I. 1964/387 (1964 I, p. 505).

7. The following provisions of the principal Rules (which relate to restricted diet) shall be amended as follows:—

(*a*) in Rule 23(2), the words "under an award of restricted diet or" shall be omitted;

(*b*) in Rule 49, paragraph *(h)* shall be omitted; and

(*c*) in Rule 50(4), paragraph *(h)* shall be omitted.

8. For Rules 51 to 55 of the principal Rules there shall be substituted the Rules set out in Part II of the Schedule to these Rules.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
17th November 1974.

SCHEDULE

RULES TO BE SUBSTITUTED FOR RULES 12 AND 51 TO 55 OF THE PRINCIPAL RULES

Rule 3 PART I

Religious denomination

12. 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, but the Governor may, in a proper case and after due inquiry, direct that record to be amended.

Rule 8 PART II

Stoppage of earnings

51. An award of stoppage or earnings may, instead of forfeiting all an inmate's earnings for a specified period not exceeding 28 days, 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 room

52.—(1) No award of confinement to a 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 room shall be used as a detention room for the purpose of an award of confinement to a room unless it has been certified by an officer of the Secretary of State (not being an officer of a borstal) 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 house

53. On an award of removal from his house, an inmate shall be accommodated in a separate part of the borstal under such restrictions of earnings and activities as the Secretary of State may direct.

Suspended awards

54.—(1) Subject to any directions of the Secretary of State, the power to make a disciplinary award (other than a caution and an award of reduction in grade, or postponement of promotion to a higher grade) 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 3 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 3 months from the date of variation; or

(*d*) give no direction with respect to the suspended award.

Remission and mitigation of awards

55.—(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.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules make a number of amendments to the Borstal Rules 1964. The principal changes made are to abolish restricted diet as a punishment, to increase the governor's power to award stoppage of earnings, to allow any award of stoppage of earnings to be confined to a proportion of the earnings, but for a correspondingly longer period, and to make provision for suspended awards of punishment.

SI 1974/1923
ISBN 0-11-041923-5

