STATUTORY INSTRUMENTS

1976 No. 502

BORSTAL INSTITUTIONS

The Borstal (Amendment) Rules 1976

Made - - - -	*28th March* 1976
Laid before Parliament	*5th April* 1976
Coming into Operation	*26th April* 1976

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 1976 and shall come into operation on 26th April 1976.

(2) In these Rules, "the principal Rules" means the Borstal Rules 1964(b) as amended by the Borstal (Amendment) Rules 1974(c).

2. In Rule 11 of the principal Rules, paragraph (2) shall be omitted.

3. After Rule 37 of the principal Rules, there shall be inserted the Rule 37A set out in the Schedule to these Rules.

4. After paragraph (2) of Rule 41 of the principal Rules, there shall be inserted the following paragraph—

"(2A) Any article belonging to an inmate which remains unclaimed for a period of more than 3 years after he leaves Borstal, or dies, may be sold or otherwise disposed of; and the net proceeds of any sale shall be paid to the National Association for the Care and Resettlement of Offenders, for its general purposes.".

5.—(1) Rules 56 to 60 of the principal Rules (which make special provision in relation to certain appellants and other inmates) shall be omitted.

(2) In Rule 80(1), the definition of "appellant" shall be omitted.

6. In Rule 74(2), for the words "Rules 50 and 55" there shall be substituted the words "Rule 50".

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

Home Office,
Whitehall.
28th March 1976.

(a) 1952 c. 52.
(b) S.I. 1964/387 (1964 I, p. 571).
(c) S.I. 1974/1923 (1974 III, p. 6613).

SCHEDULE Rule 3

RULE 37A

Further facilities in connection with legal proceedings

37A.—(1) An inmate who is party to any legal proceedings may correspond with his legal adviser in connection with the proceedings and unless the governor has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under Rule 34(3) of these Rules.

(2) An inmate shall on request be provided with any writing materials necessary for the purposes of paragraph (1) of this Rule.

(3) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of such an inmate as aforesaid shall be afforded reasonable facilities for examining him in connection with the proceedings, and may do so out of hearing but in the sight of an officer.

(4) Subject to any directions of the Secretary of State, an inmate may correspond with a solicitor for the purpose of obtaining legal advice concerning any cause of action in relation to which the inmate may become a party to legal proceedings or for the purpose of instructing the solicitor to issue such proceedings.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Borstal Rules 1964 to remove the requirement that any part of premises used as a Borstal institution for women or girls must be in the charge and control of women officers (Rule 2); to provide for the disposal of things left behind by inmates (Rule 4); and to make further provision in relation to facilities for legal proceedings (Rule 37A in the Schedule). Rule 5 deletes the special rules relating to certain appellants, and this is partly consequential upon the new Rule 37A. The amendment made by Rule 6 enables a board of visitors to fix a quorum of 3 or more for business relating to the mitigation of disciplinary awards.

SI 1976/502
ISBN 0-11-060502-0

