BORSTAL INSTITUTIONS

The Borstal (No. 2) Rules, 1949

1949 No. 1283

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In pursuance of the power conferred on me by section fifty-two of the Criminal Justice Act, 1948(a), I hereby make the following Rules :—

PRELIMINARY

Application and interpretation.

1.—(1) These Rules apply to Borstal Institutions, hereinafter referred to as "Borstals", and to persons required to be detained therein, hereinafter referred to as "inmates".

(2) In these Rules unless the context otherwise requires words and expressions have the meanings respectively assigned to them as follows:—

"Chaplain" means a clergyman appointed chaplain under the Prison Acts, 1865 and 1877(b);

"Commissioners" means the Prison Commissioners, and "Assistant Commissioner" means a person appointed by the Secretary of State to assist the Prison Commissioners and to be an inspector of prisons;

"Housemaster" or "Housemistress" means a person assigned by the Commissioners to act as Assistant Governor in charge of a house;

"Legal adviser" means, in relation to an inmate, the inmate's counsel or solicitor, and includes a clerk authorized by his counsel or solicitor to interview the inmate;

"Minister" means a person appointed under section three of the Prison Ministers Act, 1863(c), as amended by the Prison Acts, 1865 to 1898;

"Officer" means an officer or servant of a Borstal;

(3) References to the Church of England include, in relation to a Borstal situated in Wales, or an inmate who is a member of the Church in Wales, reference to the Church in Wales.

(4) The Interpretation Act, 1889(d), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Citation and commencement.

2. These Rules may be cited as the Borstal (No. 2) Rules, 1949, and shall come into operation on the eighteenth day of July, 1949.

Revocation.

3. The Borstal Regulations made under subsection (2) of section four of the Prevention of Crime Act, 1908(e), and dated 6th March, 1936(f), 8th July, 1938(g), and 30th August, 1945(h), and the Borstal Rules made under section fifty-two of the Criminal Justice Act, 1948, and dated 24th January, 1949(i), are hereby revoked, but without prejudice to the continued operation in Borstals of the Code of Discipline for Prison Officers which was formulated by the Prison Commissioners on the 1st December, 1945, and approved by the Secretary of State on the 6th December, 1945.

(a) 11 & 12 Geo. 6. c. 58. (b) 28 & 29 Vict. c. 126 and 40 & 41 Vict. c. 21.
(c) 26 & 27 Vict. c. 79. (d) 52 & 53 Vict. c. 63.
(e) 8 Edw. 7. c. 59. (f) S.R. & O. 1936 (No. 191) I, p. 137.
(g) S.R. & O. 1938 (No. 678) I, p. 346. (h) S.R. & O. 1945 (No. 1107) I, p. 50.
(i) S.I. 1949 No. 94.

TRAINING

Purposes and methods.

4.—(1) The objects of training shall be to bring to bear every influence which may establish in the inmates the will to lead a good and useful life on release, and to fit them to do so by the fullest possible development of their character, capacities, and sense of personal responsibility.

(2) Methods of training may vary as between one Borstal and another, according to the needs of the different types of inmate allocated to them.

Reception centres.

5.—(1) A person sentenced to Borstal training shall be removed at the earliest possible date to a Borstal set aside as a Borstal reception centre.

(2) Arrangements shall be made at Borstal reception centres for—

(*a*) careful examination of each inmate, so that in the light of his history, character, and capacities he may be sent for training to the Borstal best suited to his character and requirements;

(*b*) such preliminary instruction as will best fit him for training in the Borstal to which he will be sent.

Classification.

6. In order to ensure so far as practicable the prevention of contamination and the best use of training facilities, the Commissioners shall arrange that each Borstal receives inmates who have been selected as suitable for that Borstal in age, character, and capacities.

Houses.

7.—(1) To enable members of the staff to exercise their personal influence on the character and development of individual inmates, and to understand the needs of each for the purposes of training, inmates of Borstals may be grouped in houses.

(2) A Housemaster shall be responsible to the Governor, with the assistance of a Matron and such other staff as may be appointed, for the administration of each house, and for the personal training of the inmates in his house.

Grading.

8.—(1) To encourage the progressive development of responsibility, and to assist in the assessment of fitness for release, inmates may be placed in such grades as the Commissioners approve.

(2) Promotion from grade to grade or reduction in grade otherwise than as an award for an offence against discipline shall be decided by the Governor with the advice of an institution board composed of such officers as the Commissioners determine.

(3) Inmates who have been promoted to an appropriate grade may be given positions of special responsibility and leadership.

Privileges.

9.—(1) There shall be established at every Borstal such system of privileges as the Commissioners approve in the interests of good conduct and training.

(2) Every such system shall include arrangements under which sums paid to inmates under these Rules may be spent on such articles and subject to such conditions as the Commissioners determine.

ACCOMMODATION

Sleeping accommodation.

10. No sleeping accommodation for inmates shall be used unless it is certified by a Commissioner or Assistant Commissioner to be of such size and to be lighted, warmed, ventilated, and fitted in such a manner as is requisite for health, and when such accommodation is

locked it shall be furnished with the means of enabling inmates to communicate at any time with an officer. If the certificate is cancelled, that accommodation shall not be so used unless and until it is again certified. The certificate shall specify the maximum number of inmates to be accommodated at any one time in any room and the number so specified shall not be exceeded without the authority of the Commissioners:

Provided that this Rule shall not apply when with the authority of the Commissioners inmates are temporarily accommodated under camp conditions.

Beds and bedding.

11. Every inmate shall be provided with a separate bed and with separate bedding adequate for warmth and health.

Reception and Removal

(i) *Reception*

Search.

12.—(1) Every inmate shall be searched when taken into custody by an officer, on reception at a Borstal, and at such subsequent times as may be directed, and all unauthorized articles shall be taken from him.

(2) The searching of an inmate shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3) No inmate shall be stripped and searched in the sight of another inmate.

(4) An inmate shall be searched only by officers of the same sex as the inmate.

Retention of property.

13. All money, clothing, or other effects belonging to an inmate which he is not allowed to retain shall be placed in the custody of the Governor, who shall keep an inventory thereof, which shall be signed by the inmate.

Recording of particulars, and photographing.

14.—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Commissioners determine.

(2) Every inmate may be photographed on reception and subsequently, but no copy of the photograph shall be given to a person who is not authorized to receive it.

Interview by Governor.

15. Every inmate shall as soon as possible after his reception be separately interviewed by the Governor.

Medical examination.

16. Every inmate shall, on the day of his reception, as soon as possible after his reception, be separately examined by the Medical Officer, who shall record the state of health of the inmate and such other particulars as may be directed:

Provided that when an inmate is received too late to be examined on the same day he shall be examined as soon as possible on the next day, and in any case within twenty-four hours of reception.

Babies.

17. Subject to such conditions as the Commissioners determine, a girl may have her baby with her in the Borstal during the normal period of lactation and longer if required in special circumstances, and the baby may be supplied with clothing and necessaries at the public expense.

(ii) *Information to inmates*

Providing and explaining information.

18. The Governor shall ensure that every inmate receives a careful explanation of these Rules and any other regulations of which he should have knowledge, including those relating to earnings and privileges, to the proper methods of submitting petitions to the Secretary of State and of making complaints, to food, clothing, bedding, and other necessaries, and to the disciplinary requirements of the Borstal, so that he may understand both his rights and his obligations.

(iii) *Removal*

Custody during removal, etc.

19. An inmate whom the Secretary of State has directed to be taken to any place shall while outside the Borstal be kept in the custody of officers of a Borstal or of prison officers:

Provided that an inmate directed to be brought before a court of summary jurisdiction may while outside the Borstal be in the custody of police officers.

Protection from public view.

20. When inmates are removed to or from a Borstal, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult or curiosity.

Final interview with Medical Officer.

21. An inmate shall, as short a time as is practicable before removal to another Borstal or any other place, be examined by the Medical Officer, and shall not be so removed unless the Medical Officer certifies that he is fit for removal.

(iv) *Parole*

Release on parole.

22.—(1) An inmate may be allowed by the Commissioners, on conditions and for reasons approved by them, to be temporarily absent from the Borstal on parole, for a stated length of time.

(2) If the Commissioners are satisfied that an inmate absent on parole has broken any of the said conditions, he shall, notwithstanding that the said length of time has not elapsed, be liable to be recalled to the Borstal, in like manner as a person released in accordance with the Second Schedule to the Criminal Justice Act, 1948(a), is liable to be recalled by reason of failure to comply with any requirement specified in the notice given to him under paragraph 2 of that Schedule.

(v) *Deaths of inmates*

Record of death.

23. The Medical Officer shall keep a record of the death of an inmate which shall include the following particulars:—

At what time the deceased was taken ill, when the illness was first notified to the Medical Officer, the nature of the illness, when the inmate died, and an account of the appearance after death (in cases where a *post mortem* examination is made), together with any special remarks that appear to him to be required.

Notice to Coroner, etc.

24. Upon the death of an inmate the Governor shall give immediate notice thereof to the Coroner having jurisdiction, to the Board of Visitors, and to the Commissioners.

(a) 11 & 12 Geo. 6. c. 58.

DISCIPLINE AND CONTROL

(i) *General*

General principles.

25. The purpose of Borstal training requires that every inmate, while conforming to the rules necessary for well-ordered community life, shall be able to develop his individuality on right lines with a proper sense of personal responsibility. Officers shall therefore, while firmly maintaining discipline and order, seek to do so by influencing the inmates through their own example and leadership and by enlisting their willing co-operation.

Removal from house.

26.—(1) If the Governor is satisfied that the behaviour of an inmate is such that, in the interests of his own training or of the good conduct of his house, he should be temporarily removed from normal community life, he may order the removal of the inmate from his house.

(2) Inmates removed from their houses shall be accommodated in a separate part of the Borstal under such restrictions of association, diet, earnings, and privileges as the Commissioners determine:

Provided that where diet is restricted it shall not be reduced below a nutritional standard adequate for health and strength at normal work.

(3) An inmate shall not be removed from his house under this Rule for longer than is necessary to achieve the purpose of the removal, and during this period every effort shall be made to ascertain the causes of the inmate's behaviour and to correct it.

Supervision by Governor.

27.—(1) The Governor shall exercise a close and constant personal supervision of the whole Borstal. He shall visit and inspect daily all parts of the Borstal where inmates are working or accommodated, and shall give special attention to every inmate who is a hospital patient.

(2) At least twice a fortnight the Governor shall during the night visit the Borstal and satisfy himself as to its state.

Performance of Governor's duties by other persons.

28.—(1) The Governor may depute any officer to act in his stead in his absence, and that officer shall in the Governor's absence perform all the duties of the Governor.

(2) The Governor may delegate to an Assistant Governor or Chief Officer such duties as from time to time the Commissioners approve.

Supervision, etc., of girls

29. Girls shall be attended only by women officers and if working under a male instructor shall be supervised by a woman officer.

Housemistresses.

30.—(1) Where part of a prison occupied by both men and women has been set aside as a Borstal for girls that part shall be in the charge of a Housemistress or other woman officer appointed for the purpose by the Commissioners, and the keys of all the locks of the Borstal shall be in her custody.

(2) She shall exercise a close and constant personal supervision over the whole of the Borstal; she shall visit and inspect daily all parts of the Borstal where girls are working or accommodated; and she shall give special attention to any girl who is sick or under restraint, confined to her room, or undergoing restricted diet.

(3) At least twice a fortnight she shall during the night visit the Borstal and satisfy herself as to its state.

(4) Whenever she is absent her duties shall be performed by a woman officer approved by the Governor, and that officer shall have all the powers and perform all the duties of the Housemistress or officer in charge.

Use of force.

31.—(1) No officer in dealing with inmates shall use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.

(2) No officer shall deliberately act in a manner calculated to provoke an inmate.

(ii) *Offences against discipline*

Governor to deal with reports.

32. No report against an inmate shall be dealt with by any officer except the Governor, or an officer who by virtue of Rule 28 has authority to deal with such reports.

Separation of reported inmates.

33. When an inmate has been reported for an offence the Governor may order him to be kept apart from other inmates pending adjudication.

Information to reported inmate.

34. An inmate shall, before a report against him is dealt with, be informed of the offence for which he has been reported and shall be given a proper opportunity of hearing the facts alleged against him and of presenting his case.

Unauthorized articles.

35. The Governor may deprive an inmate of any unauthorized article found in his cell or in his possession.

Offences.

36. An inmate shall be guilty of an offence against discipline if he—

(1) Disobeys any order of the Governor or other officer.

(2) Treats with disrespect any officer or any person authorized to visit the Borstal.

(3) Is idle, careless, or negligent at work, or refuses to work.

(4) Uses any abusive, insolent, threatening, or other improper language.

(5) Is indecent in language, act, or gesture.

(6) Commits any assault.

(7) Absents himself without permission from any place where he is required to be.

(8) Has in his room or possession any unauthorized article, or attempts to obtain such an article.

(9) Gives to or receives from any person any unauthorized article.

(10) Takes improperly or is in unauthorized possession of any article which is the property of the Borstal or of any other person.

(11) Wilfully disfigures or damages any part of the Borstal or any property which is not his own.

(12) Commits any nuisance.

(13) Escapes from the Borstal or from legal custody.

(14) Mutinies or incites other inmates to mutiny.

(15) Commits gross personal violence against any officer.

(16) Makes repeated and groundless complaints.

(17) In any way offends against good order and discipline.

(18) Attempts to do any of the foregoing things.

Investigation of offences, and awards by Governor.

37.—(1) The Governor shall investigate every offence against discipline, and determine thereupon and make one or more of the following awards :—

(*a*) removal of an inmate from his house ;

(*b*) deprivation of privileges for a period not exceeding twenty-eight days ;

(*c*) deprivation of association for a period not exceeding twenty-eight days ;

(*d*) stoppage of earnings for a period not exceeding fourteen days ;

(*e*) reduction in grade, or delay in promotion to a higher grade, for a period not exceeding three months ;

(*f*) confinement to a room for a period not exceeding three days ;

(*g*) *restricted diet No. 1 for a period not exceeding three days ;

(*h*) *restricted diet No. 2 for a period not exceeding fifteen days.

(2) Every offence against discipline shall be reported forthwith, and the Governor shall investigate such reports not later than the following day, unless that day is a Sunday or a public holiday.

Investigation and awards by Board of Visitors.

38.—(1) Where an inmate is reported for an offence upon which the Governor, having regard to the circumstances of the case, thinks it expedient that the Board of Visitors should adjudicate, the Governor may report the offence to the Board of Visitors, or to one of them, and thereupon the Board, or one of them, shall inquire into the report (such inquiry if they or he think it desirable being on oath) and shall determine thereupon, and may make one or more of the following awards :—

(*a*) any award authorized under Rule 37 (1) ;

(*b*) stoppage of earnings for a period not exceeding twenty-eight days ;

(*c*) reduction in grade, or delay in promotion to a higher grade ;

(*d*) confinement to a room for a period not exceeding fourteen days ;

(*e*) *restricted diet No. 1 for a period not exceeding fifteen days ;

(*f*) *restricted diet No. 2 for a period not exceeding forty-two days.

(2) Offences may also be reported to the Commissioners, and a Commissioner or Assistant Commissioner shall have authority to inquire into the report and deal with it in the same manner as the Board of Visitors.

Medical certificate.

39. Confinement to a room or restriction of diet shall in no case be awarded unless the Medical Officer has certified that the inmate is in a fit condition of health to sustain it.

Visits by Governor and Medical Officer.

40. Every inmate undergoing confinement to a room or subjected to restricted diet No. 1 shall be visited at least once a day by the Governor and the Medical Officer, and if he is undergoing confinement to a room he shall be visited by an officer appointed for that purpose at intervals of not more than three hours during the day.

Remission and mitigation of awards.

41.—(1) A disciplinary award may be remitted or mitigated by the Secretary of State.

(2) A disciplinary award may be determined or mitigated at any time during the currency thereof by the authority responsible for making the award.

* For definitions of restricted diets see the Schedule.

(iii) *Restraints*

Mechanical restraints.

42.—(1) Mechanical restraints shall not be used as a punishment or for any purpose other than safe custody during removal, except on medical grounds by direction of the Medical Officer, or in the circumstances and under the conditions stated in the following paragraphs of this Rule.

(2) When it appears to the Governor that it is necessary to place an inmate under mechanical restraint in order to prevent his injuring himself or others, or damaging property, or creating a disturbance, the Governor may order him to be placed under mechanical restraint, and notice thereof shall forthwith be given to a member of the Board of Visitors and to the Medical Officer.

(3) The Medical Officer on receipt of the aforesaid notice shall forthwith inform the Governor whether he concurs in the order, and if on medical grounds he does not concur the Governor shall act in accordance with any recommendations which he makes.

(4) No inmate shall be kept under mechanical restraint longer than is necessary, or for a longer period than twenty-four hours unless an order in writing from a member of the Board of Visitors or a Commissioner or Assistant Commissioner is given, specifying the cause thereof and the time during which the inmate is to be so kept, which order shall be preserved by the Governor as his warrant.

(5) Particulars of every case of mechanical restraint shall be forthwith recorded by the Governor.

(6) No mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Secretary of State.

Temporary confinement.

43. The Governor may order a refractory or violent inmate to be temporarily confined in a special room certified for the purpose in the same manner as accommodation to which Rule 10 applies, but no inmate shall be confined in such a room as a punishment or after he has ceased to be refractory or violent.

(iv) *Complaints by inmates*

Complaints to be recorded and put forward.

44.—(1) Arrangements shall be made that every request by an inmate to see the Governor, or a Commissioner or Assistant Commissioner, or a member of the Board of Visitors, shall be recorded by the officer to whom it is made and conveyed without delay to the Governor.

(2) The Governor shall at a convenient hour on every day, other than Sundays and public holidays, hear the applications of all inmates who have made a request to see him, and shall inform the next Commissioner or Assistant Commissioner or member of the Board of Visitors who visits the Borstal of every such request of an inmate to see such Commissioner or Assistant Commissioner or member.

(v) *Prohibited articles*

Prohibited articles generally.

45. No person shall without authority convey into or throw into or deposit in a Borstal, or convey or throw out of a Borstal, or convey to an inmate, or deposit in any place with the intent that it shall come into the possession of an inmate, any money, clothing, food, drink, tobacco, letter, paper, book, tool, or other article whatever. Anything so conveyed, thrown, or deposited may be confiscated by the Governor.

Drink and tobacco.

46.—(1) No inmate shall be given or allowed to have any intoxicating liquor except in pursuance of a written order of the Medical Officer specifying the quantity to be given and the name of the inmate for whose use it is intended.

(2) No inmate shall be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Governor with the approval of the Commissioners.

(vi) *Control of admission*

General restrictions.

47.—(1) All persons and vehicles entering or leaving the Borstal may be examined and searched.

(2) A person suspected of bringing any prohibited article into the Borstal, or of carrying out a prohibited article or any property belonging to the Borstal, or while in a Borstal of being in possession of a prohibited article, or in improper possession of any property belonging to the Borstal, shall be stopped and immediate notice thereof shall be given to the Governor, who may order that he shall be examined and searched.

(3) The Governor may refuse admission to the Borstal of a person who is not willing to be examined and searched.

(4) The Governor may direct the removal from the Borstal of a person who while in the Borstal is not willing to be examined and searched, or whose conduct is improper.

Visitors viewing Borstals.

48.—(1) The Governor shall not, except as provided by statute, or as directed by the Secretary of State or the Commissioners, allow any person to view the Borstal.

(2) The Governor shall ensure that no person authorized to view the Borstal makes a sketch, or takes a photograph or holds communication with an inmate, unless authorized to do so by the Secretary of State or the Commissioners.

WORK

General requirements.

49.—(1) The normal working week shall be forty-four hours.

(2) The work shall so far as practicable be such as will help to fit an inmate to earn his livelihood on release.

(3) Provision shall be made for the technical training of suitable inmates in skilled trades.

(4) The Medical Officer may excuse an inmate from work on medical grounds and no inmate shall be employed on any work unless he has been certified fit for that type of work by the Medical Officer.

(5) Inmates may receive payment for work in accordance with rates approved by the Commissioners.

Unauthorized work.

50.—(1) No inmate shall be set to any type of work not authorized by the Commissioners.

(2) Except with the authority of the Commissioners, no inmate shall work in the service of another inmate or of an officer, or for the private benefit of any person.

Religion, Education and Welfare

(i) *Religion*

Recording of denomination.

51. The religious denomination of every inmate shall be ascertained and recorded on his reception and he shall be treated as a member of the denomination then recorded unless and until he satisfies either a member of the Board of Visitors or a Commissioner or Assistant Commissioner that he has good grounds for desiring the record to be altered.

Visits by special ministers.

52. Where an inmate is recorded as belonging to a religious denomination other than the Church of England for which no Minister has been appointed to the Borstal, the Governor shall if the inmate so requests arrange for him, so far as possible, to be visited by a minister of that denomination, and every such inmate shall be informed of this Rule on reception.

Chaplain and ministers to hold services, etc.

53.—(1) The Chaplain shall conduct Divine Service for inmates belonging to the Church of England at least once on every Sunday, and on Christmas Day and Good Friday, and such celebrations of Holy Communion and such services on weekdays as may be arranged.

(2) Ministers shall conduct Divine Service for inmates of their denominations at such times as may be arranged.

Visits by chaplain, etc.

54. Every inmate shall so far as practicable be regularly visited at proper and reasonable times by the Chaplain or, if he is recorded as belonging to a denomination other than the Church of England, by a minister of his own denomination.

Religious books.

55. There shall so far as practicable be available for the personal use of every inmate such of the Scriptures and books of religious observance and instruction recognized for his denomination as are accepted by the Commissioners for use in Borstals.

Interviews, visits to sick, etc.

56.—(1) The Chaplain or a Minister shall—

(*a*) interview individually every inmate recorded as belonging to the Church of England or to that Minister's denomination, as the case may be, as soon as possible after the inmate's reception, a short time before his discharge, and from time to time as often as practicable during his detention; and

(*b*) if no other arrangements are made read the burial service at the funeral of such an inmate dying in the Borstal.

(2) The Chaplain shall daily visit sick inmates who are recorded as belonging to the Church of England, and a Minister shall so far as possible do the same for inmates recorded as belonging to his denomination.

(3) When an inmate not recorded as belonging to the Church of England is sick, and is not regularly visited by a minister of his own denomination, the Chaplain shall visit him if the inmate is willing.

Sunday work, etc.

57. Arrangements shall be made for the avoidance of all unnecessary work by inmates of the Christian religion on Sunday, Christmas Day and Good Friday, and by inmates recorded as belonging to other religions on their recognized days of religious observance.

Substitute for chaplain or minister.

58.—(1) Such person as the Commissioners approve may officiate in the Chaplain's absence.

(2) A Minister may with the consent of the Commissioners appoint a substitute to act for him in his absence.

(ii) *Education and libraries*

Class teaching, etc.

59.—(1) At every Borstal provision shall be made for the continued education of the inmates, by class teaching, individual study, and all such cultural influences, including hobbies and handicrafts, as may make for development of valuable interests and good use of leisure.

(2) Facilities shall so far as practicable be provided to enable every inmate to take part in such educational activities for at least six hours a week outside the normal working week, and where it is desirable in the educational interests of any inmate, particularly those under eighteen years of age, or those who are backward or illiterate, provision may be made for education within the normal working week.

Library.

60. A library shall be provided in every Borstal, and subject to such conditions as the Commissioners determine every inmate shall be allowed to have library books and to exchange them as often as practicable.

Books, etc. from outside.

61. Inmates may receive books or periodicals from outside the Borstal under such conditions as the Commissioners determine.

(iii) *Social relations and after-care*

Family relationships, etc.

62.—(1) Special attention shall be paid to the maintenance of such relations between an inmate and his family as are desirable in the best interests of both.

(2) So far as is practicable and in the opinion of the Governor desirable, an inmate shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the Borstal as may promote the best interests of his family or the social rehabilitation of the inmate.

(3) The Governor may at any time communicate to an inmate, or to his family or friends, any matter of importance to such inmate.

Information of removal.

63. An inmate shall be allowed to inform his family of his removal.

After-care, etc.

64.—(1) From the beginning of the training of every inmate consideration shall be given, in consultation with the Central After-care Association, to the future of the inmate and the assistance to be given to him on and after release, and for this purpose the Association or their representatives shall be given all necessary information and assistance.

(2) Facilities shall be afforded to the representatives of the Association to visit every inmate before release.

Information to family of death, etc.

65. Upon the death or serious illness, or certification as insane or mentally defective, of an inmate, or the sustaining by an inmate of a serious accident, the Governor, if the inmate is married to a person whose address is known, shall at once inform the wife or husband as the case may be, and otherwise shall at once inform the nearest relative whose address is known, and shall in any event inform any other person whom the inmate has requested may be so informed.

(iv) *Letters and visits*

Normal minimum provision.

66.—(1) Every inmate shall be allowed to write and receive a letter on reception and thereafter once in four weeks and to receive a visit once in eight weeks.

(2) The letters and visits to which an inmate is entitled under the foregoing paragraph of this Rule shall not be liable to forfeiture under Rules 37 and 38.

(3) The Commissioners may allow such additional letters or visits as they determine, as a privilege for any class of inmates.

Letters and visits generally.

67.—(1) Without prejudice to the provisions of Rule 66, the Commissioners, notwithstanding any provision of this and the following six Rules, may impose such restrictions upon and supervision over letters and visits as they consider necessary for securing discipline and good order, for the prevention of crime and criminal associations, and for the welfare of individuals.

(2) Except as provided in these Rules, no person shall be allowed to communicate with an inmate without special authority.

(3) Every letter to or from an inmate shall (except as hereafter provided in these Rules in the case of certain communications to a legal adviser) be read by the Governor or by a responsible officer deputed by him for the purpose, and it shall be within the discretion of the Governor to stop any letter on the ground that its contents are objectionable or that it is of inordinate length.

(4) The degree of supervision to be exercised during visits to inmates shall, subject to any express provision of these Rules, be in the discretion of the Governor.

Deferment.

68. When an inmate who is entitled to a letter or visit under any provision of these Rules is at the time subject to confinement to his room, the letter or visit may in the Governor's discretion be deferred until the period of confinement has expired.

Letter instead of visit.

69. The Governor may allow an inmate who is entitled to a visit to write a letter and receive a reply instead of such visit.

Discretionary letters and visits.

70. An inmate may be allowed, at the discretion of the Governor, to have special letters and visits for any purpose which in the opinion of the Governor is likely to promote the best interests of the inmate or his family either during his training or after release.

(v) *Visits for special purposes*

Visits by police.

71. An officer of police may visit any inmate who is willing to see him on production of an order issued by or on behalf of the appropriate chief officer of police.

Visits by legal adviser.

72.—(1) Reasonable facilities shall be allowed for the legal adviser of an inmate who is a party to legal proceedings, civil or criminal, to interview the inmate with reference to those proceedings out of the hearing of an officer.

(2) The legal adviser of an inmate may, with the permission of the Commissioners, see such inmate with reference to any other legal business.

Special purpose visits not to be forfeited.

73. The visits for special purposes to which the last foregoing Rule refers shall be additional to the visits allowed under any other of the foregoing Rules, and shall not be liable to forfeiture under Rules 37 and 38.

PHYSICAL WELFARE

(i) *Medical Services*

Hospital.

74. At every Borstal either a separate hospital building or a suitable part of the Borstal shall be equipped and furnished in a manner proper for the medical care and treatment of sick inmates, and staffed by suitably trained officers.

Medical Officer; general duties.

75. The Medical Officer shall have the care of the mental and physical health of the inmates and shall every day visit every sick inmate, every inmate who complains of illness, and every other inmate to whom his attention is specially directed.

Inmates under restraint, etc.

76. The Medical Officer shall visit every day, or oftener if necessary, every inmate subject to restraint, or confinement to his room, or restricted diet No. 1.

Immediate attendance and consultations.

77.—(1) The Medical Officer shall attend at once on receiving information of the illness of an inmate.

(2) The Medical Officer may at his discretion call into consultation another medical practitioner, and shall do so before a serious operation is performed upon an inmate, unless in his opinion it is essential for the operation to be performed immediately.

(3) The Medical Officer shall keep a record of occasions on which in accordance with this Rule he consults another medical practitioner, and of the circumstances in which serious operations are performed without such consultation.

Duty to report.

78. The Medical Officer shall report to the Governor any matter which appears to him to require the consideration of the Commissioners on medical grounds, and the Governor shall send such report to the Commissioners.

Report on danger to health, etc.

79. Whenever the Medical Officer has reason to believe that an inmate's mental or physical health is likely to be injuriously affected by continued training or by any conditions of the training, or that the life of an inmate will be endangered by training or that a sick inmate will not survive his sentence or is totally or permanently unfit for Borstal discipline, he shall without delay report the case in writing to the Governor with such recommendations as he thinks fit, and the Governor shall forward such report and recommendations to the Commissioners forthwith.

Recommendations on diet, etc.

80. The Medical Officer shall report in writing to the Governor the case of any inmate to which he thinks it necessary on medical grounds to draw attention, and shall make such recommendations as he deems needful for the alteration of the diet or treatment of the inmate or for his separation from other inmates, or for the supply to him of additional clothing, bedding or other articles, and the Governor shall so far as practicable carry such recommendations into effect.

Suicidal inmates.

81. The Medical Officer shall draw the attention of the Governor to any inmate who he may have reason to think has suicidal intentions in order that special observation may be kept on such inmate, and the Governor shall, without delay, direct that such inmate be observed at frequent intervals.

82. The Medical Officer shall keep under special observation every inmate whose mental condition appears to require it, and shall take such steps as he considers proper for his segregation, and if necessary his certification under the Acts relating to lunacy or mental deficiency. Mental illness.

83. The Medical Officer shall give notice to the Governor and the Chaplain when an inmate appears to be seriously ill. Serious illness.

(ii) *Hygiene*

84. The Medical Officer shall oversee and shall advise the Governor upon the hygiene of the Borstal and the inmates, including arrangements for cleanliness, sanitation, heating, lighting, and ventilation. Supervision of hygiene.

85. Arrangements shall be made for every inmate to wash at all proper times, to have a hot bath at least once a week and for male inmates (unless excused or prohibited on medical or other grounds) to shave or be shaved and have their hair cut as required. The hair of a male inmate may be cut as short as is necessary for good appearance, but the hair of a female inmate shall not be cut without her consent, except by direction of the Medical Officer for the eradication of vermin, dirt, or disease. Washing, shaving, and hair cutting.

86. Every inmate shall be provided on admission with such toilet articles as are necessary for health and cleanliness and arrangements shall be made for the replacement of those articles when necessary. Toilet articles.

(iii) *Exercise*

87.—(1) Inmates shall regularly be given such physical recreation, training, and exercise as are required to promote health and physical well-being. Exercise to be regular.

(2) The Medical Officer shall decide on the fitness of every inmate for physical recreation, training, and exercise, and may on medical grounds modify or excuse them for any inmate.

(iv) *Food*

88. The food provided for inmates shall be of a nutritional value adequate for health and strength and of wholesome quality, well prepared and served, and reasonably varied. Quality of food.

89. The Medical Officer shall frequently inspect the food, cooked and uncooked, provided for inmates, and shall report to the Governor on the state and quality of the food and on any deficiency in the quantity or defect in the quality of the water. Inspection of food.

90. Except as determined by the Commissioners, or on medical grounds, no inmate shall be allowed to have any food other than the normal Borstal diet. No private food.

91. Except as provided under Rule 26 or under Rules 37 and 38 for an offence against discipline, or on the written recommendation of the Medical Officer in the case of an inmate who persistently wastes his food, or on medical grounds by direction of the Medical Officer, no inmate shall have less food than is provided in the normal Borstal diet. Quantity of food.

(v) *Clothing*

No private clothing.

92. Every inmate shall be provided with an outfit of clothing adequate for warmth and health, in accordance with a scale approved by the Commissioners, and shall wear such clothing and no other.

Protective clothing.

93. The clothing provided shall, where necessary, include suitable protective clothing for use at work.

RELEASE

Eligibility.

94. An inmate shall become eligible for release in accordance with the Second Schedule to the Criminal Justice Act, 1948(a), when the Commissioners are satisfied that there is a reasonable probability that the objects of training as defined in Rule 4 have been achieved.

Review of progress.

95. The institution board* shall keep under review the progress of each inmate throughout the period of his training.

Reference by Governor.

96. When the Governor having taken into account the recommendation of the institution board is satisfied that a submission for release can properly be made to the Commissioners he shall bring the case to the notice of the Board of Visitors.

Consideration by Board of Visitors.

97. The Board of Visitors shall consider any case referred to them by the Governor as fit for release and if they agree shall thereupon recommend to the Commissioners that the inmate be released under supervision.

Arrangements with After-care Association.

98. When the Commissioners have decided that an inmate shall be released the arrangements for release shall be made in consultation with the Central After-care Association.

Medical examination.

99. Every inmate shall, as short a time as is practicable before release, be examined by the Medical Officer, and an inmate who is suffering from an acute or dangerous illness shall not be released until in the opinion of the Medical Officer it is safe to do so, unless, the period for which he may be detained in a Borstal having expired, he refuses to stay.

Outfit on release.

100. Every inmate shall on release receive an outfit of suitable clothing.

STAFF

General obligations.

101.—(1) Every officer shall conform to these Rules and to the regulations of the Borstal and shall support the Governor in the maintenance thereof.

(2) Every officer shall obey the lawful instructions of the Governor.

(3) Every officer shall at once communicate to the Governor any abuses or impropriety which may come to his knowledge.

Sick inmates.

102. Every officer shall direct the attention of the Governor to any inmate (whether he complains or not) who appears to be out of health or whose state of mind appears to be deserving of special notice and care, and the Governor shall without delay bring such cases to the notice of the Medical Officer.

Business transactions.

103.—(1) No officer shall without the authority of the Commissioners carry out any pecuniary or business transaction with or on behalf of an inmate.

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* See Rule 8 (2).

(a) 11 & 12 Geo. 6. c. 58.

(2) No officer shall without authority bring in or carry out, or attempt to bring in or carry out, or knowingly allow to be brought in or carried out, to or for an inmate, or deposit in any place with intent that it shall come into possession of an inmate, any article whatsoever.

Gratuities.

104. No officer shall receive any unauthorized fee, gratuity, or other consideration in connexion with his duty.

Ex-inmates, etc.

105. No officer shall knowingly communicate with an ex-inmate or with the friends or relatives of an inmate or ex-inmate except with the knowledge of the Governor.

Search if required.

106. Every officer shall submit himself to be searched in the Borstal if called upon to do so by the Governor.

Communications to press, etc.

107.—(1) No officer shall, directly or indirectly, make any unauthorized communication to representatives of the press or other persons in reference to matters which have become known to him in the course of his duty.

(2) No officer shall without authority publish any matter or make any public pronouncement relating to the administration or the inmates of an institution to which the Prison Acts, 1865 to 1898, apply.

Quarters.

108.—(1) Every officer shall occupy such quarters as may be assigned to him and shall at any time vacate them if required to do so.

(2) On the termination of an officer's service he shall give up the quarters he has occupied as soon as he is required to do so; and on the death of an officer his family shall give up the quarters when required to do so.

Code of discipline.

109. A code of discipline, setting out the offences against discipline, the procedure for dealing therewith, and the awards therefor, shall be formulated by the Commissioners with the approval of the Secretary of State and shall apply to such classes of officers as are stated in the code.

APPELLANTS

Application of rules.

110. The four following Rules apply to inmates who are appellants within the meaning of the Criminal Appeal Act, 1907(a), hereinafter called " appellants ".

Appellants absent from Borstal.

111.—(1) An appellant who, when in custody, is to be taken to, kept in custody at, or brought back from, any place at which he is entitled to be present for the purposes of the Criminal Appeal Act, 1907, or any place to which the Court of Criminal Appeal or any Judge thereof may order him to be taken for the purpose of any proceedings of that Court, shall while absent from the Borstal be kept in the custody of the officer designated in that behalf by the Governor of the Borstal.

(2) An appellant when absent from the Borstal under this Rule shall wear his own clothing or, if his own clothing cannot be used, clothing different from Borstal dress.

Earnings for work done.

112. If an appellant is ordered to be released by the Court of Criminal Appeal otherwise than on bail pending the hearing of his appeal, payment at a rate fixed by the Commissioners shall be made to him in respect of his work during the time he has been treated as subject to this section of these Rules.

(a) 7 Edw. 7. c. 23.

Private medical adviser and other visitors.

113.—(1) An appellant may for the purposes of his appeal receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

(2) An appellant may for the purposes of his appeal receive a visit from any other person.

Letters and other facilities.

114.—(1) Writing materials to such extent as the Governor considers reasonable shall be furnished to any appellant who requires them for the purpose of preparing his appeal.

(2) An appellant may write letters to his legal adviser or other persons for the purpose of his appeal.

(3) A confidential written communication prepared as instructions for the legal adviser of an appellant may be delivered personally to such legal adviser, without being examined by an officer, unless the Governor has reason to suppose that it contains matter not relating to such instructions, but all other written communications shall be treated as letters, and shall not be sent out without being previously inspected by the Governor.

BOARDS OF VISITORS

Term of office.

115. The members of a Board of Visitors appointed by the Secretary of State under subsection (2) of section fifty-three of the Criminal Justice Act, 1948(a), shall hold office for such a period, not exceeding three years, as he may fix.

Chairman.

116. When a Board of Visitors is initially constituted one of the members shall be appointed by the Secretary of State to be chairman. Thereafter the Board shall appoint a chairman, and fill any casual vacancy in the office of chairman.

Meetings and visits.

117. The Board shall meet at the Borstal at least once a month to discharge their functions under these Rules, and members of the Board shall frequently visit and inspect the Borstal.

Rota and quorum.

118. The Board shall at their first meeting arrange a rota of attendance at the Borstal and fix a quorum not less than three for the purpose of carrying out their duties, and may at that or a later meeting appoint a vice-chairman.

Vacancies.

119. The powers of the Board shall not be affected by vacancies, so long as the quorum for meetings is sufficient.

Minutes.

120. The Board shall keep minutes of their proceedings.

Inquiries, etc.

121. The Board shall co-operate with the Commissioners and with the Governor in promoting the efficiency of the Borstal, and shall make inquiry into any matter specially referred to the Board by the Secretary of State or the Commissioners, and report thereon.

Abuses.

122. The Board shall bring all abuses in connexion with the Borstal which come to their knowledge to the notice of the Commissioners immediately, and in case of urgent necessity may suspend an officer until the decision of the Commissioners is made known.

Adjudication, report, etc.

123.—(1) The Board shall hear and adjudicate on such offences as under Rule 38 are referred to them.

(2) They shall furnish such information with respect to the offences reported to them, and their awards, as may from time to time be required by the Commissioners or the Secretary of State.

(a) 11 & 12 Geo. 6. c. 58.

Access to Borstal.

124.—(1) The Board and all members of the Board shall have free access to all parts of the Borstal and to all inmates, and may see such inmates as they desire, out of sight and hearing of officers.

(2) They shall hear and investigate any application which an inmate desires to make to them, and if necessary shall report the same, with their opinion, to the Commissioners.

Sick inmates.

125. The Board shall attend to any report which they receive that the mind or body of an inmate is likely to be injured by the conditions of his detention, and shall communicate their opinion to the Commissioners. If the case is urgent, they shall give such directions thereon as they deem expedient, communicating the same to the Commissioners.

Restraint.

126. If the Governor represents to a member of the Board that he or the Medical Officer has, in case of urgent necessity, put an inmate under mechanical restraint, and that it is necessary that the inmate be so kept for more than twenty-four hours, such member may authorize the continuance of that restraint by order in writing, which shall specify the cause thereof and the time during which the inmate is to be so kept.

Diet.

127. The Board shall inspect the dietary of inmates and if they find the quality of the food unsatisfactory they shall report the matter to the Commissioners and note the same in their minutes, and the Governor shall immediately take such steps thereupon as may be necessary.

Books.

128. The Board may inspect any of the books of the Borstal, and a note of any such inspection shall be made in their minutes.

Additional visits or letters.

129. The Board may, in any case of special importance or urgency, allow an inmate an additional visit or letter or prolong the period of a visit.

Denominational records.

130. The Board shall investigate and decide on every application from an inmate to change the record of his religious denomination. Before granting such an application, they shall satisfy themselves that it is made from conscientious motives, and not from caprice or a desire to escape any Borstal regulations.

Buildings.

131. The Board may inquire into the state of the Borstal buildings, and if any repairs or additions appear to them to be necessary shall report thereon with their advice and suggestions to the Secretary of State or the Commissioners.

Annual and other reports.

132. The Board shall make an annual report at the end of each year to the Secretary of State with regard to all or any of the matters referred to in these Rules, with their advice and suggestions upon any such matter, and they may make such other reports to the Secretary of State or to the Commissioners as they consider necessary concerning any matter relating to the Borstal to which, in their opinion, attention should be drawn.

Permissions and consultation.

133. The Board shall, before granting any permission which they have power to grant under these Rules, satisfy themselves by consultation with the Governor that it can be granted without interfering with the security, good order, and proper government of the Borstal and inmates therein, and if after such permission has been granted its continuance seems likely to cause such interference, or an inmate has abused permission granted to him or has been guilty of misconduct, they may suspend or withdraw the permission.

Contracts.

134. A member of a Board of Visitors of a Borstal shall not have any interest in any contract made in respect of that Borstal.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
4th July, 1949.

SCHEDULE

Restricted Diets

The restricted diets which may be awarded under Rules 37 and 38 shall be as follows:

(1) *No.* 1 *Diet*

(*a*) This diet, when given for a period of three days, or less, shall consist of:—

1 lb. bread per diem with water.

(*b*) This diet when given for more than three days shall consist of alternate periods of three days of:—

(i) 1 lb. bread per diem with water;
(ii) the diet prescribed for inmates employed on ordinary industrial labour according to sex.

(*c*) No task of labour shall be enforced on any one of the days on which bread and water constitute the sole food supplied to the inmate, who may, nevertheless, be allowed the option of performing suitable labour in his room.

(*d*) No inmate who has been on No. 1 diet shall be placed upon this diet for a fresh offence until an interval has elapsed equal to the period already passed by the inmate on No. 1 diet.

(2) *No.* 2 *Diet*

(*a*) This diet when given for a period of twenty-one days, or less shall, consist of:—

Breakfast	Bread, 8 oz. with water.
Dinner	1 pint of porridge containing 3 oz. Oatmeal. Potatoes, 8 oz. Bread, 8 oz. with water.
Supper	Bread, 8 oz. with water.

(*b*) This diet when given for a period of more than twenty-one days shall consist of:—

(i) For the first twenty-one days, the diet as at (2) (*a*).
(ii) For the next seven days the diet prescribed for inmates employed on ordinary industrial labour according to sex.
(iii) For the remainder of the period, the diet as at (2) (*a*).

(*c*) If an inmate while on No. 2 diet is guilty of misconduct, No. 2 diet may be temporarily interrupted, and the inmate may be placed on No. 1 diet for a period not exceeding three days; on the expiration of the period awarded on No. 1 diet the inmate shall resume the diet originally ordered, and the period passed upon the No. 1 diet shall count as part of the period originally awarded on No. 2 diet, provided that no inmate who has been upon No. 2 diet for a period of twenty-one days continuously shall be again placed on either No. 1 or No. 2 diet until after the expiration of one week.