STATUTORY INSTRUMENTS

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BORSTAL INSTITUTIONS

ENGLAND AND WALES

The Borstal Rules 1964

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In pursuance of section 43(4)(*d*) of the Prison Act 1952(a), and of section 47 of that Act as amended by section 41(1) of, and Schedule 4 to, the Criminal Justice Act 1961(b), I hereby make the following Rules:—

PART I

INMATES

General

General principles of borstal training

1.—(1) 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. Accordingly, officers shall, while firmly maintaining order and discipline, seek to do so by influencing the inmates through their own example and leadership and enlisting their willing co-operation.

(2) The objects of borstal 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, capabilities and sense of personal responsibility.

Allocation

2.—(1) Methods of training may vary as between one borstal and another, according to the needs of the inmates allocated to them.

(2) Inmates shall be allocated to borstals, as far as practicable, in accordance with their age, character and capabilities and so as to make the best use of training facilities available.

Borstal reception centres

3.—(1) A person sentenced to borstal training shall be removed as soon as possible to a borstal set aside as a borstal reception centre.

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

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

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

Houses

4.—(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, with the assistance of a matron and such other staff as may be appointed, be responsible to the governor for the administration of each house, and for the personal training of the inmates in it.

Institution board

5.—(1) For each borstal there shall be a board, in these Rules referred to as "the institution board", consisting of such officers of the borstal as the Secretary of State may direct.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (b) 9 & 10 Eliz. 2. c. 39.

(2) The institution board for a borstal shall keep under review the progress of each inmate throughout the period of his training at that borstal.

Grades

6.—(1) To encourage the progressive development of responsibility and to assist in the assessment of fitness for release, inmates may, in accordance with any directions of the Secretary of State, be placed in grades.

(2) Promotion from grade to grade or reduction in grade, otherwise than as an award for an offence against discipline, shall be decided upon by the governor after taking into consideration the advice of the institution board.

(3) Inmates in an appropriate grade may be given positions of special responsibility and leadership.

Recommendation for release

7.—(1) Where it appears to the governor, after taking into consideration the advice of the institution board, that an inmate has reached a point in his training where consideration should be given to his release under supervision in pursuance of section 45 of the Prison Act 1952, he shall so inform the board of visitors.

(2) The board of visitors shall consider the case of every inmate referred to them under this Rule and they may, if they think fit, recommend to the Secretary of State that the inmate be released under supervision as aforesaid.

Temporary release

8.—(1) An inmate to whom this Rule applies may be temporarily released for any period or periods and subject to any conditions.

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

(3) This Rule applies to inmates other than persons committed in custody for trial or to be sentenced or otherwise dealt with at or by assizes or quarter sessions, or remanded in custody by any court.

Information to inmates

9. Every inmate shall be given a careful explanation of those provisions of these Rules and other matters which it is necessary that he should know, including the proper method of making complaints and of petitioning the Secretary of State.

Applications

10.—(1) Every request by an inmate to see the governor, a visiting officer of the Secretary of State or a member of the board of visitors shall be recorded by the officer to whom it is made and promptly passed on to the governor.

(2) On every day, other than a Sunday or public holiday, the governor shall hear the applications of inmates who have asked to see him.

(3) Where an inmate has asked to see any other such person as aforesaid, the governor shall ensure that that person is told of the request on his next visit to the borstal.

Women and girls

11.—(1) Female inmates shall be kept entirely separate from male inmates.

(2) Where a part of premises used for the detention of both male and female persons has been set apart as a borstal for female inmates, that part

shall be in the charge of a woman officer; it shall be entirely separate from the other part and shall be secured by different locks, of which the keys shall be under the exclusive control of women officers.

(3) The Secretary of State may, subject to any conditions he thinks fit, permit a female inmate to have her baby with her in a borstal, and everything necessary for the baby's maintenance and care may be provided there.

Religion

Religious denomination

12.—(1) 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.

(2) An inmate may apply to the board of visitors to have that record amended, and the board may give directions accordingly upon being satisfied that the application is made in good faith.

Special duties of chaplains and appointed ministers

13.—(1) The chaplain or a minister appointed to a borstal shall—

(*a*) interview every inmate of his denomination individually soon after the inmate's reception into that borstal and shortly before his release; and

(*b*) if no other arrangements are made, read the burial service at the funeral of any inmate of his denomination who dies in that borstal.

(2) The chaplain shall visit daily all inmates belonging to the Church of England who are sick, under restraint or confined to a room; and a minister appointed to a borstal shall do the same, as far as he reasonably can, for inmates of his own denomination.

(3) If the inmate is willing, the chaplain shall visit any inmate not of the Church of England who is sick, under restraint or confined to a room, and is not regularly visited by a minister of his own denomination.

Regular visits by ministers of religion

14.—(1) The chaplain shall visit regularly the inmates belonging to the Church of England.

(2) A minister appointed to a borstal shall visit the inmates of his denomination as regularly as he reasonably can.

(3) Where an inmate belongs to a denomination for which no minister has been appointed to a borstal, the governor shall do what he reasonably can, if so requested by the inmate, to arrange for him to be visited regularly by a minister of that denomination.

Religious services

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

(2) A minister appointed to a borstal shall conduct Divine Service for inmates of his denomination at such times as may be arranged.

Substitute for chaplain or appointed minister

16.—(1) A person approved by the Secretary of State may act for the chaplain in his absence.

(2) A minister appointed to a borstal may, with the leave of the Secretary of State, appoint a substitute to act for him in his absence.

Sunday work

17. Arrangements shall be made so as not to require inmates of the Christian religion to do any unnecessary work on Sunday, Christmas Day or Good Friday, or inmates of other religions on their recognised days of religious observance.

Religious books

18. There shall, so far as reasonably practicable, be available for the personal use of every inmate such religious books recognised by his denomination as are approved by the Secretary of State for use in borstals.

Medical attention, &c.

Medical attendance

19.—(1) The medical officer of a borstal shall have the care of the health, mental and physical, of the inmates of that borstal.

(2) Every request by an inmate to see the medical officer shall be recorded by the officer to whom it is made and promptly passed on to the medical officer.

(3) The medical officer may call another medical practitioner into consultation at his discretion, and shall do so if time permits before performing any serious operation.

Special illnesses and conditions

20.—(1) The medical officer shall report to the governor on the case of any inmate whose health is likely to be injuriously affected by continued detention or any conditions of detention. The governor shall send the report to the Secretary of State without delay, together with his own recommendations.

(2) The medical officer shall pay special attention to any inmate whose mental condition appears to require it, and make any special arrangements which appear necessary for his supervision or care.

(3) The medical officer shall inform the governor if he suspects any inmate of having suicidal intentions, and the inmate shall be placed under special observation.

Notification of illness or death

21.—(1) If an inmate dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the governor shall, if he knows his or her address, at once inform the inmate's spouse or next of kin, and also any person who the inmate may reasonably have asked should be informed.

(2) If an inmate dies, the governor shall give notice immediately to the coroner having jurisdiction, to the board of visitors and to the Secretary of State.

Physical welfare and work

Clothing

22.—(1) An inmate shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State.

(2) The clothing provided under this Rule shall include suitable protective clothing for use at work, where this is needed.

(3) Subject to the provisions of Rule 38(3) of these Rules, an inmate shall wear clothing provided under this Rule and no other, except on the directions of the Secretary of State.

(4) An inmate shall be provided with suitable and adequate clothing on his release.

Food

23.—(1) Subject to any directions of the Secretary of State, no inmate shall be allowed, except as authorised by the medical officer, to have any food other than that ordinarily provided.

(2) No inmate shall be given less food than is ordinarily provided, except under an award of restricted diet or upon the written recommendation of the medical officer.

(3) The food provided shall be wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.

(4) The medical officer shall regularly inspect the food both before and after it is cooked, and shall report any deficiency or defect to the governor.

(5) In this Rule " food " includes drink.

Alcohol and tobacco

24.—(1) No inmate shall be allowed to have any intoxicating liquor except under a written order of the medical officer specifying the quantity and the name of the inmate.

(2) No inmate shall be allowed to smoke or to have any tobacco except in accordance with orders of the governor.

Sleeping accommodation

25.—(1) No room shall be used as sleeping accommodation for an inmate unless it has been certified by an officer of the Secretary of State (not being an officer of a borstal) 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.

(2) A certificate given under this Rule shall specify the maximum number of inmates who may sleep in the room at one time, and the number so specified shall not be exceeded without the leave of the Secretary of State.

Beds and bedding

26. Each inmate shall be provided with a separate bed and with separate bedding adequate for warmth and health.

Hygiene

27.—(1) Every inmate shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(2) Every inmate shall be required to wash at proper times, have a hot bath on reception and thereafter at least once a week and, in the case of a male inmate not excused or excepted by the governor or medical officer, to shave or be shaved daily, and to have his hair cut as may be necessary for neatness.

(3) A female inmate's hair shall not be cut without her consent except where the medical officer certifies in writing that this is necessary for the sake of health or cleanliness.

Physical recreation

28.—(1) Inmates shall be given regular physical recreation, training and exercise sufficient to promote their health and well-being.

(2) The medical officer shall decide upon the fitness of every inmate for physical recreation, training and exercise, and may excuse an inmate from, or modify, any activity on medical grounds.

Work

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

(2) The work shall, so far as practicable, be such as will help to fit an inmate to earn his living 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 set to do work which is not of a class for which he has been passed by the medical officer as being fit.

(5) No inmate shall be set to do work of a kind not authorised by the Secretary of State.

(6) No inmate shall work in the service of another inmate or an officer, or for the private benefit of any person, without the authority of the Secretary of State.

(7) Inmates may be paid for their work at rates approved by the Secretary of State, either generally or in relation to particular cases, and may spend money so earned on such articles and subject to such conditions as the Secretary of State may direct.

Education and social welfare

Education

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

Library books

31. A library shall be provided in every borstal and, subject to any directions of the Secretary of State, every inmate shall be allowed to have library books and to exchange them.

Outside contacts

32.—(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) An inmate shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside the borstal as may, in the opinion of the governor, best promote his social rehabilitation and the interests of his family.

After-care

33. From the beginning of his training, consideration shall be given, in consultation with the appropriate after-care organisation, to an inmate's future and the assistance to be given him on and after his release.

Letters and visits

Letters and visits generally

34.—(1) The Secretary of State may, with a view to securing discipline and good order or the prevention of crime or in the interests of any persons, impose restrictions, either generally or in a particular case, upon the communications to be permitted between an inmate and other persons.

(2) Except as provided by statute or these Rules, an inmate shall not be permitted to communicate with any outside person, or that person with him, without the leave of the Secretary of State.

(3) Except as provided by these Rules, every letter or communication to or from an inmate shall be read or examined by the governor or an officer deputed by him, and the governor may, at his discretion, stop any letter or communication on the ground that its contents are objectionable or that it is of inordinate length.

(4) Subject to the provisions of these Rules, the governor may give such directions as he thinks fit for the supervision of visits to inmates, either generally or in a particular case.

Personal letters and visits

35.—(1) An inmate shall be entitled—

(*a*) to send and to receive a letter on his reception into a borstal and thereafter once a week; and

(*b*) to receive a visit once in eight weeks.

(2) The governor may allow an inmate an additional letter or visit where necessary for his welfare or that of his family.

(3) The governor may allow an inmate entitled to a visit to send and to receive a letter instead.

(4) The governor may defer the right of an inmate to a visit until the expiration of any period of confinement to a room.

(5) The board of visitors may allow an inmate an additional letter or visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

(6) The Secretary of State may allow additional letters and visits in relation to any inmate or class of inmates.

(7) An inmate shall not be entitled under this Rule to communicate with any person in connection with any legal or other business, or with any person other than a relative or friend, except with the leave of the Secretary of State.

(8) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this Rule.

Police interviews

36. A police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any inmate willing to see him.

Legal advisers

37.—(1) The legal adviser of an inmate in any legal proceedings, civil or criminal, to which the inmate is a party shall be afforded reasonable facilities for interviewing him in connection with those proceedings, and may do so out of hearing of an officer.

(2) An inmate's legal adviser may, with the leave of the Secretary of State, interview the inmate in connection with any other legal business.

Removal, record and property

Custody outside a borstal

38.—(1) A person being taken to or from a borstal in custody shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult.

(2) An inmate required to be taken in custody anywhere outside a borstal shall be kept in the custody of an officer appointed under section 3 of the Prison Act 1952 or of a police officer.

(3) An inmate required to be taken in custody to any court shall wear his own clothing or clothing different from the dress worn at any institution to which the Prison Act 1952 applies.

Search

39.—(1) Every inmate shall be searched when taken into custody by an officer, on his reception into a borstal and subsequently as the governor thinks necessary.

(2) An inmate shall be searched in as seemly a manner as is consistent with discovering anything concealed.

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

(4) An inmate shall be searched only by an officer of the same sex.

Record and photograph

40.—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Secretary of State may direct.

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

Inmates' property

41.—(1) Anything, other than cash, which an inmate has at a borstal and which he is not allowed to retain for his own use shall be taken into the governor's custody. An inventory of an inmate's property shall be kept, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

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

(3) The governor may confiscate any unauthorised article found in the possession of an inmate after his reception into a borstal, or concealed or deposited anywhere within a borstal.

Special control and restraint

Removal from association

42.—(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that an inmate should not associate with other inmates, either generally or for particular purposes, the governor may arrange for the inmate's removal from association accordingly.

(2) An inmate shall not be removed under this Rule for a period of more than 24 hours without the authority of a member of the board of visitors or of the Secretary of State. An authority given under this paragraph shall be for a period not exceeding 14 days, but may be renewed from time to time for a like period.

(3) The governor may arrange at his discretion for such an inmate as aforesaid to resume association with other inmates, and shall do so if in any case the medical officer so advises on medical grounds.

Use of force

43.—(1) An officer in dealing with an inmate shall not 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 act deliberately in a manner calculated to provoke an inmate.

Temporary confinement

44.—(1) The governor may order an inmate who is refractory or violent to be confined temporarily in a special room, but an inmate shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A room shall not be used for the purpose of this Rule 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.

(3) In relation to borstals, section 14(6) of the Prison Act 1952 shall have effect so as to require the provision of special rooms instead of special cells for the temporary confinement of refractory or violent inmates.

Restraints

45.—(1) The governor may order an inmate to be put under restraint where this is necessary to prevent the inmate from injuring himself or others, damaging property or creating a disturbance.

(2) Notice of such an order shall be given without delay to a member of the board of visitors and to the medical officer.

(3) On receipt of the notice the medical officer shall inform the governor whether he concurs in the order. The governor shall give effect to any recommendation which the medical officer may make.

(4) An inmate shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by a member of the board of visitors or by an officer of the Secretary of State (not being an officer of a borstal). Such a direction shall state the grounds for the restraint and the time during which it may continue.

(5) Particulars of every case of restraint under the foregoing provisions of this Rule shall be forthwith recorded.

(6) Except as provided by this Rule no inmate shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer. No inmate shall be put under restraint as a punishment.

(7) Any means of restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.

Offences against discipline

Offences against discipline

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

(1) mutinies or incites another inmate to mutiny;

(2) does gross personal violence to an officer;

(3) does gross personal violence to any person not being an officer;

(4) commits any assault;

(5) absconds from a borstal or from legal custody;

(6) absents himself without permission from any place where he is required to be, whether within or outside a borstal;

(7) has in his room or possession any unauthorised article, or attempts to obtain such an article;

(8) delivers to or receives from any person any unauthorised article;

(9) sells or delivers to any person, without permission, anything he is allowed to have only for his own use;

(10) takes improperly or is in unauthorised possession of any article belonging to another person or to a borstal;

(11) wilfully damages or disfigures any part of the borstal or any property not his own;

(12) makes any false and malicious allegation against an officer;

(13) treats with disrespect an officer or any person visiting a borstal;

(14) uses any abusive, insolent, threatening or other improper language;

(15) is indecent in language, act or gesture;

(16) repeatedly makes groundless complaints;

(17) is idle, careless or negligent at work or refuses to work;

(18) disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the borstal;

(19) attempts to do any of the foregoing things;

(20) in any way offends against good order and discipline; or

(21) does not return to a borstal when he should have returned after being temporarily released under Rule 8 of these Rules, or does not comply with any condition upon which he was so released.

Disciplinary charges

47.—(1) Where an inmate is to be charged with an offence against discipline, the charge shall be laid as soon as possible.

(2) An inmate who is to be charged with an offence against discipline may be kept apart from other inmates pending adjudication.

(3) Every charge shall be inquired into, in the first instance, by the governor.

(4) Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Sunday or public holiday, after it is laid.

Rights of inmates charged

48.—(1) Where an inmate is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.

(2) At any inquiry into a charge against an inmate he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.

Governor's awards

49. Subject to the provisions of Rule 50 of these Rules, the governor may make any one or more of the following awards for an offence against discipline—

(*a*) caution;

(*b*) removal for any period from any particular activity or activities of the inmate's house or of the borstal, other than work ;

(*c*) extra work or fatigues outside normal working hours for not more than 2 hours on any day and for a period not exceeding 28 days ;

(*d*) stoppage of earnings for a period not exceeding 14 days ;

(*e*) reduction in grade, or postponement of promotion to a higher grade, for a period not exceeding 2 months ;

(*f*) removal for any period from his house ;

(*g*) confinement to a room for a period not exceeding 3 days ;

(*h*) restricted diet for a period not exceeding 3 days.

Grave offences

50.—(1) Where an inmate is charged with any of the following offences against discipline :—

(*a*) mutiny or incitement to mutiny,

(*b*) doing gross personal violence to an officer or to any other person, or

(*c*) assaulting an officer,

the governor shall, unless he dismisses the charge, forthwith inform the Secretary of State and shall, unless otherwise directed by him, refer the charge to the board of visitors.

(2) Where an inmate is charged with any serious or repeated offence against discipline for which the awards the governor can make seem insufficient, the governor may, after investigation, refer the charge to the board of visitors.

(3) Where a charge is referred to a board of visitors under this Rule, the chairman thereof shall summon a special meeting at which not more than five nor fewer than two members shall be present.

(4) The board so constituted shall inquire into the charge, and, if they find the offence proved, shall make one or more of the following awards :—

(*a*) caution ;

(*b*) removal for any period from any particular activity or activities of the inmate's house or of the borstal, other than work ;

(*c*) extra work or fatigues outside normal working hours for not more than 2 hours on any day and for a period not exceeding 28 days ;

(*d*) stoppage of earnings for a period not exceeding 28 days ;

(*e*) reduction in grade, or postponement of promotion to a higher grade, for any period ;

(*f*) removal for any period from his house ;

(*g*) confinement to a room for a period not exceeding 15 days ;

(*h*) restricted diet for a period not exceeding 15 days.

(5) The Secretary of State may require any charge to which this Rule applies to be referred to him, instead of to the board of visitors, and in that case an officer of the Secretary of State (not being an officer of a borstal) shall inquire into the charge and, if he finds the offence proved, make one or more of the awards listed in paragraph (4) of this Rule.

Medical certificate

51. No award of confinement to a room or restricted diet shall be made unless the medical officer has certified that the inmate is in a fit state of health to be so dealt with.

Confinement to a room

52. 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.

Restricted diet

53.—(1) The food and drink to be given to an inmate under an award of restricted diet shall be—

(*a*) on the first 3 days of the period of restricted diet, one pound of bread each day and sufficient water;

(*b*) on the next 3 days of the period, food and drink as ordinarily provided for inmates; and

(*c*) thereafter in accordance with sub-paragraphs (*a*) and (*b*) alternately, by periods of 3 days.

(2) The governor shall terminate any period of restricted diet if the medical officer advises that the inmate is no longer fit for it, and the remainder of the period shall be deemed to be remitted.

Removal from house

54. 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.

Remission and mitigation of awards

55.—(1) The Secretary of State may remit a disciplinary award or may mitigate it either by reducing it or by substituting another award which is, in his opinion, less severe.

(2) A disciplinary award may be remitted or mitigated by the person or board of visitors by whom the award was made.

Appellants, &c.

Visiting

56. An appellant may be visited by any person in connection with his appeal.

Medical examination

57. A registered medical practitioner selected by or on behalf of an appellant shall be afforded reasonable facilities for examining him in connection with his appeal, and may do so out of hearing of an officer.

Letters and facilities

58.—(1) An appellant may correspond with his legal advisers and other persons in connection with his appeal.

(2) An appellant shall be afforded reasonable facilities, including writing materials, to enable him to prepare notes and write letters in connection with his appeal.

(3) An appellant may send or deliver to his legal adviser any confidential communication prepared as instructions for him and, unless the governor

has reason to suppose that it contains any other matter, it shall not be read or stopped under Rule 34(3) of these Rules.

Pay for work done

59. An appellant, if discharged on his appeal, shall be entitled to payment at a special rate, approved by the Secretary of State, for work done by him.

Inmates awaiting trial or sentence

60. In the case of an inmate committed to custody in criminal proceedings to await trial or sentence, Rules 56 to 58 of these Rules shall apply to him, in relation to those proceedings, as they apply to an appellant in relation to his appeal.

PART II

OFFICERS OF BORSTALS

General duty of officers

61.—(1) It shall be the duty of every officer to conform to these Rules and the rules and regulations of the borstal, to assist and support the governor in their maintenance and to obey his lawful instructions.

(2) An officer shall inform the governor promptly of any abuse or impropriety which comes to his knowledge.

Gratuities forbidden

62. No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his office.

Search of officers

63. An officer shall submit himself to be searched in a borstal if the governor so directs.

Transactions with inmates

64.—(1) No officer shall take part in any business or pecuniary transaction with or on behalf of an inmate without the leave of the Secretary of State.

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

Contact with former inmates, &c.

65. No officer shall, without the knowledge of the governor, communicate with any person whom he knows to be a former inmate or a relative or friend of an inmate or former inmate.

Communications to the press, &c.

66.—(1) No officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning 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 of any institution to which the Prison Act 1952 applies or to any of its inmates.

Quarters

67. An officer shall occupy any quarters which may be assigned to him.

Code of discipline

68. The Secretary of State may approve a code of discipline to have effect in relation to officers or such classes of officers as it may specify, setting out the offences against discipline, the awards which may be made in respect of them and the procedure for dealing with charges.

PART III

PERSONS HAVING ACCESS TO A BORSTAL

Prohibited articles

69. 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 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.

Control of persons and vehicles

70.—(1) Any person or vehicle entering or leaving a borstal may be stopped, examined and searched.

(2) The governor may direct the removal from a borstal of any person who does not leave on being required to do so.

Viewing of borstals

71.—(1) No outside person shall be permitted to view a borstal unless authorised by statute or the Secretary of State.

(2) No person viewing a borstal shall be permitted to take a photograph, make a sketch or communicate with an inmate unless authorised by statute or the Secretary of State.

PART IV

BOARDS OF VISITORS

Disqualification for membership

72. Any person interested in any contract for the supply of goods or services to a borstal shall not be a member of the board of visitors for that borstal.

Appointment

73.—(1) A member of the board of visitors for a borstal appointed by the Secretary of State under section 6(2) of the Prison Act 1952 shall hold office for three years or such less period as the Secretary of State may appoint.

(2) When a board is first constituted, the Secretary of State shall appoint one of its members to be chairman for a period not exceeding twelve months.

(3) Subject to paragraph (2) of this Rule, at their first meeting in any year of office the board shall appoint one of their number to be chairman for that year, and thereafter shall fill any casual vacancy in that office promptly.

(4) The board may appoint one of their number to be vice-chairman to hold office for the remainder of the period for which the chairman was appointed.

Proceedings of boards

74.—(1) The board of visitors for a borstal shall meet at the borstal at least once a month or, in the case of the board of visitors for a borstal set aside as a borstal reception centre if they resolve for reasons specified in the resolution that less frequent meetings are sufficient, not fewer than eight times in twelve months.

(2) The board may fix a quorum of not fewer than three members for proceedings other than those under Rules 50 and 55 of these Rules.

(3) The board shall keep minutes of their proceedings.

(4) The proceedings of the board shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

General duties of boards

75.—(1) The board of visitors for a borstal shall satisfy themselves as to the state of the premises, the administration of the borstal and the treatment of the inmates.

(2) The board shall inquire into and report upon any matter into which the Secretary of State asks them to inquire.

(3) The board shall direct the attention of the governor to any matter which calls for his attention, and shall report to the Secretary of State any matter which they consider it expedient to report.

(4) The board shall inform the Secretary of State immediately of any abuse which comes to their knowledge, and shall have power in any case of urgent necessity to suspend any officer until the decision of the Secretary of State is known.

(5) Before exercising any power under these Rules (other than Rules 50 and 55) the board and any member of the board shall consult the governor in relation to any matter which may affect discipline.

Particular duties

76.—(1) The board of visitors for a borstal and any member of the board shall hear any complaint or request which an inmate wishes to make to them or him.

(2) The board shall arrange for the food of the inmates to be inspected by a member of the board at frequent intervals.

(3) The board shall inquire into any report made to them, whether or not by a member of the board, that an inmate's health, mental or physical, is likely to be injuriously affected by any conditions of his detention.

Members visiting borstals

77.—(1) The members of the board of visitors for a borstal shall visit the borstal frequently, and the board shall arrange a rota for the purpose.

(2) A member of the board shall have access at any time to every part of the borstal and to every inmate, and he may interview any inmate out of the sight and hearing of officers.

(3) A member of the board shall have access to the records of the borstal.

Annual report

78. The board of visitors for a borstal shall make an annual report to the Secretary of State at the end of each year concerning the state of the borstal and its administration, including in it any advice and suggestions they consider appropriate.

PART V

SUPPLEMENTAL

Delegation by governor

79. The governor of a borstal may, with the leave of the Secretary of State, delegate any of his powers and duties under these Rules to another officer of that borstal.

Interpretation

80.—(1) In these Rules, where the context so admits, the expression—

" appellant " means an appellant within the meaning of the Criminal Appeal Act 1907(a);

" borstal " means a borstal institution;

" governor " includes an officer for the time being in charge of a borstal;

" inmate " means a person required to be detained in a borstal;

" institution board " has the meaning assigned by Rule 5 of these Rules;

" legal adviser " means, in relation to an inmate, his counsel or solicitor, and includes a clerk acting on behalf of his solicitor;

" minister appointed to a borstal " means a minister so appointed under section 10 of the Prison Act 1952;

" officer " means an officer of a borstal.

(2) In these Rules a reference to the Church of England includes a reference to the Church in Wales.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Revocations and savings

81.—(1) The Borstal (No. 2) Rules 1949(c), the Borstal Rules 1952(d) and the Borstal Rules 1956(e) are hereby revoked.

(2) For the purposes of these Rules any appointment, approval, authority, certificate, condition, direction or restriction made, given or imposed under any provision of any of the Rules revoked by this Rule shall be treated as having been made, given or imposed under the corresponding provision of these Rules.

Citation and commencement

82. These Rules may be cited as the Borstal Rules 1964 and shall come into operation on the fourteenth day after the day on which they are made.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
11th March 1964

(a) 7 Edw. 7. c. 23. (b) 52 & 53 Vict. c. 63. (c) S.I. 1949/1283 (1949 I, p. 501).
(d) S.I. 1952/1406 (1952 I, p. 429). (e) S.I. 1956/1987 (1956 I, p. 373).

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules make provision for the management of borstals, including the treatment of inmates, the conduct of officers of borstals and the constitution, powers and duties of boards of visitors. The Rules revoke all the previous Borstal Rules, which are listed in Rule 81.

The provisions of the new Rules are generally similar to those of the previous Rules, but the latter have been shortened and simplified. The number of letters which an inmate is entitled to send and receive is increased from one in four weeks to one a week (Rule 35(1)). In consequence of the Prison Commissioners Dissolution Order 1963 (S.I. 1963/597) the functions of the Prison Commissioners under the previous Rules are, in most respects, made exercisable by the Secretary of State.