STATUTORY INSTRUMENTS

1983 No. 622

PRISONS, ENGLAND AND WALES

The Local Review Committee (Amendment) Rules 1983

Made - - - -	*22nd April* 1983
Laid before Parliament	*3rd May* 1983
Coming into Operation	*24th May* 1983

In pursuance of sections 59(6) and 100(3) of the Criminal Justice Act 1967 (**a**), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Local Review Committee (Amendment) Rules 1983 and shall come into operation on 24th May 1983.

(2) In these Rules, "the principal Rules" means the Local Review Committee Rules 1967 (**b**).

2. The principal Rules shall have effect subject to the amendments specified in the Schedule to these Rules.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

Home Office.
22nd April 1983.

Rule 2

SCHEDULE

AMENDMENTS TO BE MADE TO THE PRINCIPAL RULES

1. For paragraph (1) of Rule 1 (which requires there to be a local review committee for every prison) there shall be substituted the following paragraph:—

"(1) For every prison in which there are detained prisoners who are or will become eligible for release on licence under section 60 or 61 of the Criminal Justice Act 1967 there shall be a local review committee to review in accordance with these Rules the cases of such prisoners and to report to the Secretary of State on their suitability for such release.".

2. In Rule 6 (which concerns the timing of reviews)—

(a) the following paragraph shall be inserted after paragraph (2)—

"(2A) In calculating intervals between reviews for the purposes of paragraphs (1) and (2) of this Rule, no account shall be taken of any time during which a prisoner is unlawfully at large.";

(b) the words in paragraph (3) ", by reason of his absence from prison or otherwise," shall be omitted; and

(**a**) 1967 c.80.

(**b**) S.I. 1967/1462, amended by S.I. 1973/4.

(c) the following paragraphs shall be inserted after paragraph (6)—

"(6A) Nothing in this Rule shall require the committee to review a prisoner's case if he has forfeited remission and it appears to them that, if he had forfeited no remission, no such review would have been required.

(6B) Nothing in this Rule shall require the committee to review a prisoner's case if it appears to them that his sentence will expire or that, but for any forfeiture of remission which has been or may subsequently be awarded, he could be released under section 25 of the Prison Act 1952 or section 60(3) of the Criminal Justice Act 1967 within 13 months of the date on which his sentence was passed.".

3. After Rule 7, there shall be inserted the following Rule:—

"7A. These Rules shall apply to remand centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners, and in these Rules the expressions "prison" and "prisoner" shall accordingly include a remand centre and a youth custody centre, and a person detained in such an institution, respectively, and the expression "a sentence of imprisonment" shall include a youth custody sentence.".

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules further amend the Local Review Committee Rules 1967. New Rule 7A extends the application of the 1967 Rules to remand centres and youth custody centres, to take account of amendments to sections 60 and 61 of the Criminal Justice Act 1967 effected by the Criminal Justice Act 1982 (c.48) and of the provisions for the accommodation of offenders in Part I of the 1982 Act. Since some penal establishments are not used for the detention of any offenders who are or will become eligible for release on licence under sections 60 and 61 of the 1967 Act, Rule 1 of the 1967 Rules is amended so as to provide that a local review committee should not be appointed for those institutions. In addition, the Rules qualify the duty under Rule 6 of the 1967 Rules to carry out a review at specified intervals in the case of an offender who has been unlawfully at large or who would otherwise qualify for a review solely by virtue of having forfeited remission or who would (but for any forfeiture of remission) in any case be due for release within one month of becoming eligible for release on licence.

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