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STATUTORY INSTRUMENTS

2000 No. 1794

PRISONS

The Prison (Amendment) Rules 2000

Made - - - - -	*7th July 2000*
Laid before Parliament	*11th July 2000*
Coming into force - -	*1st August 2000*

In exercise of the powers conferred upon me by section 47 of the Prison Act 1952(**a**), I hereby make the following Rules:

1. These Rules may be cited as the Prison (Amendment) Rules 2000 and shall come into force on 1st August 2000.

2. The Prison Rules 1999(**b**) shall have effect subject to the amendments set out in the Schedule to these Rules.

Home Office
7th July 2000

Jack Straw
One of Her Majesty's Principal Secretaries of State

(**a**) 1952 c. 52; section 47 was affected by an amendment to section 52(2) of that Act by section 66(4) of the Criminal Justice Act 1967 (c. 80) and was extended by section 85(2) and (4) of the Criminal Justice Act 1991 (c. 53).
(**b**) S.I. 1999/728.

SCHEDULE

Rule 2

AMENDMENTS TO THE PRISON RULES 1999

1. In paragraph (3) of rule 34 (communications generally), for "9" substitute "19".

2. In rule 46 (close supervision centres):

(a) at the end of paragraph (2), insert ", and shall continue to apply notwithstanding any transfer of a prisoner from one prison to another"; and

(b) after paragraph (4), insert:

"(5) A close supervision centre is any cell or other part of a prison designated by the Secretary of State for holding prisoners who are subject to a direction given under paragraph (1).".

3. In rule 51 (offences against discipline):

(a) after paragraph (1), insert:

"(1A) commits any racially aggravated assault;";

(b) after paragraph (17), insert:

"(17A) causes racially aggravated damage to, or destruction of, any part of a prison or any other property, other than his own;";

(c) after paragraph (20), insert:

"(20A) uses threatening, abusive or insulting racist words or behaviour;"; and

(d) after paragraph (24), insert:

"(24A) displays, attaches or draws on any part of a prison, or on any other property, threatening, abusive or insulting racist words, drawings, symbols or other material;".

4. After rule 51, insert:

"**51A. Interpretation of rule 51**

(2) For the purposes of rule 51 words, behaviour or material are racist if they demonstrate, or are motivated (wholly or partly) by, hostility to members of a racial group (whether identifiable or not) based on their membership (or presumed membership) of a racial group, and "membership", "presumed", "racial group" and "racially aggravated", shall have the meanings assigned to them by section 28 of the Crime and Disorder Act 1998(**a**).".

5. In rule 74 (disqualification for membership), for "goods and" substitute "goods or".

(**a**) 1998 c. 37.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prison Rules 1999 ("the 1999 Rules"). Rule 2 of these Rules introduces the Schedule, which sets out the amendments to the 1999 Rules.

Paragraphs 1 and 5 of the Schedule make inconsequential amendments to the 1999 Rules to correct small errors.

Paragraph 2 of the Schedule amends rule 46 of the 1999 Rules to clarify the meaning of a close supervision centre and recognise the possibility that prisoners placed in such centres may be transferred between prisons.

Paragraphs 3 and 4 of the Schedule provide for a number of new disciplinary offences relating to racist behaviour by prisoners. The new offences are racially aggravated assault; causing racially aggravated damage to, or destruction of, any part of a prison or any other property, other than a prisoner's own; using threatening, abusive or insulting racist words or behaviour; and displaying, attaching or drawing on any part of a prison, or on any other property, threatening, abusive or insulting racist material.

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