1976 No. 53

PRISONS

Prison (Amendment) Rules (Northern Ireland) 1976

Made . . . . . 19*th February* 1976

Coming into operation . . . 1*st March* 1976

To be laid before Parliament

The Secretary of State(a) in pursuance of section 13 of the Prison Act (Northern Ireland) 1953(b) hereby makes the following rules:

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Prison (Amendment) Rules (Northern Ireland) 1976 and shall come into operation on 1st March 1976.

(2) In these rules "the Principal Rules" means the Prison Rules (Northern Ireland) 1954(c).

Amendment of the rule as to removal from association

2. For Rule 24 of the Principal Rules there shall be substituted the following Rule:—

"24.—(1) Where it appears desirable for the maintenance of good order or discipline or in his own interests that a prisoner should not associate with other prisoners, either generally or for particular purposes, the governor may arrange for the prisoner's removal from association accordingly. Removal from Association

(2) A prisoner 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 one month, but may be renewed from month to month.

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

Amendment of the rule as to remission

3. For Rule 25 of the Principal Rules there shall be substituted the Rule set out in Part I of the Schedule to these Rules, but that Rule shall, until 30th June 1976, have effect subject to the provisions of Part II of that Schedule.

Amendments of the rules as to offences against discipline

4. In paragraph (1)(*b*) of Rule 31 of the Principal Rules for the word "fourteen" there shall be substituted the word "twenty-eight".

(a) Formerly the Ministry of Home Affairs for Northern Ireland: *see* S.I. 1973/2163.
(b) 1953 c. 18 (N.I.)
(c) S.R. & O. (N.I.) 1954 No. 7 (p. 543) as amended by S.R. & O. (N.I.) 1969 No. 223 (p. 1019), S.R. & O. (N.I.) 1970 No. 166 (p. 983) and S.R. (N.I.) 1975 No. 339

5. After Rule 35 of the Principal Rules there shall be inserted the following Rule:—

Prospective forfeiture of remission

"**35A.**—(1) In the case of an offence against discipline committed by a prisoner, who is detained only on remand or to await trial or sentence, an award of forfeiture of remission may be made notwithstanding that the prisoner has not (or had not at the time of the offence) been sentenced to imprisonment.

(2) An award under paragraph (1) above shall have effect only in the case of a sentence of imprisonment being imposed which is reduced by section 26 of the Treatment of Offenders Act (Northern Ireland) 1968(**d**) by a period which includes the time when the offence against discipline was committed.".

Amendment of the rules as to the powers and duties of committees (Boards of Visitors and Visiting Committees)

6. For Rule 204 of the Principal Rules there shall be substituted the following Rule:—

"**204.**—(1) The members of a Board of Visitors or Visiting Committee appointed respectively under sections 10 and 11 of the Act shall hold office for a period of 3 years or such less period as the Secretary of State may appoint.

(2) The first business at the first meeting of a Board of Visitors or Visiting Committee after appointment shall be the election of a Chairman.

(3) The Chairman of a Board of Visitors or Visiting Commiteee may be elected for the whole term of office of the Board or Committee or, at the discretion of the Board or Committee, a Chairman may be elected annually.

(4) The members shall continue in office until the date of the first meeting of their successors."

Revocations

7. The following Rules are hereby revoked:

(*a*) Rules 33, 34, 52, 53, 175(4) and 203 of the Principal Rules;

(*b*) Rule 2 of the Prison (Amendment) Rules (Northern Ireland) 1969(**e**);

(*c*) Rule 3 of the Prison (Amendment) Rules (Northern Ireland) 1970(**f**); and

(*d*) the Prison (Amendment) Rules (Northern Ireland) 1975(**g**).

Merlyn Rees
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
19th February 1976

(**d**) 1968 c. 29 (N.I.)
(**e**) S.R. & O. (N.I.) 1969 No. 223 (p. 1019)
(**f**) S.R. & O. (N.I.) 1970 No. 166 (p. 983)
(**g**) S.R. 1975 No. 339

SCHEDULE Rule 3

REMISSION

PART I

Rule to be substituted for Rule 25 of the Principal Rules

Remission and discharge

25.—(1) A prisoner serving a sentence of imprisonment for an actual term of more than one month may, on the ground of his good conduct, be granted remission in accordance with the provisions of this Rule:

Provided that this Rule shall not permit the reduction of the actual term to less than 31 days.

(2) The remission granted shall not exceed one-half of the total of the actual term and any period spent in custody which is taken into account under section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968(h) (which relates to the duration of sentences).

(3) The foregoing provisions of this Rule shall have effect subject to any disciplinary award of forfeiture of remission and shall not apply to a prisoner serving a sentence of imprisonment for life.

(4) A prisoner who would otherwise be discharged on any of the following days, that is to say—

(*a*) a Sunday, Christmas Day, Good Friday;

(*b*) a day which is a bank holiday in Northern Ireland;

(*c*) in the case of a person who is serving a term (as pronounced) of more than one month, a Saturday,

may be discharged on the next preceding day which is not one of those days.

(5) In this Rule "actual term" means the term of a sentence of imprisonment as reduced by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 and, in the case of a sentence pronounced outside Northern Ireland, any reference to the said section 26(2) includes a reference to any corresponding provision having effect where the sentence was pronounced.

(6) For the purposes of this Rule—

(*a*) consecutive terms of imprisonment and, in the case of terms of imprisonment imposed before 1st March 1976, terms which are wholly or partly concurrent shall be treated as a single term;

(*b*) a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as serving a sentence of imprisonment;

(*c*) a person ordered to be returned to prison under Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976(i) shall be treated as serving a sentence of imprisonment.

PART II

TRANSITIONAL PROVISIONS

1.—(1) A reference in this Part of this Schedule to a sentence of imprisonment is to that sentence as pronounced and not as reduced by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968.

(h) 1968 c. 29 (N.I.)

(i) S.I. 1976 No. 226 (N.I. No. 4)

(2) For the purposes of this Part of this Schedule, consecutive terms of imprisonment and terms which are wholly or partly concurrent shall be treated as a single term.

2. A prisoner, who is serving a sentence of imprisonment for a term of more than one year, shall not be granted, before the first or (except in accordance with directions of the Secretary of State given for phasing the release of the prisoners) the last day of the month specified in paragraph 3, more remission under the Rule set out in Part I of this Schedule than could have been granted under the law which was in force immediately before 1st March 1976.

3. The month referred to in paragraph 2 above is, in the case of a prisoner serving a sentence of imprisonment for a term of—

(*a*) more than one year but less than 3 years, March 1976;

(*b*) not less than 3 years but less than 5 years, April 1976;

(*c*) not less than 5 years but less than 7 years, May 1976;

(*d*) not less than 7 years, June 1976.

EXPLANATORY NOTE

(*This note is not part of the rules but is intended to indicate their general purport.*)

These rules provide for an increase from one-third to one-half in the amount of remission which can be granted to prisoners serving determinate sentences. They further provide that time spent in custody before sentence shall be taken into account for the purposes of remission. These changes come into operation on 1st March 1976 subject to the transitional arrangements for the phasing of the release of prisoners in Part II of the Schedule.

The rules incorporate miscellaneous amendments to deal with the removal of prisoners from association, to increase the governer's powers to award loss of remission from 14 to 28 days and to allow for the prospective forfeiture of remission in the case of untried prisoners. They also permit the term of office of Boards of Visitors to be extended to a period of 3 years and revoke the rules relating to corporal punishment in prisons and borstals. Certain rules relating to the duties of female Chief Officers are also revoked.