EXPLANATORY MEMORANDUM TO

THE PRISON (GOVERNOR'S AND ADJUDICATORS' PUNISHMENTS) (AMENDMENT) RULES 2026

2026 No. 664

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Lord Timpson, Minister of State for Prisons, Probation and Reducing Reoffending at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Rob Linham, Deputy Director for Prison Safety, Security, Behaviour Management & National Security Policy, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Prisoner Behaviour Policy Team at the Ministry of Justice (prisonerbehaviourpolicy1@justice.gov.uk) can be contacted with any queries regarding this instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of the Prison (Governor's and Adjudicators' Punishments) (Amendment) Rules 2026 ('this instrument') is to make changes to the Prison Rules 1999 (S.I. 1999/728) ('the Prison Rules'). Specifically, Prison Rule (PR) 35: 'Personal letters and visits', PR 55: 'Governor's punishments', PR 55A: 'Adjudicator's punishments', PR 57: 'Offences committed by young persons' and PR 59: 'Prospective award of additional days'.

4.2 This instrument makes three changes to PR 55 to create or amend punishments for offences against discipline. The first change is to extend the maximum period for which the punishment of forfeiture of privileges, under PR 55(1)(b), can be imposed. This instrument doubles the previous maximum that was available of 42 days, to 84 days. The second and third amendments introduce two new related punishments for the forfeiture of social visits for no more than 27 days or restriction of social visits to one visit per 28 days for up to 84 days. The punishments of restricting or removing social visits include an exception for visits from a prisoner's child, defined as a person under 18 in respect of whom the prisoner is the parent or has parental responsibility and any adult who is appropriately accompanying that child. The social visit punishments apply to convicted prisoners only.

4.3 This instrument makes two changes to PR 55A to amend punishments for offences against discipline. Where an alleged breach is serious in nature and referred to an

Independent Adjudicator (IA, usually a District Judge), who has the power to award additional days to a prisoner's custodial sentence under PR 55A(1)(b), the maximum number of additional days that may be awarded for a single incident has doubled from 42 days to 84 days. This ensures that IAs have broader options to punish serious and repeat rule breaking. The second amendment amends PR 55A(1)(a) to ensure that the two new punishments and the change to forfeiture of privileges, as outlined in paragraph 4.2, are made available to IAs, alongside governors.

4.4 To ensure prisoners are clearly informed of the amendments to punishments for offences against discipline, the changes to PR 55 and PR 55A will apply only to rule-breaches committed on or after the commencement date of 02 September 2026.

4.5 This instrument makes one change to PR 35(2) to make clear that a prisoner's ordinary entitlement to receive a visit twice in every period of four weeks will be subject to the imposition of a social visit punishment.

4.6 This instrument amends PR 57(1) so that, unless the Secretary of State has given a direction that he shall be treated as if he had been sentenced to imprisonment, those under 21 when the offence against discipline was committed cannot be subject to the social visits punishments and the maximum period that can be imposed for additional days is 42 days. This retains consistency with the Young Offender Rules 2000 (YOI Rules). It also updates legislative references in PR 57(1) and (2).

4.7 This instrument makes one change to PR 59(2) to update a legislative reference in respect of the effect of an award of additional days.

Where does the legislation extend to, and apply?

4.8 The extent of this instrument is England and Wales.

4.9 The territorial application of this instrument is England and Wales.

5. Policy Context

What is being done and why?

5.1 Adjudications are the internal prison discipline procedures and the primary mechanism for governors to deal with breaches of Prison Rules in England and Wales. They form part of the wider behaviour management system within prisons, alongside the rewards-based incentive system.

5.2 Where an alleged breach is sufficiently serious, it will be referred as appropriate to either the Police to be dealt under criminal proceedings, or to an IA. As outlined in PR 55A, IAs may impose any of the punishments available to governors, except for payback punishment. In addition, they also have the power to award additional days to a fixed-term prisoner's custodial sentence, up to the current maximum of 42 days. Note, IAs follow punishment guidelines issued by the Chief Magistrate, which are entirely independent of the Ministry of Justice.

5.3 The aim of this instrument is to provide governors and IAs with further tools for addressing persistent or severe rule breaking in prisons by strengthening the deterrents and punishments available for indiscipline that results in an adjudication. This instrument achieves this aim through the extension of the maximum period for the punishment of forfeiture of privileges under PR 55(1)(b), the creation of two new punishments relating to the restriction or removal of social visits under PR 55(1)(j) and (k), and the increase in the maximum number of additional days an IA may award under PR 55A(1)(b).

5.4 Recent data[1] indicates that the number of adjudications, as well as additional days awarded, has risen disproportionately compared with the overall prison population, with common themes including increased levels of violence and assaults on staff. For example, in Q1 2023, there were 45,705 adjudications, with added days imposed on 895 occasions. By Q1 2025, this had increased to 71,625 adjudications with 1,683 instances of added days imposed, representing a 57% and 88% rise respectively. Over the same period, the prison population grew by only 4% (from 84,372 to 87,919) which does not account for the significantly sharper growth in adjudications. In addition, violence continues to remain high, with the rate of assaults in the 12 months to December 2025 up 2.7% from the previous 12 months to December 2024. While assault rates remain below pre-pandemic levels seen in the 12 months to December 2019, they have continued to rise in the post-pandemic period. A similar upward trend can be observed for adjudications and additional days both before and after Covid-19; however, adjudications have now exceeded pre-pandemic levels. Since additional days began to be issued virtually between these periods, direct comparison with pre-Covid data is unreliable.

5.5 Given the scale and consistency of increases in adjudications and violent incidents in the estate, where cases are not progressed by the Police or the Crown Prosecution Service, or where the relevant referral thresholds are not met, it is essential that governors and IAs have strengthened options available to punish serious and repeat rule breaking.

5.6 The corresponding YOI Rules will not be amended in tandem with changes to the Prison Rules. This is to reflect and adhere to the separate policy approach for young offenders and children in custody. This framework makes clear that the welfare and best interests of young offenders and children must be a paramount consideration in policy and legislative development, as should the primary aim of the youth justice system to prevent the offending of children. These additional punitive measures, while appropriate in certain adult cases, would contradict these principles and the purpose of the youth justice system to deter rather than punish. It is therefore not appropriate to apply these changes to adjudications in the youth estate and as such, they will not apply to those subject to the YOI Rules. An amendment to Prison Rule 57(1) means that where an inmate is under 21 when an offence against discipline is committed, unless directed by the Secretary of State that they shall be treated as if sentenced to imprisonment, they cannot be subject to the social visits punishments, and the maximum period that can be imposed for additional days is 42 days.

Forfeiture of privileges

5.7 Of all the punishments available to governors and IAs, forfeiture of privileges, under PR 55(1)(b), has long been the most used punishment in the adjudications system. In 2025, it accounted for 71% (370,166 of 522,071) of the total punishments awarded. This punishment enables certain items or activities, which prisoners will typically value highly, to be taken away for a set time, such as additional access to the gym over and above their statutory allowance. As the most frequently awarded punishment, it is reasonable to conclude that forfeiture of privileges is seen by governors as appropriate and effective. In addition, it is operationally simple to deliver at any establishment as the decision-maker can choose from a range of privileges to be forfeited, which ensures it will be operationally workable and will impact the prisoner.

[1] https://www.gov.uk/government/collections/offender-management-statistics-quarterly

5.8 This instrument increases the maximum period for which forfeiture of privileges can be imposed from the previous 42 days to 84 days, thereby strengthening the deterrent and punitive potential of the most used adjudications punishment.

Social visits

5.9 This instrument introduces the ability for social visits to be either forfeited for no more than 27 days or restricted to one visit per 28 days for a maximum of 84 days. It is intended that these new adjudication punishments will be used only for those who are seriously or persistently committing indiscipline in the most severe cases where other punishments have previously not worked, with the guidance reflecting this. This is considered an appropriate available adjudication punishment because social visits are typically highly valued by prisoners, and as such, should serve as a strong deterrent in instances where other governor punishments are not proving to be effective.

5.10 By strengthening the range of adjudications through these changes, the aim is that prisoners should be deterred from engaging in indiscipline, thus combating the trend of rising adjudications and violent incidents that are widespread across the prison estate.

Additional days

5.11 Of all the punishments awarded by IAs, additional days account for the majority, representing 86% (6,781 of 7,892) of the total punishments awarded by IAs in 2025. Hence, to ensure that IAs have stronger options to punish repeat and serious rule breaking, this instrument doubles the maximum number of additional days that may be awarded for a single incident from 42 days to 84 days. This is a proportionate step since an 84-day limit aligns with the maximum custodial sentence available for possession of Category B or C drugs, making it a logical upper threshold for serious disciplinary offences.

5.12 Furthermore, additional days are the primary mechanism to delay earlier release points for prisoners serving Standard Determinate Sentences (SDSs), introduced by the Progression Model as part of the Sentencing Act 2026. To support this new regime, the previous Lord Chancellor sought to strengthen the adjudications process and increase the maximum number of additional days available for a single incident to ensure that those who seriously misbehave serve longer in custody. Although only prisoners serving SDSs benefit from earlier release under the Progression Model, this instrument will apply to all prisoners currently eligible for additional days and held under the Prison Rules. Whilst the increase was announced alongside the introduction of the Sentencing Act 2026 and supports the mechanism by which those eligible for earlier automatic release can be held for longer when they seriously misbehave, the Progression Model and the doubling of additional days are not dependent upon one another. Additional days are already available for cohorts who will not be eligible for the Progression Model, and it is therefore appropriate that the revised maximum applies consistently across all prisoners to whom the sanction can lawfully be imposed.

Prospective additional days

5.13 Where an offence against discipline is committed by a prisoner who is detained only on remand, prospective additional days may be awarded, which become substantive if the prisoner subsequently receives a determinate sentence.

5.14 This instrument ensures that the award of prospective additional days to remand prisoners can continue to be used to respond to serious or repeat rule-breaking and ensure that prisoners who seriously misbehave, and later receive a determinate sentence, can serve longer in custody.

Prison Sanction Orders

5.15 The changes detailed in paragraphs 5.09 – 5.10 are also being made within the context of wider consideration of the punishments available to those who fail to attend their sentencing hearing in the Crown Court. This reflects prison sanctions orders introduced by the Victims and Courts Act 2026 ('the Victims and Courts Act'), which gives Crown Court judges the power to impose a prison sanction (with the associated maximum time periods) when an offender is found in contempt of court if they breach an order to attend their sentencing hearing. They will include the three sanctions in PR 55 that are being amended or created by this instrument.

5.16 These measures were introduced following the refusal of several adult murderers to attend their sentencing hearings which led to a concern that there was a lack of clarity of the existing punishments available for failing to attend, and that they were inadequate. An offender's refusal to attend court without reasonable excuse can cause victims and their families significant further distress and denies them and the wider public the opportunity to see the full administration of justice.

What was the previous policy, how is this different?

5.17 Prior to this instrument, prison governors had a total of eight punishments to choose from to deal with a proven adjudication. This amendment creates two further punishments relating to the restriction or removal of social visits. Of the existing punishments, the previous maximum period for which forfeiture of privileges could be imposed was 42 days.

5.18 With the exception of payback punishment, IAs had the same punishments available to them, as well as a further punishment of up to 42 additional days in custody. This instrument doubles the maximum number of additional days an IA can award for a single incident to 84 days.

5.19 Previously, a convicted prisoner was entitled to receive a visit twice in every period of four weeks, but only once in every such period if the Secretary of State so directs. This instrument makes clear that this will be subject to the social visit punishments.

5.20 Prior to this instrument, PR 57(1) listed four punishments that could not be imposed to those under the age of 21 at the time the offence against discipline was committed, unless subject to a direction to be treated as if sentenced to imprisonment, in line with the YOI Rules. This instrument introduces two further restrictions, to limit to 42 days the imposition of additional days and that the two new punishments of forfeiture and restriction of social visits cannot be imposed.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 47(1) of the Prison Act 1952 ('the Prison Act') allows for the Secretary of State to make rules for the regulation and management of prisons, and the Prison Rules are made using this power. The Prison Rules set out a range of powers, duties, and obligations that govern how prisons are run on a day-to-day basis, including an

internal system of offences against discipline, for which prisoners can be punished if found guilty of a rule-breach in an adjudication.

6.2 The offences against discipline are listed under Prison Rule 51, comprising of 33 offences. The punishments that can be imposed for a proven adjudication are listed under Prison Rule 55 ('Governor's punishments') and Prison Rule 55A ('Adjudicator's punishments'), and prior to these amendments, contained eight adjudication punishments. All punishments under PR 55 were available to governors, and all but one (payback punishment) of the punishments under PR 55 were available to IAs, as well as the punishment under PR 55A (additional days in custody).

6.3 This instrument amends the Prison Rules to strengthen the punishments available for misbehaviour in prisons that results in an adjudication. The Government has determined that Prison Rules 35, 55, 55A, 57 and 59 should be modified. This will ensure that governors and IAs have broader options to punish serious and repeat rule breaking.

6.4 This instrument amends PR 55 by extending the maximum period for which 'forfeiture of privileges' under PR 55(1) (b), can be imposed, from 42 days to 84 days, and introduces two new punishments for convicted prisoners. These are forfeiture of social visits for a period not exceeding 27 days under PR 55(1)(j), and restriction of social visits to once in every period of 28 days for a period not exceeding 84 days under PR 55(1)(k). Both new punishments include an exemption for visits from a child of the prisoner who is under 18, and any adult who is appropriately accompanying that child.

6.5 This instrument includes a definition for 'child of the prisoner' which means a person under the age of 18 where the prisoner is either the parent or not the parent but has parental responsibility for the child within the meaning of section 3 of the Children Act 1989. This instrument also defines 'social visits' as in-person visits to a prisoner but does not include visits from a person acting in a professional or official capacity. This does not include virtual visits.

6.6 As a consequence of the amendments outlined in paragraph 6.4, PR 35(2) has been amended to reflect that a prisoner subject to one of the new punishments for the forfeiture or restriction of social visits will no longer be entitled to a visit twice in every period of four weeks.

6.7 This instrument amends PR 55A by extending the maximum number of additional days an IA may award under PR 55A(1)(b) from not exceeding 42 days to not exceeding 84 days. In addition, this instrument amends PR 55A(1)(a) so that the new social visits sanctions introduced in PR 55(1)(j) and (k) will be made available to IAs, alongside governors.

6.8 As a consequence of the amendments to PR 55 and 55A, this instrument amends PR 57(1) by inserting (e) and (f), ensuring that the two new social visits punishments cannot be imposed and that the maximum period for an award of additional days is 42 days for a person who is under the age of 21 at the time the offence against discipline is committed, unless subject to a direction from the Secretary of State that he is to be treated as if sentenced to imprisonment. It also updates the legislative references in PR57 (1) and (2).

6.9 This instrument amends PR 59(2) by replacing 'section 240' with 'section 240ZA(c)'.

Why was this approach taken to change the law?

6.10 This is the only possible approach to make the necessary changes. Only the punishments listed in PR 55 and PR 55A (in the case of IAs) are available for proven adjudications for adult prisoners.

7. Consultation

Summary of consultation outcome and methodology

7.1 All elements of this instrument have been developed in close collaboration with His Majesty's Prison and Probation Service colleagues and the lead Prison Group Director (PGD) for adjudications. In addition, they have been discussed with the Chief Magistrate's Office and the lead Adjudicating Judge, to enable the required updates to the Chief Magistrate's sentencing guidelines.

7.2 Prison governors and PGDs were consulted during policy development relating to the PR 55 amendments. The consultation was conducted through three well-attended group meetings in June 2025. Prison governors and PGDs engaged sincerely with the measures and the questions related to current procedure, potential use of the amended punishments and operational implementation. They provided important insight into how the measures would be received and operational realities of delivering the sanctions in prisons.

7.3 There was some hesitancy around the removal or restriction of social visits with comments around the importance of social visits in rehabilitation and the role of social visits as a motivating factor for prisoner behaviour. However, members understood the importance of this work. Some raised concerns of the impact of the social visit punishments not affecting the prisoner, but rather, the prisoner's family. However, some of these concerns were allayed with the introduction of the exemption for prisoner's children, underlining the importance of maintaining family relationships with children while in prison.

7.4 Some responses indicated that the current maximum days for forfeiture of privileges is used when the severity of the indiscipline is met, as per guidance. Therefore, extending the maximum days of forfeiture of privileges would likely be used as an appropriate response in serious cases. One member reinforced that the removal of additional access to the gym over and above their statutory allowance (one of the privileges available) would be an effective measure.

7.5 In summary, governors and PGDs had several questions and thoughtful insight that was reflected in the policy development. Their thoughts and comments have helped to construct the policy guidance and impact assessment.

7.6 Engagement with internal stakeholders to explore the impact on external policy areas, such as prisoner family and relations, trade unions, and third sector stakeholders, has commenced and will continue to occur prior to this instrument coming into force.

8. Applicable Guidance

8.1 Guidance will be provided to prisons to advise governors and staff of the changes to the Prison Rules. The Prisoner Discipline Procedures (Adjudications) Framework[2] will be updated to reflect these changes and re-published on gov.uk.

[2] https://www.gov.uk/government/publications/prisoner-discipline-procedures-adjudications-policy-framework

8.2 The framework will set out explicit guidance on the threshold for use of the social visit punishments in adjudications. It will state that social visit sanctions should be limited to cases where it is justifiable and proportionate, for example in cases of severe or persistent rule-breaking for which other interventions or punishments are not proving effective. It will also clarify that the punishment will not apply to any visits from a prisoner's child (under 18 and in respect of whom the prisoner is either the parent or has parental responsibility within the meaning of section 3 of the Children Act 1989) and any adult appropriately accompanying that child. The guidance also confirms that there can be more than one adult accompanying a child.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument since the SI relates to the maintenance of existing regulatory standards. In addition, the adjudication process already contains reasonable scope for professional discretion and is subject to mandatory standardisation panels, which monitor for differential treatment. Where such disproportionate impacts arise, we will continue to consider appropriate mitigations.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector. Establishments and staff will continue to lay disciplinary charges as before.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The changes set out in this legislation will be kept under review. Governors are required to regularly review the conduct of adjudications within their establishments, including the punishments imposed, to ensure that approaches remain fair and appropriate for all prisoners and that required outcomes are being achieved.

10.2 Summary data is published quarterly and reviewed by the Ministry of Justice. It is intended that when the Regulations bring into force prison sanctions orders, that the use of these by judges will also be monitored and reviewed through data collection. Any emerging impacts will continue to be monitored through existing governance mechanisms, informing national oversight and enabling appropriate mitigations to be considered. Regular engagement with appeal routes will also be maintained to identify and respond to any unintended consequences.

10.3 The instrument does not include a statutory review clause as it does not regulate business. Therefore, the statutory duty under section 28 of the Business, Enterprise and Employment Act 2015 does not apply.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and RSS Reform) Act 2023 ("relevant European Union Acts").