PRISON

1952 No. 1405

The Prison Rules, 1952

Made - - - -	28*th July*, 1952
Coming into Operation	31*st July*, 1952

In pursuance of the power conferred on me by section fifty-two of the Criminal Justice Act, 1948(**a**), as amended by section seventy-seven of, and the Eleventh Schedule to, the Criminal Justice (Scotland) Act, 1949(**b**), and paragraph (*d*) of section seventeen of the Courts-Martial (Appeals) Act, 1951(**c**), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Prison Rules, 1952, and shall come into operation on the thirty-first day of July, 1952.

(2) In these Rules the expression "the principal Rules" means the Prison Rules, 1949(**d**).

2.—(1) After paragraph (2) of Rule 7 of the principal Rules (which provides for the setting aside of prisons for classes of prisoners) there shall be inserted the following paragraph:—

"(2A) The Commissioners may set aside particular prisons or parts of prisons, called in these Rules corrective training prisons, for such prisoners or classes of prisoners undergoing corrective training as are not accommodated in regional prisons.".

(2) In paragraph (3) of the said Rule 7 for the words "regional or central" there shall be substituted the words "central, regional or corrective training".

(3) In paragraph (5) of the said Rule 7 after the word "regional," there shall be inserted the words "corrective training" and after the words "classes of prisoners" the remaining words shall be deleted.

3. For Rule 37 of the principal Rules there shall be substituted the following Rule:—

"Conditions of remitting sentence.

37. Arrangements shall be made by which a prisoner serving a sentence of imprisonment, whether by one sentence or by consecutive sentences, for a period exceeding one month, including a person committed to prison in default of payment of a sum adjudged to be paid by a conviction, may by good conduct and industry become eligible for discharge when a portion of his sentence not exceeding one-third of the whole sentence has yet to run:

Provided that nothing in the said arrangements shall authorize the reduction of any period of imprisonment to a period less than thirty-one days.".

(**a**) 11 & 12 Geo. 6. c. 58. (**b**) 12, 13 & 14 Geo. 6. c. 94. (**c**) 14 & 15 Geo. 6. c. 46.
(**d**) S.I. 1949/1073; 1949 I, p. 3470; and *see* S.I. 1951/1343; 1951 II, p. 289.

4. For paragraphs (15) to (18) of Rule 42 of the principal Rules (which sets out offences against discipline) there shall be substituted the following paragraphs:—

"(15) Commits gross personal violence to an officer.
(16) Commits gross personal violence to another prisoner.
(17) Makes repeated and groundless complaints.
(18) Makes false and malicious allegations against an officer.
(19) In any other way offends against good order and discipline.
(20) Attempts to do any of the foregoing things.
(21) When absent from prison on parole, fails to return to the prison on expiry of the stated period of his parole or breaks a condition which in pursuance of Rule 84A had been attached to his parole.".

5. For Rule 43 of the principal Rules there shall be substituted the following Rule:—

"Investigation of offences, and awards, by Governor.

43.—(1) Every offence against discipline shall be reported forthwith, and save as provided by Rule 45 the Governor shall investigate every report of such an offence not later than the following day, unless that day is a Sunday or a public holiday.

(2) If upon investigation the Governor considers that the offence is proved, he shall (subject to the provisions of Rule 44 and subject, in the case of a prisoner serving a sentence of corrective training or preventive detention, to the provisions of the Rules in that behalf) make one or more of the following awards:—

(*a*) caution;
(*b*) forfeiture of remission of sentence for a period not exceeding fourteen days;
(*c*) forfeiture or postponement of privileges for a period not exceeding twenty-eight days;
(*d*) exclusion from associated work for a period not exceeding fourteen days;
(*e*) *restricted diet No. 1 for a period not exceeding three days;
(*f*) *restricted diet No. 2 for a period not exceeding fifteen days;
(*g*) cellular confinement for a period not exceeding three days;
(*h*) stoppage of earnings for a period not exceeding fourteen days.".

6. For Rule 44 of the principal Rules there shall be substituted the following Rule:—

"Investigation of offences, and awards, by Visiting Committee or Commissioner.

44.—(1) Where a prisoner is reported for any of the following offences, namely:—

(*a*) escaping or attempting to escape from prison or from legal custody,

(*b*) assault upon an officer, or

(*c*) gross personal violence to another prisoner,

the Governor shall, unless upon investigating the report in accordance with Rule 43 he is satisfied that it should be dismissed, refer the case to the Visiting Committee.

(2) Where a prisoner is reported for any other serious or repeated offence against discipline (not being an offence to which the next following Rule applies) for which such awards as the Governor is authorized to make are in his opinion insufficient the Governor may, after investigation, refer the case to the Visiting Committee.

* For definitions of restricted diets see the Schedule.

(3) The Committee shall inquire into every case referred to them under paragraphs (1) and (2) of this Rule and, if they find the offence proved, shall (subject, in the case of a prisoner serving a sentence of corrective training or preventive detention, to the provisions of the Rules in that behalf) make one or more of the following awards:—

(*a*) caution;
(*b*) forfeiture of remission of sentence for a period not exceeding six months;
(*c*) forfeiture or postponement of privileges;
(*d*) exclusion from associated work for a period not exceeding twenty-eight days;
(*e*) *restricted diet No. 1 for a period not exceeding fifteen days;
(*f*) *restricted diet No. 2 for a period not exceeding twenty-eight days;
(*g*) cellular confinement for a period not exceeding fifteen days;
(*h*) stoppage of earnings for a period not exceeding twenty-eight days.

(4) The Governor may, notwithstanding the foregoing provisions of this Rule, refer to the Commissioners a case to which paragraph (1) or paragraph (2) of this Rule applies and thereupon a Commissioner or Assistant Commissioner shall have authority to inquire into the case and deal with it in the same manner as the Visiting Committee.

(5) The functions of the Visiting Committee under this Rule shall be exercised by not less than two and not more than five members of the Committee.".

7.—(1) In paragraph (1) of Rule 45 of the principal Rules (which relates to especially grave offences) for the words "report the same" there shall be substituted the words "refer the case".

(2) For paragraphs (2), (3) and (4) of the said Rule 45 there shall be substituted the following paragraphs:—

"(2) The Visiting Committee constituted as aforesaid shall inquire into the case and, if they find the offence proved, shall (subject, in the case of a prisoner serving a sentence of corrective training or preventive detention, to the provisions of the Rules in that behalf) make one or more of the awards set out in paragraph (3) of Rule 44, so however that—

(i) if they make the award lettered (*b*) in that paragraph, the period of the forfeiture may exceed six months, and

(ii) if they make the award lettered (*g*) in that paragraph, the period of cellular confinement may exceed fifteen days but shall not exceed twenty-eight days.

(3) In the case of a male prisoner serving a sentence of imprisonment, corrective training or preventive detention the Visiting Committee acting under this Rule (as modified, in the case of a prisoner undergoing a sentence of corrective training or preventive detention, by the Rules in that behalf) may order, subject to the requirements and restrictions imposed by section fifty-four of the Criminal Justice Act, 1948, corporal punishment in addition to, or instead of, an award set out in the foregoing paragraph of this Rule as so modified.

* For definitions of restricted diets see the Schedule.

(4) Where an order for the infliction of corporal punishment is made, the order shall specify the number of strokes and the instrument with which they are to be inflicted, and shall be recorded in such manner as the Commissioners determine.

(5) The Visiting Committee may, when making an order for the infliction of corporal punishment, make such awards, being awards set out in paragraph (3) of Rule 44 (as modified by paragraph (2) of this Rule and, in the case of a prisoner undergoing a sentence of corrective training or preventive detention, by the Rules in that behalf) as they consider ought properly to be made as alternative awards in the event of the Secretary of State refusing to confirm the order for the infliction of corporal punishment.".

8. For paragraph (2) of Rule 48 of the principal Rules (which enables awards to be mitigated) there shall be substituted the following paragraph:—

"(2) A disciplinary award, other than caution, forfeiture of remission of sentence or postponement of the date of release on licence, may be determined or mitigated at any time during the currency thereof by the authority responsible for the award.".

9. In Rule 59 of the principal Rules (which relates to religious denomination) for the words "either a member of the Visiting Committee or a Commissioner or Assistant Commissioner" there shall be substituted the words "the Visiting Committee".

10. In Rule 76 of the principal Rules (which relates to visits) for the words "in the sight and hearing of a prison officer" there shall be substituted the words "in the sight and, unless otherwise allowed by the Commissioners, in the hearing of a prison officer".

11. For Rule 84A of the principal Rules there shall be substituted the following Rule:—

"Release on parole.

84A.—(1) A prisoner serving a sentence of imprisonment, corrective training or preventive detention may be allowed by the Commissioners, on conditions and for reasons approved by them, to be temporarily absent from prison on parole for a stated length of time.

(2) If the Commissioners are satisfied that a prisoner absent on parole has broken any of the said conditions, he shall, notwithstanding that the stated length of time has not expired, be liable to be recalled to prison.".

12. At the end of Rule 95 of the principal Rules (which relates to washing, shaving and hair cutting) there shall be added the words "which direction shall be given in writing.".

13. In Rule 102 of the principal Rules (which relates to clothing) after the words "and shall" there shall be inserted the words "except as approved by the Commissioners".

14. In paragraph (1) of Rule 104 of the principal Rules (which relates to the application of Rules 105 to 120)—

(*a*) after the words "section twenty-five" in sub-paragraph (*b*) there shall be inserted the words "or of subsection (1) of section twenty-six", and

(*b*) after sub-paragraph (*e*) there shall be added the following sub-paragraph:—

"(*f*) a member of the armed forces of the Crown whom upon delivery of a written order purporting to be signed in pursuance of a

statutory provision in that behalf the Governor has been required to receive into his custody for a period not exceeding seven days.".

15. In Rule 121 of the principal Rules (which applies Rules 122 to 126 to appellants within the meaning of the Criminal Appeal Act, 1907(**a**)) after the words "Criminal Appeal Act, 1907" there shall be inserted the words "or the Courts-Martial (Appeals) Act, 1951(**b**)"; and in the said Rules 122 to 126 in relation to a prisoner who is an appellant within the meaning of the Courts-Martial (Appeals) Act, 1951, references to the Criminal Appeal Act, 1907, and to the Court of Criminal Appeal shall be deemed to be references to the Courts-Martial Appeals Act, 1951, and to the Courts-Martial Appeal Court respectively, and references to a legal adviser shall be deemed to include a naval, military or air force officer representing or assisting a prisoner for the purpose of his appeal.

16. In paragraph (1) of Rule 127 of the principal Rules (which provides for facilities being given to certain prisoners for preparing representations to the Court)—

(*a*) after the word "remand" in sub-paragraph (*d*) there shall be inserted the words "under subsection (7) of section twenty or"; and

(*b*) after sub-paragraph (*d*) there shall be added the word "or" and the following sub-paragraphs:—

"(*e*) on commitment for sentence under section five of the Vagrancy Act, 1824(**c**), or

(*f*) on commitment under paragraph (*b*) of subsection (3) of section six or paragraph (*b*) of subsection (3) or subsection (4) of section eight of the Criminal Justice Act, 1948(**d**).".

17. After Rule 150 of the principal Rules there shall be inserted the following heading and Rule:—

"PRISONERS SENTENCED FOR CONTEMPT OF COURT

Application of Rules 147, 148 and 150.

150A. A prisoner undergoing a stated term of imprisonment by reason of being committed for contempt of court shall be treated as a civil prisoner for the purposes of Rules 147, 148 and 150.".

18. For paragraph (*b*) of Rule 151 of the principal Rules (which prescribes the places where a sentence of corrective training shall be served) there shall be substituted the following paragraph:—

"(*b*) a corrective training prison set aside under paragraph (2A) of Rule 7.".

19. For Rule 152 of the principal Rules there shall be substituted the following Rule:—

"Assessment of suitability.

152.—(1) When a prisoner sentenced to corrective training is received in a local prison he may, in order that his suitability for training in a regional prison shall be considered, be removed for special observation to a prison set aside under sub-paragraph (i) of paragraph (2) of Rule 7.

(2) If the character or previous history of a prisoner are such that he appears to be unsuitable for a regional prison, he shall serve his sentence in a corrective training prison set aside under paragraph (2A) of Rule 7.".

(**a**) 7 Edw. 7. c. 23.
(**b**) 14 & 15 Geo. 6. c. 46.
(**c**) 5 Geo. 4. c. 83.
(**d**) 11 & 12 Geo. 6. c. 58.

20. For Rule 153 of the principal Rules there shall be substituted the following Rule:—

"Treatment in local prison.

153. A prisoner sentenced to corrective training shall before removal to the prison in which he is to serve his sentence be treated as if he were serving a sentence of imprisonment.".

21. In Rule 157 of the principal Rules (which relates to release on licence) for the word "after" there shall be substituted the word "when".

22. For Rule 158 of the principal Rules there shall be substituted the following Rule:—

"Discipline.

158. In the application to prisoners serving sentences of corrective training of the Rules relating to offences against discipline the following modifications shall be made:—

(i) for the award lettered (*b*) in paragraph (2) of Rule 43 there shall be substituted the following award:—

'(*b*) postponement, for a period of not more than fourteen days at any one time, of the date on which the prisoner becomes eligible under Rule 157 for release on licence;';

(ii) for the award lettered (*b*) in paragraph (3) of Rule 44 there shall be substituted the following award:—

'(*b*) postponement, for a period of not more than six months at any one time, of the date on which the prisoner becomes eligible under Rule 157 for release on licence:

Provided that the limit of six months shall not apply in respect of the offences of mutiny or incitement to mutiny or gross personal violence to an officer;'.".

23. For paragraph (2) of Rule 161 of the principal Rules (which relates to first stage of preventive detention) there shall be substituted the following paragraphs:—

"(2) A prisoner in the first stage shall be treated in all respects under the Rules applicable to prisoners serving a sentence of imprisonment except that in the application to such a prisoner of paragraph (2) of Rule 43 and paragraph (3) of Rule 44 the award lettered (*b*) in each of those paragraphs shall not apply.

(3) Where a prisoner to whom this Rule applies needs hospital treatment, nothing in the foregoing provisions of this Rule shall preclude his being placed for the purpose in some other prison.".

24. At the end of Rule 165 of the principal Rules (which relates to privileges during and after second stage of preventive detention) there shall be added the following proviso:—

"Provided that paragraph (*f*) of this Rule shall not preclude the Governor in his discretion from ordering the prisoner's temporary removal from such association, if he is satisfied that it is in the prisoner's interest or the interest of the good conduct of the prison that the prisoner shall be so removed.".

25.—(1) In paragraph (1) of Rule 169 of the principal Rules (which modifies the discipline rules in their application to prisoners serving sentences of preventive detention, and relates to returning such prisoners in the second stage to the first stage in a local prison)—

(*a*) in sub-paragraph (i) after the word "awards" there shall be inserted the words "lettered (*b*) to (*h*)"; and

(*b*) for sub-paragraph (ii) there shall be substituted the following sub-paragraph:—

"(ii) In place of the awards which may be made by the Visiting Committee under paragraph (3) of Rule 44 there shall be substituted the following awards:—

(*a*) restricted diet No. 1 for a period not exceeding fifteen days;

(*b*) cellular confinement for a period not exceeding fifteen days;

(*c*) stoppage or reduction of earnings for a period not exceeding twenty-eight days;

(*d*) any award that may be made under paragraph (1)(i)(*e*) of this Rule;

(*e*) removal to the penal grade for such period as may be necessary, provided that no prisoner shall be kept in the penal grade for more than three months consecutively unless he has again been brought before the Board and the Board has continued the order;

(*f*) postponement, for a period of not more than six months at any one time, of the date at which the prisoner becomes eligible under Rule 172 for release on licence:

Provided that the limit of six months shall not apply in respect of the offences of mutiny or incitement to mutiny or gross personal violence to an officer.".

(2) For paragraph (2) of the said Rule 169 there shall be substituted the following paragraph:—

"(2) Where a prisoner is in the second stage in a central prison and—

(i) persistently misconducts himself and his conduct is not influenced by reprimand or punishment, or

(ii) the Board of Visitors consider that his return to the first stage in a local prison would be desirable in the interest of the good conduct of the central prison,

the Commissioners may, on the recommendation of the Board of Visitors, order his return to the first stage in a local prison. The Commissioners shall consider the case of a man so returned at intervals of not more than three months, and shall order his return to the second stage as soon as they consider it expedient and in any case within twelve months.".

26. For paragraph (2) of Rule 184 of the principal Rules (which relates to the appointment of members of the Visiting Committee) there shall be substituted the following paragraph:—

"(2) The members of a Visiting Committee to be appointed by the justices of a borough shall be appointed at the meeting held, in accordance with rules made under section thirteen of the Justices of the Peace Act, 1949(**a**), for the purpose of electing a chairman of the justices.".

27. For paragraph (2) of Rule 187 of the principal Rules (which relates to the constitution and chairman of a Board of Visitors) there shall be substituted the following paragraphs:—

"(2) When a Board of Visitors is initially constituted, one of the members shall be appointed by the Secretary of State to be chairman for a period of twelve months.

(**a**) 12, 13 & 14 Geo. 6. c. 101.

(3) Except as provided by the foregoing paragraph the Board of Visitors shall at its first meeting in each year of office appoint a chairman and shall, if a casual vacancy occurs in the office of chairman, fill the vacancy as soon as possible.".

28. At the end of Rule 191 of the principal Rules (which relates to the appointment of a vice-chairman of a Visiting Committee or Board of Visitors) there shall be added the following words and paragraph:—

"who, unless upon the occurrence of a casual vacancy in the office of chairman he is himself appointed chairman, shall hold office during the period for which the chairman has been appointed.

(2) The quorum fixed in pursuance of the foregoing paragraph shall not be required for performing a function which in accordance with an express provision of these Rules may be performed by a smaller number.".

29. In the Schedule (which prescribes restricted diets) for the provisions relating to the No. 2 Diet there shall be substituted the following provisions:—

"(2) *No. 2 Diet*

(*a*) This diet shall consist of:—

Breakfast	Porridge, 1 pint, containing 3 oz. oatmeal. Bread, 8 oz. Margarine, ½ oz. Cocoa, 1 pint, containing ¾ oz. cocoa and 1 fluid oz. milk.
Dinner	Bread, 4 oz. Soup, 1½ pints, containing 3oz. split peas; 3 oz. dried beans; 4 oz. potatoes; 4 oz. carrots; salt; and, on any day on which meat is included in the normal diet of a prisoner, so much meat as is so included.
Supper	Bread, 8 oz. Margarine, ½ oz. Cocoa, 1 pint containing ¾ oz. cocoa and 1 fluid oz. milk.

(*b*) If a prisoner while on No. 2 diet is guilty of misconduct, No. 2 diet may be temporarily interrupted and the prisoner may be placed on No. 1 diet for a period not exceeding three days; on the expiration of the period awarded on No. 1 diet the prisoner shall resume the diet originally ordered, and the period passed upon the No. 1 diet shall count as part of the period originally ordered on No. 2 diet.".

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
28th July, 1952.