1962 No. 1471

PRISONS

ENGLAND AND WALES

The Prison Rules 1962

Laid before Parliament in draft

Made - - - -	13*th July* 1962
Coming into Operation	18*th July* 1962

In pursuance of the powers conferred on me by section 47 of the Prison Act 1952(a), as amended by section 41 of, and the Fourth Schedule to, the Criminal Justice Act 1961(b), I hereby make the following Rules:—

1. For Rule 37 of the principal Rules, as set out in Rule 3 of the Prison Rules 1952(c), there shall be substituted the following Rule:—

"*Remission of sentence*

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

Provided that nothing in this Rule shall authorise the reduction of the term which the prisoner is serving to less than thirty-one days.

(2) Remission granted under this Rule shall not exceed one-third of the aggregate of the following periods, that is to say:—

(*a*) the term which the prisoner is serving; and

(*b*) the period, if any, by which the term imposed by the sentence of the court is treated as reduced under section 17 (2) of the Criminal Justice Administration Act 1962(d) by reason of the prisoner having been in custody after conviction awaiting sentence.

(3) For the purposes of this Rule—

(*a*) 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; and

(*b*) consecutive terms of imprisonment shall be treated as one term.

(4) This Rule does not apply to a person serving a sentence of imprisonment for life.".

2. For Rule 84A of the principal Rules, as set out in Rule 4 of the Prison Rules 1956(e), there shall be substituted the following Rule:—

"*Temporary release*

84A.—(1) The Commissioners may order the temporary release of a prisoner to whom this Rule applies for such period or periods and subject to such conditions as they may determine.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (b) 9 & 10 Eliz. 2. c. 39.
(c) S.I. 1952/1405 (1952 III, p. 2631). (d) 10 & 11 Eliz. 2. c. 15.
(e) S.I. 1956/1986 (1956 II, p. 1897).

(2) The Commissioners may at any time recall to prison a prisoner released under this Rule, whether the conditions of his release have been broken or not.

(3) This Rule applies to prisoners other than persons committed in custody for trial or to be sentenced or otherwise dealt with at or by assizes or quarter sessions or remanded in custody by any court.".

3. At the end of Rule 157 of the principal Rules, as amended by Rule 21 of the Prison Rules 1952 (which relates to the time when prisoners sentenced to corrective training become eligible for release on licence), there shall be added the following paragraph:—

"(2) The period, if any, by which the sentence imposed by the court is treated as reduced under section 17 (2) of the Criminal Justice Administration Act 1962 by reason of the prisoner having been in custody after conviction awaiting sentence shall be treated, for the purposes of this Rule, as an additional part of the sentence of corrective training which he is serving and as having been served as such.".

4.—(1) In Rule 166 of the principal Rules (which relates to the admission of prisoners to the third stage in which a sentence of preventive detention is served), after paragraph (1) there shall be inserted the following paragraph:—

"(1A) The period, if any, by which the sentence imposed by the court is treated as reduced under section 17 (2) of the Criminal Justice Administration Act 1962 by reason of the prisoner having been in custody after conviction awaiting sentence shall be treated, for the purposes of the foregoing paragraph of this Rule, as an additional part of the sentence of preventive detention which he is serving and as having been served as such.".

(2) In Rule 172 of the principal Rules (which relates to the time when prisoners sentenced to preventive detention become eligible for release on licence), after paragraph (2) there shall be inserted the following paragraph:—

"(2A) The period, if any, by which the sentence imposed by the court is treated as reduced under section 17 (2) of the Criminal Justice Administration Act 1962 by reason of the prisoner having been in custody after conviction awaiting sentence shall be treated, for the purposes of the foregoing paragraphs of this Rule, as an additional part of the sentence of preventive detention which he is serving and as having been served as such.".

5. In these Rules, the expression "the principal Rules" means the Prison Rules 1949(a).

6. These Rules may be cited as the Prison Rules 1962 and shall come into operation on 18th July 1962.

R. A. Butler,

One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
13th July 1962.

(a) S.I. 1949/1073 (1949 I, p. 3470).

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

Under section 17 (2) of the Criminal Justice Administration Act 1962 a sentence of imprisonment, corrective training or preventive detention is to be treated as reduced by any period which the prisoner spent in custody before sentence by reason of his having been committed in custody for trial or sentence or remanded after arraignment. Rule 1 of these Rules amends the Prison Rule relating to the remission which may be granted for industry and good conduct in the case of a sentence of imprisonment so as to treat for the purposes of remission any period spent in custody after conviction, and required by section 17 (2) to be taken into account in computing the sentence, as if it had been served as part of the sentence of imprisonment. Rules 3 and 4 make corresponding amendments to the Rules relating to corrective training and preventive detention to allow the period in question to be taken into account in determining the date of release on licence, and also, in the case of preventive detention, the date of admission to the third stage.

Rule 2 amends the Rule permitting the temporary release of prisoners, which extends only to prisoners serving sentences of imprisonment, corrective training or preventive detention, so as to make it apply to all prisoners other than those specified in paragraph (3) of the amended Rule.