1963 No. 468

PRISONS

ENGLAND AND WALES

The Prison Rules 1963

Laid before Parliament in draft

Made - - - -	12*th March* 1963
Coming into Operation	20*th March* 1963

In pursuance of the powers conferred on me by section 47 of the Prison Act 1952(a), as amended by section 41 of, and Schedule 4 to, the Criminal Justice Act 1961(b), I hereby make the following Rules:—

1. For Rule 160 of the Prison Rules 1949(c), as amended (d), (hereinafter referred to as "the principal Rules") there shall be substituted the following Rule:—

"*Stages of preventive detention*

160. A sentence of preventive detention shall be served in two stages.".

2. The heading "*Third Stage*" immediately preceding Rule 166 of the principal Rules shall be omitted and for Rules 166, 167 and 168 of those Rules there shall be substituted the following Rule:—

"*Special training*

166.—(1) Notwithstanding the provisions of Rule 163 of these Rules (which require the second stage to be served in a central prison), part of the second stage may be served in such conditions of modified security as are available for the purpose, whether in connexion with a central prison or elsewhere, so as to provide a transition from prison life to freedom.

(2) During the second stage every effort shall be made, by special industrial and social training and otherwise, to fit a prisoner to take his place in normal social life on his release.".

3. For Rules 171, 172 and 173 of the principal Rules there shall be substituted the following Rules:—

"*Eligibility for release*

172. A prisoner serving a sentence of preventive detention shall become eligible for release on licence when he has served two-thirds of his sentence:

Provided that 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(e) by reason of the prisoner having

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. (b) 9 & 10 Eliz. 2. c. 39.
(c) S.I. 1949/1073 (1949 I, p. 3470).
(d) The amending instruments are 1952/1405, 1956/1986, 1962/1471 (1952 III, p.2631; 1956 II, p.1897; 1962 II, p.1602); Rule 4 of the 1962 instrument contains the only amendments relating expressly to provisions amended by these Rules. (e) 10 & 11 Eliz. 2. c. 15.

been in custody after conviction awaiting sentence shall be treated, for the purposes of this Rule, as an additional part of the sentence of preventive detention which he is serving and as having been served as such.

Service of sentence after recall

173.—(1) A prisoner serving a sentence of preventive detention who has been released on licence and recalled to prison shall be remitted to the first stage.

(2) A prisoner remitted as aforesaid may be removed to the second stage at any time and shall be removed thereto within two years of his being so remitted.

(3) The governor shall report to the Commissioners at intervals of three months, or as they may direct, on the suitability of a prisoner recalled as aforesaid for release again on licence and, if he is in the first stage, for removal to the second stage.".

4. These Rules may be cited as the Prison Rules 1963 and shall come into operation on 20th March 1963.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
12th March 1963.

EXPLANATORY NOTE

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

The provisions of the Prison Rules 1949 relating to preventive detention, which are contained in Rules 160 to 173, provide for a sentence of preventive detention to be served in three stages, and require a prisoner to serve five-sixths of his sentence before he becomes eligible for release on licence, unless he is admitted to the third stage in which case he may be released when he has served two-thirds of his sentence.

These Rules amend the existing Rules so as to merge the second and third stages and allow all prisoners serving a sentence of preventive detention to be released on licence after they have served two-thirds of the sentence. A prisoner recalled after release on licence may be released again at any time.