

**2008 No. 597**

**PRISONS, ENGLAND AND WALES**

**The Prison (Amendment) Rules 2008**

*Made* - - - - *4th March 2008*

*Laid before Parliament* *5th March 2008*

*Coming into force* - - *1st April 2008*

The Secretary of State, in exercise of the powers conferred by section 47 of the Prison Act 1952(a), makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Prison (Amendment) Rules 2008 and shall come into force on 1st April 2008.

**Amendment of the Prison Rules 1999**

2. The Prison Rules 1999(b) are amended as follows.

3. In rule 2(1) (interpretation), the following definition shall be added in the appropriate place—

““information technology equipment” includes any laptop or notebook computer, desktop computer, gaming console, handheld computing device, personal organiser or any electronic device containing a computer processor and capable of connecting to the internet, and any reference to information technology equipment includes a reference to—

- (a) a component part of a device of that description; or
- (b) any article designed or adapted for use with any information technology equipment (including any disk, film or other separate article on which images, sounds, computer code or other information may be stored or recorded)”.

4. For “board of visitors” substitute “independent monitoring board” in—

- (a) each place where it occurs in rules 11(1), 22(2), 35(6), 43(1), 49(2) and (4)(c), 73(2), 74(d), 75(2) and (4), 76(1), 77(1), 78(1) and 80(1);
- (b) the title to Part 5 and the heading to rule 75.

5. In rule 61(2)(e) for “, governor or the board of visitors” substitute “or governor”.

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(a) 1952 c.52. Section 40A(6), which provides for List C articles to be prescribed by prison rules, was inserted by the Offender Management Act 2007 (2007 c.21).

(b) S.I. 1999/728 as amended by S.I. 2005/869 and S.I. 2005/3437. Rule 79(1) was amended by S.I. 2007/2954 to include reference to the independent monitoring board. There are other amending instruments but none is relevant.

(c) Rule 49(2) and (4) were amended by S.I. 2005/3437.

(d) Rule 74 was amended by S.I. 2000/1794.

(e) Rule 61(2) was amended by S.I. 2005/3437.

6. In rule 70 omit “money, clothing, food, drink, tobacco, letter, paper, book, tool, controlled drug, firearm, explosive, weapon or other”.

7. After rule 70 insert—

**“70A. List C Articles**

A List C article is any article or substance in the following list—

- (a) tobacco;
- (b) money;
- (c) clothing;
- (d) food;
- (e) drink;
- (f) letters;
- (g) paper;
- (h) books;
- (i) tools;
- (j) information technology equipment.”

Signed by authority of the Secretary of State

4th March 2008

*David Hanson*  
Minister of State  
Ministry of Justice

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Rules amend the Prison Rules 1999 (“the 1999 Rules”). Rule 4 alters all references to “boards of visitors” in the 1999 Rules to “independent monitoring boards”, following the renaming of the board by section 26(1) of the Offender Management Act 2007. Rule 5 removes the reference to ‘boards of visitors’ in rule 61(2) of the 1999 Rules. Boards of visitors, now independent monitoring boards, no longer have any role in imposing punishments for disciplinary offences.

Rule 6 provides for amendments to rule 70 (prohibited articles) to remove the illustrative list of unauthorised articles which may be confiscated by the governor.

Section 22 of the Offender Management Act 2007(c.21) inserted sections 40A to 40C of the Prison Act 1952. In consequence, Rule 7 inserts a new Rule 70A into the 1999 Rules. Rule 70A lists for the purposes of the new section 40C, the List C articles which it is an offence to bring, or attempt to bring into a prison intending to give to a prisoner, or intending it to come into a prisoner’s possession, or to take out of a prison on a prisoner’s behalf.

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STATUTORY INSTRUMENTS

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