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STATUTORY INSTRUMENTS

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**2017 No. 576**

**PRISONS, ENGLAND AND WALES**

**The Prison (Amendment) Rules 2017**

<i>Made</i>	- - - -	<i>19th April 2017</i>
<i>Laid before Parliament</i>		<i>21st April 2017</i>
<i>Coming into force</i>	- -	<i>12th May 2017</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 47(1) of the Prison Act 1952(1).

**Citation and commencement**

1. These Rules may be cited as the Prison (Amendment) Rules 2017 and come into force on 12th May 2017.

**Amendment of the Prison Rules 1999**

- 2.—(1) The Prison Rules 1999(2) are amended as follows.  
(2) After rule 46 (close supervision centres) insert—

**“Separation centres**

**46A.**—(1) Where it appears desirable, on one or more of the grounds specified in paragraph (2), the Secretary of State may direct that a prisoner be placed in a separation centre within a prison.

- (2) The grounds referred to in paragraph (1) are—
- (a) the interests of national security;
  - (b) to prevent the commission, preparation or instigation of an act of terrorism, a terrorism offence, or an offence with a terrorist connection, whether in a prison or otherwise;
  - (c) to prevent the dissemination of views or beliefs that might encourage or induce others to commit any such act or offence, whether in a prison or otherwise, or to protect or safeguard others from such views or beliefs, or

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(1) 1952 c. 52. Section 47(1) was amended by section 6(2) of the Criminal Justice and Public Order Act 1994 (c. 33) and paragraph 3(2) of Schedule 9 to the Criminal Justice and Courts Act 2015 (c. 2).  
(2) S.I. 1999/728. There have been amendments to these rules but none are relevant.

- (d) to prevent any political, religious, racial or other views or beliefs being used to undermine good order and discipline in a prison.
- (3) A direction given under paragraph (1) must be reviewed every three months.
- (4) The Secretary of State may, at any time, revoke a direction given under paragraph (1) and direct that the prisoner be removed from the separation centre.
- (5) In exercising any discretion under this rule, the Secretary of State must take account of any known relevant medical considerations.
- (6) In this rule—
- “act of terrorism” includes anything constituting an action taken for the purposes of terrorism within the meaning of section 1 of the Terrorism Act 2000(3);
- “offence with a terrorist connection” means an offence listed in Schedule 2 of the Counter-Terrorism Act 2008(4), which also satisfies the definition in section 93 of that Act;
- “separation centre” means any part of a prison for the time being used for holding prisoners who are subject to a direction under paragraph (1);
- “terrorism offence” means an offence listed in section 41(1) of the Counter-Terrorism Act 2008.”.

19th April 2017

*Sam Gyimah*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(3) 2000 c. 11. Section 1(1) was amended by section 34 of the Terrorism Act 2006 (c. 11) and section 75(1) of the Counter-Terrorism Act 2008 (c. 28).

(4) 2008 c. 28.

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## EXPLANATORY NOTE

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

These Rules amend the Prison Rules 1999 ([S.I. 1999/728](#)) to create a new rule 46A to make provision for separation centres. The new rule confers on the Secretary of State a discretion to direct that prisoners are placed in such a centre within a prison. The new rule sets out the grounds which must be satisfied prior to the Secretary of State making such a direction, namely: national security, preventing terrorism offences, preventing the dissemination of views that might encourage such offences, and preventing the use of particular views or beliefs to undermine good order and discipline.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.