Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

S.I. No. 252 *of* 2007

PRISON RULES 2007

REVISED

Updated to 1 January 2024

This Revised Statutory Instrument is an administrative consolidation of the *Prison Rules 2007*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Electoral (Amendment) Act 2023* (40/2023), enacted 19 December 2023, and all statutory instruments up to and including *Income Tax (Employments) Regulations 2024* (S.I. No. 1 of 2024), made 4 January 2024, were considered in the preparation of this Revised Statutory Instrument.

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S.I. No. 252 *of* 2007

PRISON RULES 2007

REVISED

Updated to 1 January 2024

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S.I. No. 252 *of* 2007

PRISON RULES 2007

REVISED

Updated to 1 January 2024

I, Michael McDowell, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 35 of the Prisons Act, 2007 (No. 10) hereby make the following rules:

Annotations

Modifications (not altering text):

C1 Application of Rules extended (4.12.2009) by *Courts and Court Officers Act 2009* (36/2009), s. 11(2) and (5), commenced on enactment.

Definitions (Part 2)

5.—In this Part— ...

"holding area officer" means—

(*a*) a governor, or a member of the Garda Síochána, in whose temporary custody a person is placed under section 6,

(*b*) a person who assumes the duties of a holding area officer under section 11(6),

(*c*) a member in charge who assumes the powers and functions of a holding area officer under paragraph (*a*) of section 11(7), or

(*d*) a member of the Garda Síochána to whom the powers and functions referred to in paragraph (*c*) are transferred under paragraph (*b*) of section 11 (7);

...

"Prison Rules" means the Prison Rules 2007 (S.I. No. 252 of 2007)

...

Functions of holding area officer.

11.— ...

(2) A holding area officer may search, in accordance with the Prison Rules, the person of any person who has been placed in his or her temporary custody under section 6 if he or she is of the opinion that it is necessary to do so to perform his or her functions under this Part.

...

(5) Nothing in this section shall be construed as limiting the powers under the Prison Rules of a holding area officer who is a prison officer.

...

PART 1

Preliminary And General

Citation and commencement

1. (1) These Rules may be cited as the Prison Rules, 2007.

(2) These Rules shall come into operation on 1st October 2007.

Interpretation

2. (1) The Interpretation Act, 1937 (No. 38 of 1937) applies to these Rules.

(2) In these Rules, unless the context otherwise requires—

"Act of 1960" means the Criminal Justice Act 1960 (No.27 of 1960);

"Act of 1970" means the Prisons Act 1970 (No.11 of 1970);

"Act of 1972" means the Prisons Act 1972 (No.7 of 1972);

"Appeal Tribunal" means a body established under Part 3 of the Prisons Act 2007

"approved work" means work of such a class or type as may be approved by the Minister;

"approved person" means a person approved by the Minister;

"asylum applicant" means a person referred to in section 8(1)(*a*) of the Refugee Act, 1996 (No. 17 of 1996);

"authorised structured activity" has the meaning assigned to it by *paragraph (2)* of *Rule 27* (*Out-of-cell time and authorised structured activity*);

"breach of prison discipline" shall be construed in accordance with *Rule 66* (*Breach of prison discipline*);

F1**[**"CCTV" means any fixed and permanent system employing optical devices for recording visual images of events;**]**

"chaplain" means a chaplain of a prison or other person for the time being authorised to perform all or any of the functions of chaplain of the prison concerned;

"consul" means, in relation to a person who is not an Irish citizen—

(*a*) the diplomatic or consular representative of the state of which that person is a citizen either in the State or accredited to the State on a non-residential basis, or

(*b*) a diplomatic or consular representative of a state (being a state of which that person is not a citizen) that may formally or informally offer consular assistance to—

(i) a citizen of a state that has no resident representative in the State, or

(ii) a person who is not a citizen of any state;

"controlled drug" has the same meaning as in section 2 of the Misuse of Drugs Act, 1977 (No. 12 of 1977);

"convicted prisoner" means a prisoner who is being detained in prison by virtue of having been convicted of an offence, whether or not a sentence of imprisonment or detention has yet been imposed in relation to the conviction;

"Department" means the Department of State for which the Minister has charge;

"Director General" is the person appointed by the Minister to the post of Director General of the Irish Prison Service or such a person as may be designated by the Director General to perform the functions of the Director General in his F2**[**temporary absence, or where that post is vacant, such person as may be designated by the Minister to perform the functions of the Director General during that vacancy;**]**

"Director of Prison Healthcare Services" shall be construed in accordance with *paragraph (2)* of *Rule 99 (Provision of healthcare services)*;

"Director of the Probation Service" is the person appointed by the Minister to the post of Director of the Probation Service;

"doctor" means a registered medical practitioner;

"foreign national" means a person who is not a citizen of the State;

"Governor" means the Governor of a prison or other officer for the time being authorised to perform all or any of the functions of Governor of the prison concerned;

"Health Service Executive" means that body established under section 6 of the Health Act, 2004 (No. 218 of 2004);

"healthcare professional" means—

(*a*) a registered medical practitioner,

(*b*) a registered dentist,

(*c*) a nurse, or

(*d*) such other persons belonging to a class of persons approved by the Director of Prison Healthcare Services for the purposes of these Rules engaged in the provision of services of a healthcare or medical nature;

"legal adviser" means—

(*a*) a person who is entitled to practice as a solicitor or barrister in the State,

(*b*) a person who is entitled under the laws of a state other than the State to carry on in that state activities the same as or similar to those carried on in the State by a barrister or solicitor, or

(*c*) an employee or apprentice acting on the authority of a person to whom *paragraph (a)* or *(b)* applies;

"local order" has the meaning assigned to it by *Rule 78* (*Local orders*);

"Minister" means the Minister for Justice, Equality and Law Reform;

"nurse officer" means an officer who is a nurse as defined under the Nurses Act 1985 (No. 18 of 1985);

"place of detention" means a place provided under section 2 of the Act of 1970;

"primary healthcare" has the meaning assigned to it by *paragraph (1)* of *Rule 33* (*Entitlement to Health Services*);

"prison officer" means an officer of the Minister assigned to perform the duties of prison officer;

"prison" includes—

(*a*) Saint Patrick's Institution,

(*b*) any place provided under section 2 of the Act of 1970, or

(*c*) any place specified to be used as a prison under section 3 of the Act of 1972;

"prison doctor" means a registered medical practitioner engaged by the Minister to provide care to prisoners or a registered medical practitioner acting in a locum capacity for that person;

"prisoner" means a person who is lawfully detained in prison and includes a person detained

— on foot of a sentence of imprisonment or a sentence of detention, including a sentence imposed pursuant to the Defence Act 1954 (No.18 of 1954),

— on committal by a court on remand or awaiting trial,

— on foot of an order of the Special Criminal Court made pursuant to section 43 (1)(c) of the Offences Against the State Act 1939 (No. 13 of 1939),

— on foot of a detention order or warrant under section 5 of the Immigration Act 1999 (No. 22 of 1999) as amended by section 10 of the Illegal Immigrants Trafficking Act, 2000 (No. 29 of 2000) or under section 5 of the Immigration Act 2003 (No. 26 of 2003),

— pursuant to section 9 of the Refugee Act 1996 (No. 17 of 1996) as amended by section 7 of the Immigration Act 2003 (No. 26 of 2003),

— pursuant to a warrant issued under S.I. No. 656 of 2006,

— pursuant to section 22 of the Refugee Act, 1996,

— pursuant to the Extradition Acts 1965 to 2001 or the European Arrest Warrant Act 2003 (No.45 of 2003),

— pursuant to a warrant under section 7 of the Transfer of Sentenced Persons Act 1995 (No. 16 of 1995) as amended by the Transfer of Sentenced Persons Act 1997 (No. 41 of 1997),

— transferred under section 7 of the Prevention of Crime Act (1908, c 59),

— for default of payment of debt,

— for contempt of court,

and includes such a person when temporarily outside the prison in the custody of a prison officer, a prison custody officer or other person authorised by the Governor;

"Probation Service" means the Probation Service of the Department of Justice, Equality and Law Reform;

"Probation and Welfare Officer" means a person appointed by the Minister to be—

(*a*) a Probation and Welfare Officer

(*b*) a welfare officer, or

(*c*) a probation officer

"prohibited article" has the meaning assigned to it by *paragraph (1)* of *Rule 9* (*Prohibited articles*);

"psychologist" means a person appointed by the Minister to provide psychological services;

"record" means information recorded in any form so as to be capable of being reproduced (with or without the aid of some other instrument) in a legible or recognisable visual, tactile (Braille) or audible form and cognate words shall be construed accordingly;

"registered dentist" has the same meaning as it has under the Dentists Act 1985 (No.9 of 1985);

"registered medical practitioner" has the same meaning as it has under the Medical Practitioners Act 1978 (No.4 of 1978);

"special observation cell" means a cell so constructed and designed, and incorporating such exceptional safety features, furnishings and methods of observation, as to afford enhanced safety for the prisoner accommodated therein, including safeguarding against self-harm;

"unconvicted prisoner" means a prisoner other than a convicted prisoner;

"stateless person" means a person who is neither a citizen of the State nor of any other state;

"visiting committee" means, in relation to a prison, the visiting committee constituted in respect of that prison under section 2 of the Prisons (Visiting Committees) Act 1925 (No. 11 of 1925) and, in relation to Saint Patrick's Institution, the visiting committee constituted in respect of that institution under section 13 of the Criminal Justice Act, 1960 (No. 27 of 1960) and Regulation 9 of Saint Patrick's Institution Regulations 1960 (S.I. No. 224 of 1960).

(3) In these Rules—

(*a*) a reference to a Part, Rule or Schedule is a reference to a Part or Rule of, or a Schedule to, these Rules, unless it is indicated that a reference to some other enactment or instrument is intended,

(*b*) a reference to a paragraph, subparagraph or clause is a reference to the paragraph, subparagraph or clause of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended whether before or after the commencement of these Rules, by or under any subsequent enactment, and

(*d*) a reference to any instrument under an enactment shall be construed as a reference to that instrument as amended, adapted or extended whether before or after the commencement of these Rules, by or under any subsequent enactment, or by any subsequent instrument under an enactment.

Annotations

Amendments:

F1 Inserted (14.01.2013) by *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013), art. 5, in effect as per art. 1(5).

F2 Substituted (30.11.2018) by *Prison (Amendment) Rules 2018* (S.I. No. 507 of 2018), art. 2.

Modifications (not altering text):

C2 References to "Minister for Justice, Equality and Law Reform" and "Department of Justice, Equality and Law Reform" in para. (2) construed (1.11.2020) as references to "Minister for Justice" and "Department of Justice" by *Justice and Equality (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 452 of 2020), arts. 2 to 4, in effect as per art. 1(2). Intervening titles of Minister and Department dealt with in E-Notes below.

2. The name of the Department of State, the present name of which is, in the Irish language, an Roinn Dlí agus Cirt agus Comhionannais and, in the English language, the Department of Justice and Equality, is altered, in the Irish language, to that of an Roinn Dlí agus Cirt and, in the English language, to that of the Department of Justice.

3. The title of the Minister having charge of the Department of State, whose present title is, in the Irish language, an tAire Dlí agus Cirt agus Comhionannais and, in the English language, the Minister for Justice and Equality, is altered, in the Irish language, to that of an tAire Dlí agus Cirt and, in the English language, to that of the Minister for Justice.

4. In any enactment or any instrument made under an enactment—

(*a*) references to the Department of Justice and Equality shall be construed as references to the Department of Justice;

(*b*) references to the Minister for Justice and Equality shall be construed as references to the Minister for Justice.

Editorial Notes:

E1 Previous affecting provision: references to “Minister for Justice, Equality and Law Reform” and "Department of Justice, Equality and Law Reform" in para. 2 construed (2.04.2011) as references to "Minister for Justice and Equality" and "Department of Justice and Equality" by *Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 138 of 2011), arts. 2 to 4, in effect as per art. 1(2); altered (1.11.2020) as per C-Note above.

E2 Previous affecting provision: references to “Minister for Justice, Equality and Law Reform” and "Department of Justice, Equality and Law Reform" in para. 2 construed (2.06.20110) as references to "Minister for Justice and Law Reform" and "Department of Justice and Law Reform" by *Justice, Equality and Law Reform (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 216 of 2010), arts. 3 and 4, in effect as per art. 1(2); altered (2.04.2011) as per E-Note above.

PART 2

Reception and Registration

Lawful detention

3. (1) A person shall not be admitted to a prison as a prisoner unless there is in force in respect of him or her for the time being a valid committal order, warrant, order or certificate authorising his or her detention in prison.

(2) A prisoner shall be provided with a copy of the order, warrant or certificate referred to in *paragraph (1)*, upon a request being made to the Governor in that behalf, as soon as is practicable after the making of such a request.

Recording of prisoner's details

4. Particulars relating to the admission of each prisoner shall be recorded by a person designated by the Governor upon his or her admission to a prison including the following:

(*a*) the prisoner's name, date of birth, nationality and any other information that will enable him or her to be identified,

(*b*) the prisoner's physical measurements and physical features and any distinctive marks and/or scars on his or her body,

(*c*) any indication of recent physical injuries that the prisoner had upon his or her admission,

(*d*) any details provided during healthcare screening on admission concerning conditions or addictions for which treatment is being provided or for which treatment has previously been provided including any medication, the prisoner was taking prior to admission,

(*e*) contact details for either,

(i) a parent or lawful guardian of a prisoner under 18 years of age or,

(ii) such member of the prisoner's family as the prisoner may nominate, or

(iii) such other person as the prisoner may nominate,

(*f*) particulars of the order, warrant or certificate referred to in *paragraph (1)* of *Rule 3 (Lawful detention)*,

(*g*) the date and time of the prisoner's admission,

(*h*) where the prisoner has been transferred from another prison, the prison from which he or she has been transferred,

(*i*) the religious denomination (if any) to which the prisoner declares himself or herself to belong, and

(*j*) any other information provided by the prisoner which the Governor, in the interests of good order and safe and secure custody, deems relevant.

Informing family member or friend

5. (1) Subject to this Rule, a person who—

(*a*) is committed to a prison (whether or not for the first time),

(*b*) having been unlawfully at large is readmitted to prison, or

(*c*) is transferred from one prison to another prison,

shall, as soon as may be after his or her committal, readmission or transfer, be facilitated in informing, as soon as is practicable, either a family member or such other person as he or she may nominate of his or her committal, readmission or transfer and the name and address of the prison in which he or she is, for the time being, being held.

(2) Where a person who—

(*a*) is committed to a prison (whether or not for the first time),

(*b*) having been unlawfully at large is readmitted to prison, or

(*c*) is transferred from one prison to another prison,

is under the age of 18 years, the Governor shall, as soon as may be after his or her committal, readmission or transfer inform—

(i) a parent or guardian of that person, or

(ii) if he or she is married, his or her spouse,

of such committal, readmission or transfer and the reason therefore, and of the name and address of the prison in which he or she is, for the time being, being held unless there are reasonable grounds for believing that the safety or best interest of the prisoner would be prejudiced.

(3) If the Governor has, after having made all reasonable efforts, been unable to comply with *paragraph (2)*, *paragraph (1)* shall apply in relation to that person.

(4) If the Governor is of the opinion that a person to whom *paragraph (1)* applies, who is over the age of 18 years and is incapable of contacting a family member or other person of his or her choosing within a reasonable time, the Governor shall make all reasonable efforts to do so on his or her behalf.

Searching

6. (1) Where a prisoner is—

(*a*) committed to a prison (whether or not for the first time),

(*b*) transferred from one prison to another prison, or

(*c*) is admitted to a prison from a place outside that prison

he or she may be searched pursuant to section 6(3) of the Criminal Law Act 1976 and this Rule.

(2) Prisoners may, in addition to being searched under *paragraph (1)*, be searched at any other time, where the Governor considers, upon reasonable grounds, that the carrying out of such searches is necessary for the purposes of—

(*a*) ensuring that a prisoner is not in possession of a prohibited article,

(*b*) confiscating a prohibited article, or

(*c*) seizing and retaining anything under *Rule 7 (Articles found in search and offences)*, or

(*d*) ensuring safe and secure custody and good government of the prison

(3) The carrying out of a search under this Rule may consist of—

(a) an examination of the prisoner's person and clothing which may involve the removal of any hat, overcoat, jacket or other outer clothing only, or

(b) (i) the removal and examination of all the prisoner's clothing, and

(ii) the examination of the prisoner's body following removal of the prisoner's clothing in as seemly a manner as is consistent with the necessity of discovering any concealed article

and any such searches shall be carried out in accordance with such directions of the Governor as may for the time being be in force relating to the degrees of search required to maintain good order and safe and secure custody.

(4) A search shall be carried out with due regard to decency, privacy and the dignity of the person being searched and at no stage shall a prisoner be left in a state of complete undress.

(5) A search under this Rule shall not be undertaken by a prison officer who is not of the same gender as the prisoner being searched.

(6) A search under this Rule to which *paragraph (3)(b)* applies shall not be conducted in the presence or view of another prisoner and shall be conducted in the presence and view only of such and such number of prison officers (being prison officers who are of the same gender as the prisoner) as are required to ensure the effective conduct of the search and the maintenance of good order and safe and secure custody.

(7) A search to which *paragraph (3)(b)* applies shall be conducted by not less than two prison officers.

(8) The Governor may, where he considers it necessary or expedient for the maintenance of good order or safe or secure custody, request the attendance of one or more members of the Garda Síochána during the conduct of a search under this Rule and a member of the Garda Síochána (being of the same gender as the prisoner who is being searched) may, pursuant to such a request, be in attendance during the conduct of such a search.

(9) If a prisoner refuses to permit the carrying out of a search under this Rule such force only as is reasonably necessary and proportionate to carry out the search may be applied in relation to the prisoner but this Rule shall not permit invasive searching of the orifices of a prisoner's body.

Articles found in search and offences

7. (1) Where in the course of a search under these Rules a prison officer or a member of the Garda Síochána finds or comes into possession of anything that he or she believes relates to the commission or alleged commission of an offence, he or she may, subject to *paragraph (2)*, seize and retain it for use as evidence in any criminal proceedings, or in relation to any proceedings for a breach of prison discipline, for such period from the date of seizure as is reasonable or, until the conclusion of any such proceedings.

(2) If a prison officer or member of the Garda Síochána, proposes to seize or retain a document found in the course of a search under these Rules and becomes aware that the document was, or may have been, created for the purpose of legal advice being obtained from a legal adviser, or the giving of legal advice by a legal adviser, that prison officer or member of the Garda Síochána shall not seize or retain the document unless he or she has reasonable grounds for believing that the document was not created for such a purpose only.

(3) Nothing in this Rule shall operate to prevent the Governor from placing any thing, the possession of which by a person would constitute an offence, in the custody of the Garda Síochána.

(4) A register of things seized and retained under this Rule shall be established and maintained by the Governor and the following details shall be entered in such register—

(*a*) any thing so seized and retained,

(*b*) the name of the person from whom it was seized,

(*c*) the name of the person by whom it was seized,

(*d*) the name of the person by whom, for the time being, it is retained, and

(*e*) such other particulars as the Governor considers appropriate.

(5) Any thing retained under this Rule shall be handled and stored in accordance with such directions as may be given by the Minister or any local order under *Rule 78 (Local orders)*.

Prisoner's property

8. (1) The Governor shall maintain an inventory of all articles including money brought into the prison by each prisoner, or handed in or sent to the prisoner for his or her use, and every such article shall be placed in the custody of the Governor who shall make a record thereof in that inventory.

(2) The Governor shall prepare and publish in the prison a list of—

(*a*) articles the retention of which, or of a stated amount of which, by a prisoner, or

(*b*) classes of articles, the retention of an article of which, or of a stated amount of an article of which, by a prisoner,

is considered by the Governor to be consistent with the maintenance of good order and safe and secure custody.

(3) The Governor may amend a list under this Rule.

(4) Any article that is taken from, or not given to, a prisoner in accordance with *paragraph (1)*, may be retained by the Governor in a secure place until the prisoner is released or is transferred to another prison.

(5) Any article that a prisoner is permitted, in accordance with this Rule, to have in his or her possession shall be retained by the prisoner for his or her own use and at his or her own risk.

(6) If any article not given to the prisoner has been retained by the Governor and placed in a secure place under *paragraph (4)*, the Governor shall cause the prisoner to be informed as soon as may be.

(7) Any article dealt with under *paragraph (4)* shall, upon a prisoner's release, be given to the prisoner, or upon his transfer to another prison, be forwarded to the Governor of the prison to which he or she is transferred and the provisions of this Rule shall, upon its receipt by that Governor, apply in respect of such article. Any article not removed by the prisoner from the prison at the time of his or her release may be dealt with in accordance with *paragraph (2)(c)* or *(2)(d)* of *Rule 9 (Prohibited Articles)*, subject to the Governor giving three months notice in writing to the prisoner. Where the Governor, having made all reasonable efforts, is unable to contact a former prisoner to provide such notice, the Governor may proceed in accordance with *paragraph (2)(c)* or *(2)(d)* of *Rule 9 (Prohibited Articles)* after a period of not less than three months after the prisoner's release.

Prohibited articles

9. (1) Any article—

(*a*) not included for the time being in a list prepared and published under *Rule 8 (Prisoner's property)*,

(*b*) the possession of which by a prisoner is considered by the Governor to present a threat to the maintenance of good order or safe or secure custody,

(*c*) the possession of which in a part of the prison other than a part designated by the Governor is considered by the Governor to present a threat to the maintenance of good order or safe or secure custody, or

(*d*) which is being used by a prisoner in a manner which is considered by the Governor to present a threat to the maintenance of good order or safe or secure custody,

(in these Rules referred to as a "prohibited article") taken from a prisoner, or any article (in the case of an article sent to a prisoner or handed in for a prisoner by a person from outside the prison) not given to the prisoner, may be dealt with in accordance with this Rule.

(2) Any article retained by the Governor under *paragraph (1)* of this Rule or any article retained by the Governor in the secure place mentioned in *paragraph (4)* of *Rule 8 (Prisoner's property)*, shall be dealt with in one of the following ways:

(*a*) it may be given to the prisoner, or in the case of money all or part of it may be given to the prisoner, at any time during the period of his or her imprisonment with the permission of the Governor provided that—

(i) it is an article that is included for the time being in a list prepared and published under *Rule 8 (Prisoner's property)*,

(ii) it belongs to a class of articles so included, or

(iii) the Governor considers that its possession by the prisoner concerned does not present a threat to the maintenance of good order or safe or secure custody,

(*b*) in the case of an article sent to or handed in for a prisoner, the Governor may return it to the person who sent it or handed it in, where practicable, or it may be dealt with in accordance with any other provision of this paragraph, where appropriate,

(*c*) it may be sold and the proceeds of sale may—

(i) be dealt with under *subparagraph (a)*, or

(ii) in the case of an article that was handed in for, or sent to, the prisoner from outside the prison the proceeds may be given in whole or in part to the person who handed the article in or sent it to the prisoner,

or,

(*d*) subject to *paragraph (3)*, it may be disposed of at the discretion of the Governor, such disposal may include the destruction of the article.

(3) If any article has been disposed of under *paragraph (2)(d)* or returned to its sender under *paragraph (2)(b)*, the Governor shall cause a description of the article and the date of its disposal or return to be recorded and the prisoner informed as soon as may be.

(4) If any article is sold under *paragraph (2)(c)*, the Governor shall cause a description of the article, the date of its sale, the amount of the proceeds of sale and the manner in which it was dealt with to be recorded and the prisoner informed thereof as soon as may be after the sale.

(5) Any article not dealt with under *paragraph (2)* shall, upon a prisoner's release, be given to the prisoner, or upon his or her transfer to another prison, be forwarded to the Governor of the prison to which he or she is transferred and the provisions of this Rule shall, upon its receipt by that Governor, apply in respect of such article.

Measurements, photographs, fingerprints and palm prints

10. (1) The Governor may take and record, or cause to be taken and recorded, measurements, photographs, fingerprints and palm prints of a prisoner at any time during the period of his or her imprisonment.

(2) The Governor may provide or cause to be provided to the Garda Síochána, the measurements, photographs, fingerprints or palm prints of a prisoner upon lawful application by a member of the Garda Síochána.

Medical examination

11. (1) Subject to *paragraphs (2)* and *(6)*, each prisoner shall be examined separately by a doctor on the day of his or her admission to a prison for the purpose of—

(*a*) the diagnosis of any physical or mental illness and the taking of such measures as are necessary to ensure that any such illness is treated,

(*b*) the isolation of, on medical grounds, a prisoner suspected of having a contagious condition or any condition that might threaten the health or well being of others if they were to come into contact with him or her,

(*c*) the determination of the prisoner's fitness for work,

(*d*) the noting of any physical or mental conditions that might impede the prisoner's integration into the prison regime or into society upon his or her release, and

(*e*) the noting of any indication of recent injuries, and

(*f*) the recording of any medication prescribed for the prisoner.

(2) Save in the most exceptional circumstances, a prisoner admitted to prison on the day of his or her committal, at a time when a doctor is not available, shall, immediately following his or her committal, be given a preliminary medical screening by a nurse officer, or any other person, duly authorised in that behalf, and shall then be examined by the prison doctor on the first scheduled visit of the prison doctor to the prison following his or her committal.

(3) Each prisoner on transfer to another prison shall be examined by the prison doctor on the first scheduled visit of the prison doctor to the prison after the transfer.

(4) The prison doctor shall determine what use shall be made of medicines brought into the prison by a prisoner.

(5) A prisoner who attends court and returns to the prison within 24 hours of leaving it shall not be required to be examined by the prison doctor unless particular circumstances exist that require his or her medical examination.

(6) The prison doctor may, as he or she considers appropriate, examine separately a prisoner prior to his or her final discharge from the prison.

(7) All medical examinations by a prison doctor shall, except where the prison doctor, on grounds stated and recorded, requests otherwise, take place out of sight and hearing of persons other than healthcare professionals.

Hot bath or shower

12. Each prisoner shall, on committal, be required to have a hot bath or shower unless excused therefrom on medical grounds.

Explanation of prisoner's entitlements, obligations and privileges

13. (1) Each prisoner shall, upon admission to prison, be given an explanatory booklet outlining his or her entitlements, obligations, and privileges under these Rules.

(2) Each prisoner who was admitted to prison before the commencement of these Rules and who is in prison on the date of such commencement shall be given an explanatory booklet outlining his or her entitlements, obligations, and privileges under these Rules.

(3) A full copy of these Rules and any local orders directly addressed to prisoners shall be available for examination by prisoners at a convenient location in the prison, and in so far as is practicable, copies of these Rules and any such local orders shall be made available to prisoners.

(4) The booklet referred to in *paragraph (1)* and *(2)* shall, in so far as is practicable, be provided to a foreign national in a language that is understood by him or her.

(5) Where the booklet referred to in *paragraph (1)* and *(2)* is not available in a language that is understood by the foreign national concerned or he or she does not understand the contents thereof, all reasonable efforts shall be made to ensure that the said contents shall be explained to him or her in a language that he or she understands.

(6) The booklet referred to in *paragraphs (1)* and *(2)* shall contain details in relation to the implementation of *paragraph (3)* in the prison concerned.

(7) Where a prisoner is unable to read or is unable to understand the contents of a booklet referred to in *paragraphs (1)* and *(2)* the Governor shall take all reasonable measures to ensure that the prisoner's entitlements, obligations, and privileges under these Rules are explained to him or her as soon as is practicable.

Meeting with Governor

14. The Governor shall, as soon as may be after the admission of a prisoner on committal to the prison concerned, meet that prisoner, and satisfy himself or herself that the prisoner has been informed of, and understands, his or her obligations, entitlements and privileges under these Rules, and shall further ensure that details of any matters of significance to which the prisoner may draw his or her attention are recorded.

Release date

15. (1) A prisoner who has been sentenced to a term of imprisonment or detention (other than for life) shall, as soon as may be after his or her committal, be informed of the due date or dates of his or her release calculated on the basis of,

(*a*) the service of the sentence without remission and,

(*b*) if applicable, the service of the sentence where normal remission, as provided for in accordance with *paragraph (1)* of *Rule 59 (Remission)*, has been earned.

(2) Where there is an alteration of the date referred to in *paragraph (1)* the prisoner concerned shall be so informed as soon as may be thereof and of the reason for the alteration.

Foreign nationals

16. (1) A foreign national shall be provided with the means to contact a consul and, in addition, an asylum applicant shall be provided with the means to contact:

(*a*) the United Nations High Commissioner for Refugees or the Representative in Ireland of the High Commissioner, and

(*b*) subject to such limitation as to numbers as the Governor may reasonably impose, national or international authorities and organisations whose principal object is to serve the interests of refugees or stateless persons or to protect the civil and human rights of such persons.

(2) A person to whom *paragraph (1)* applies shall be informed in particular of his or her entitlements under *Rule 38 (Visit by legal adviser or relating to court appearance.)*.

Child of female prisoner

17. (1) A child, of less than twelve months of age, of a female prisoner may be admitted to a prison and remain with the mother to facilitate breast feeding until the child has reached twelve months of age.

(2) In the case of a prisoner who gives birth to a child during the term of her imprisonment, the child may be admitted to a prison and remain with the mother in prison, until the child has reached twelve months of age.

(3) Any child admitted to a prison under this Rule shall not be removed from the care of his or her mother unless—

(*a*) upon the order of a Court or

(*b*) the mother of the child consents.

and, in any such case to which *paragraph (3)(b)* of this Rule applies, the child may be removed, at the direction of the Governor, only after the prison doctor, and such other healthcare professionals as the Governor or prison doctor considers appropriate, have been consulted.

(4) Except under special circumstances the child of a female prisoner shall not be permitted to remain in a prison after he or she has attained the age of twelve months.

(5) The necessary requirements for the maintenance and care of a child admitted to a prison under this Rule shall be provided or supplied by the Governor.

(6) A female prisoner whose child is permitted to remain with her while she is in prison may, with the consent of the Governor, arrange for the provision of articles or food for the child's maintenance and care (additional to those provided by the Governor under this Rule) at her own expense or at the expense of such other person as is willing to pay for such provision, subject to the maintenance of good order and safe and secure custody.

(7) Before the discharge of a child from a prison without his or her mother the Governor shall, ascertain or cause to be ascertained, in consultation with the child's mother, and the Health Service Executive the appropriate placement for the care of the child.

PART 3

Treatment of Prisoners

Basic Provisions

Certification of cells or rooms

18. (1) The Minister shall, in relation to a prison or part of a prison, certify that all such cells or rooms therein as are intended for use in the accommodation of prisoners are, in respect of their size, and the lighting, heating, ventilation and fittings available in the cells or rooms in that prison or that part, suitable for the purposes of such accommodation.

(2) (*a*) The Minister may specify the maximum number of persons who may, in normal circumstances, be accommodated in cells or rooms belonging to such class as may be so specified.

(b) The Minister shall when specifying a maximum number under *subparagraph (a)* have regard to the size of, and the availability of lighting, heating, ventilation and fittings in cells or rooms belonging to the class concerned.

(3) The Minister shall, in relation to a prison or part of a prison, designate particular cells or rooms, to be used only for the purposes of the special observation of prisoners in accordance with the provisions of *Rule 64 (Use of special observation cell)*, and such cells or rooms must comply with the design requirements approved by the Minister for such special observation cells.

(4) Each cell or room used to accommodate prisoners shall be fitted with a mechanism by which a prisoner locked inside may attract the attention of a prison officer and each such mechanism shall be capable of being operated by such a prisoner at all times.

Insufficient accommodation

19. (1) A prisoner may be temporarily accommodated otherwise than in a cell or room, to which a certificate under *paragraph (1)* of *Rule 18 (Certification of cells or rooms)* applies, if the Governor considers on reasonable grounds that exceptional circumstances exist that would warrant the prisoner concerned to be so accommodated.

(2) The Governor shall notify the Minister if circumstances require the accommodation of a prisoner under *paragraph (1)* of this Rule for a period of more than 24 hours.

Prison hygiene

20. (1) A prisoner shall maintain the cell or room, utensils, books, clothing, bedding and other articles used by him or her clean and neatly arranged.

(2) A prisoner shall comply with any local orders in relation to housekeeping, including the maintenance of a healthy and safe living environment.

Clothing

21. (1) A prisoner may, at the discretion of the Governor and subject to the maintenance of good order and safe and secure custody, be allowed to wear his or her own clothing in prison, when attending court, or when otherwise in custody outside the prison, provided that—

(*a*) the clothing is maintained in sound and clean condition,

(*b*) the clothing is adequate for warmth and health,

(*c*) the clothing is not required to be preserved as evidence in relation to an alleged offence or an alleged breach of discipline, and

(*d*) the prisoner can arrange for regular changes of clothing including underwear.

(2) Arrangements shall be made for cleaning and laundering clothing as necessary and in so far as practicable and subject to the maintenance of good order and safe

and secure custody, facilities may be made available to a prisoner for cleaning and laundering his or her clothing.

(3) If a prisoner is not permitted to wear his or her own clothing under this rule, he or she shall be provided with clothing adequate for warmth and maintenance of health and, in so far as is practicable, of a kind that is generally worn by persons of his or her age and gender outside prison.

Bedding

22. (1) Each prisoner shall be issued with separate bedding adequate for warmth and health, which shall be cleaned regularly.

(2) A prisoner shall not be required to sleep without a mattress.

Food and drink

23. (1) The Governor shall ensure that each prisoner is provided with a sufficient quantity of wholesome and nutritious food and drink each day and that food and drink shall be properly prepared, well presented and reasonably varied.

(2) Subject to the maintenance of good order and safe and secure custody, the Governor shall, in so far as is practicable in the performance of his or her functions under *paragraph (1)*, ensure that provision shall be made to enable a prisoner to observe dietary practices of a religion or culture of which he or she professes to be a follower.

(3) The Governor shall, in the performance of his or her functions under *paragraph (1)*, ensure that, where the prison doctor so advises, special provision is made in relation to the dietary needs of a prisoner who suffers from a medical condition the treatment, prevention or alleviation of the symptoms of which necessitates adherence to a special diet.

(4) Sufficient clean drinking water shall be available to each prisoner each day.

Sanitary and washing facilities

24. (1) In so far as is practicable, sanitary and washing facilities shall be provided in the prisoner's cell or room.

(2) Where adequate sanitary and washing facilities are not provided in the prisoner's cell or room, the prisoner shall have reasonable access to sanitary and washing facilities.

Personal cleanliness

25. (1) A prisoner shall keep his or her person clean.

(2) A prisoner shall be permitted to take a hot shower or bath as often as is reasonably practicable and shall be entitled to, and may be required to, take a hot shower or bath at least once a week.

(3) A prisoner shall be provided, free of charge, with such toilet articles as are necessary for the maintenance of health and cleanliness.

(4) Additional toilet articles shall be available for purchase in the prison at such times and in such parts of the prison as the Governor considers appropriate.

(5) Unless the prison doctor considers it necessary on health grounds, a prisoner's hair shall not be cut, and a male prisoner shall not be prevented from growing or be required to remove or grow a moustache or beard, without his or her consent.

(6) The Governor may require a prisoner to cover or restrain his or her hair at such times as are necessary for the maintenance of good health or for reasons of hygiene or safety.

Tobacco, intoxicating liquor and drugs

26. (1) A prisoner shall not

(*a*) smoke or have in his or her possession any tobacco product or

(*b*) consume or have in his or her possession any intoxicating liquor

other than in accordance with permission given by the Governor.

(2) A prisoner shall not have in his possession, nor shall any member of the staff of a prison provide a prisoner with, any controlled drug or medicinal product, other than in accordance with a duly issued prescription by the prison doctor, a psychiatrist who provides psychiatric services in the prison, a registered dentist who provides dental services in the prison or a doctor, psychiatrist, dentist or other health professional to whom *Rules 73 (Private healthcare - request by unconvicted prisoner)* or *106 (Outside medical assistance)* refer, and the prison doctor, psychiatrist or dentist, as the case may be, shall keep a record of all such prescriptions issued by him or her or those other doctors, psychiatrists, dentists or health professionals referred to in this paragraph and the Governor may confirm the existence of the records with the prison doctor or the Director of Prison Healthcare Services.

(3) A prisoner shall not have in his or her possession any drug or any medicinal product that may be lawfully purchased without a duly issued prescription unless it has been given to him or her by,

(*a*) a prison doctor,

(*b*) a psychiatrist to whom *paragraph (2)* applies,

(*c*) a registered dentist to whom *paragraph (2)* applies, or

(*d*) a member of the staff of a prison duly authorised in accordance with protocols issued by the Director of Prison Healthcare Services to provide the prisoner with the drug or medicinal product concerned.

(4) A person to whom *subparagraph (d)* of *paragraph (3)* applies shall, when performing a function under that subparagraph, record the name of the prisoner to whom he or she gave the drug or medicinal product concerned, the date on which such drug or medicinal product was given, the name of such drug or medicinal product and the amount thereof given to the prisoner.

(5) (*a*) In the interest of good order, safety, health and security and in accordance with directions set down by the Minister, a prisoner, if so requested by a person acting on the authority of the Governor, shall, for the purpose of detecting the presence or use of intoxicating liquor or any controlled drug or any medicinal product other than a controlled drug or medicinal product for which a prescription has been issued by a prison doctor, psychiatrist or registered dentist, provide all or any of the following samples, namely,

(i) urine,

(ii) saliva,

(iii) oral buccal transudate,

(iv) hair.

(*b*) Without prejudice to any enactment, a refusal by a prisoner to provide a sample under *paragraph (a)* of this Rule shall be regarded as a breach of discipline under these Rules.

(6) In this Rule "duly issued prescription" has the same meaning as it has in the Misuse of Drugs Act 1977 (No. 12 of 1977).

Association and Activity

Out-of-cell time and authorised structured activity

27. F3**[**(1) Subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and *Part 4* of these Rules, each prisoner shall be allowed to—

(*a*) subject to *paragraph (1A)*, spend a minimum period of 2 hours out of his or her cell or room with an opportunity during that time for meaningful human contact, including, at the discretion of the Governor, contact with other prisoners, and

(*b*) subject to *paragraph (a)*, spend as much time each day out of his or her cell or room as is practicable and, at the discretion of the Governor, to associate with other prisoners in the prison.**]**

F4**[**(1A) A period of time spent by a prisoner out of his or her cell or room engaging in any activity authorised by these Rules which provides an opportunity for meaningful human contact shall count towards the period referred to in *paragraph (1)(a)*.**]**

F5**[**(2) Subject to *Rule 72 (Authorised structured activity)*, each prisoner may, while in prison, engage or participate in such structured activity as may be authorised by the Governor (in these Rules referred to as 'authorised structured activity') including work, vocational training, education, or programmes intended to increase the likelihood that a prisoner, when released from prison, will be less likely to re-offend or better able to re-integrate into the community.**]**

(3) In so far as is practicable, each convicted prisoner should be engaged in authorised structured activity for a period of not less than five hours on each of five days in each week.

F6**[**(4) In this Rule, "meaningful human contact" means interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.**]**

Annotations

Amendments:

F3 Substituted (3.07.2017) by *Prison (Amendment) Rules 2017* (S.I. No. 276 of 2017), art. 3(*a*), in effect as per art. 1(3).

F4 Inserted (3.07.2017) by *Prison (Amendment) Rules 2017* (S.I. No. 276 of 2017), art. 3(*a*), in effect as per art. 1(3).

F5 Substituted (15.08.2014) by *Prison (Amendment) (No.2) Rules 2014* (S.I. No. 385 of 2014), art. 3, in effect as per art. 1(3).

F6 Inserted (3.07.2017) by *Prison (Amendment) Rules 2017* (S.I. No. 276 of 2017), art. 3(*b*), in effect as per art. 1(3).

Work

28. (1) Subject to this Rule, a convicted prisoner shall do work consisting of the performance of tasks necessary for the maintenance and operation of the prison.

(2) A prisoner may be directed to clean or sweep the landings, yards or other parts of the prison.

(3) Where a prison doctor certifies in writing that a prisoner is unfit for work, the prisoner shall not be allowed to engage or participate in work during the period to which the certificate concerned relates.

Gratuity

29. (1) Subject to Part 3 of the Prisons Act 2007 each prisoner shall be eligible for a gratuity of such amount as may be fixed by the Minister, with the consent of the Minister for Finance. Different levels of gratuity may be fixed for different prisons, different classes of prisoners and different levels of engagement in authorised structured activities.

(2) All amounts due to a prisoner under *paragraph (1)* shall be credited to his or her account by the Governor who shall ensure that such amount thereof as is not given to the prisoner while he or she is in prison shall be given to him or her upon his or her final release from prison. The manner in which any amount is given to a prisoner shall be determined by the Governor.

(3) Prisoners shall be permitted to use such part of any amount to which this Rule applies as the Governor determines for the purchase of such articles for the use of the prisoner as the Governor may approve, and may, with the Governor's consent—

(*a*) give, or cause to be given, the remainder of that amount to members of his or her family, or

(*b*) apply, or cause to be applied, that remainder in relation to such other purposes as he or she chooses but such funds may not be transferred to the account of another prisoner.

Employment of Prisoners

30. (1) A prisoner may, with his or her consent and with the authority of the Governor, engage or participate in approved employment for an approved person and the approved person shall remunerate the prisoner concerned at a rate no less favourable than he or she would remunerate a person who is not a prisoner.

(2) In this Rule,

(*a*) "approved employment" means employment of such a class or type as may be approved by the Minister, and

(*b*) "approved person" means a person, company or other body approved by the Minister.

(*c*) For the purposes of such employment, the Governor or the Minister shall not be deemed to be the employer of the prisoner

(3) All amounts due to a prisoner under *paragraph (1)* shall be credited to his or her account by the Governor who shall ensure that such amount thereof as is not given to the prisoner while he or she is in prison shall be given to him or her upon his or her final release from prison. The manner in which any amount is given to a prisoner shall be determined by the Governor.

(4) Prisoners shall be permitted to use such part of any amount to which this Rule applies as the Governor determines for the purchase of such articles for the use of the prisoner as the Governor may approve, and may, with the Governor's consent,

(*a*) give, or cause to be given, the remainder of that amount to members of his or her family, or

(*b*) apply, or cause to be applied, that remainder in relation to such other purposes as he or she chooses but such funds may not be transferred to the account of another prisoner.

(5) Where a prison doctor certifies in writing that a prisoner is unfit for employment to which this Rule refers, the prisoner shall not be allowed to engage or participate in such employment during the period to which the certificate concerned relates.

Restrictions on the involvement of prisoners in certain activities

31. (1) A prisoner shall not be engaged in the enforcement or maintenance of discipline in a prison.

(2) A prisoner shall not, without the permission of the Governor, be engaged in the service of a prison officer or any person employed, or engaged in the provision of a service, in a prison, and where the Governor grants such permission he or she shall record having so done.

(3) A prisoner shall not, without the permission of the Governor, be engaged in the education of, or provision of a service to, another prisoner.

Exercise

32. (1) Each prisoner not employed in outdoor work or activities shall be entitled to not less than one hour of exercise in the open air each day, provided that, having regard to the weather on the day concerned, that is practicable.

(2) In so far as is practicable, each prisoner shall be permitted to have access to, and the use of, indoor space and equipment, suitable for physical recreation, exercise or training, and shall be provided with appropriate instruction where necessary.

(3) Where a prison doctor certifies that a prisoner is unfit for physical recreation, exercise or training either generally or of a particular type, the prisoner shall not be permitted to engage or participate therein during the period in relation to which the prison doctor so certifies.

(4) Where a prison doctor certifies that a prisoner requires remedial physical education or therapy, the Governor shall, in so far as is practicable, make provision in relation thereto, in consultation with the Director of Prison Healthcare Services.

F7[Suspension, restriction or modification of entitlements under *Rule 32* where necessary to prevent or limit the spread of an infectious disease

32A. (1) Where the Director General is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) within a prison, he or she may direct the Governor of that prison to—

(*a*) suspend the entitlement to physical recreation, exercise or training under *Rule 32*, or

(*b*) restrict or modify the entitlement to physical recreation, exercise or training under *Rule 32*, as regards frequency, duration and arrangements,

for a specified period or periods.

(2) Where the Governor is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) within his or her prison, subject to any direction made by the Minister or the Director General, he or she may—

(*a*) suspend the entitlement to physical recreation, exercise or training under *Rule 32*, or

(*b*) restrict or modify the entitlement to physical recreation, exercise or training under *Rule 32*, as regards frequency, duration and arrangements,

for a specified period or periods.**]**

Annotations

Amendments:

F7 Inserted (20.07.2020) by *Prison (Amendment) Rules 2020* (S.I. No. 250 of 2020), art. 3, in effect as per art. 1(3).

Editorial Notes:

E3 The rule heading is taken from the contents of the rule in the absence of one included in the amendment.

Support Services

Entitlement to Health Services

33. (1) Each prisoner shall be entitled, while in prison, to the provision of healthcare of a diagnostic, preventative, curative and rehabilitative nature (in these Rules referred to as "primary healthcare") that is, at least, of the same or a similar standard as that available to persons outside of prison who are holders of a medical card.

(2) The Governor shall make arrangements for female prisoners who are pregnant and are likely to give birth while in custody to be able to give birth in a hospital outside of prison.

(3) No prisoner shall be subjected to, or required to, or participate in any experiment or trial of a product or process.

Religious, spiritual and moral life

34. (1) Each prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be permitted to practice and comply with the rules, observances and norms of behaviour of the religious denomination of which he or she is a follower or member.

(2) On the Governor being informed of a prisoner converting to a particular religious denomination or renouncing the religious denomination in relation to which a record was made under *subparagraph (i)* of *Rule 4 (Recording of prisoner's details)*, the Governor shall cause the particulars recorded under that Rule to be amended accordingly.

(3) Subject to the maintenance of good order and safe and secure custody and to *paragraph (1)*, each prisoner shall be permitted to have access to, for his or her own use, religious books, items and materials relating to the religious faith of which he or she is a follower or member.

(4) Each prisoner who belongs to a religious denomination may attend such services or meetings in the prison of his or her denomination as may, with the consent of the Governor, be arranged by a chaplain, or any person approved for this purpose by a religious denomination, subject to good order, and safe and secure custody.

(5) No prisoner shall be compelled to attend any religious service or meeting.

(6) Subject to the maintenance of good order and safe and secure custody, a prisoner shall not, in so far as is practicable, be refused access to a chaplain of any religious denomination (including a chaplain of a religious denomination of which the prisoner is not a member).

(7) Any request by a prisoner to see a chaplain, whether of his or her recorded denomination or not, shall be communicated to the chaplain concerned, as soon as may be, by the Governor or on his or her behalf.

(8) A prisoner shall not be compelled to meet with a chaplain.

(9) A meeting with a chaplain shall not, except in accordance with any local order for the time being in force under *Rule 78 (Local Orders)*, be held in the presence or view, or within the hearing, of a prison officer unless the chaplain or prisoner concerned so requests.

(10) Subject to good order and safe and secure custody, a prisoner who belongs to a religious denomination for which there is no authorised chaplain to the prison may, at his or her request and subject to the Governor's written consent, receive spiritual

or pastoral visits at such times as the Governor considers appropriate from a minister or other representative of that religious denomination, upon the Governor being informed of the identity of the minister or other representative concerned.

(11) Where a prisoner requests a spiritual or pastoral visit from a person other than an authorised chaplain and the Governor has so consented any such visit may take place at the discretion of the Governor in the view of but not within the hearing of a prison officer.

Contact with Outside Community

Ordinary visit

35. (1) Subject to the provisions of these Rules, a convicted prisoner who has reached the age of 18 years shall be entitled to receive by prior appointment not less than one visit from relatives or friends each week of not less than 30 minutes duration.

2) Subject to the provisions of these Rules, a convicted prisoner who has not reached the age of 18 years shall be entitled to receive by prior appointment not less than two visits from relatives or friends each week of not less than 30 minutes in duration.

(3) Subject to the provisions of these Rules, an unconvicted prisoner shall be entitled to receive one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week.

(4) The Governor may permit—

(*a*) a prisoner to receive such number of visits in excess of the minimum number specified in this Rule, or

(*b*) any visit to which *paragraph (1)*, *(2)* or *(3)* applies, to continue for a period in excess of the minimum period specified therein,

where he or she is of the opinion that to so permit would, in relation to the prisoner's welfare or rehabilitation, be beneficial.

(5) In the interest of good order and safe and secure custody—

(*a*) (i) the persons allowed visit any individual prisoner may be restricted by the Governor to persons nominated for the time being by the prisoner, and

(ii) the number of persons allowed visit any one prisoner at the same time may be restricted by the Governor to not more than three persons, and

(b) the Governor may restrict the number of persons who may be nominated by a prisoner in accordance with *paragraph (5)(a)(i)* but, in any case, the number of such persons may not be less than six.

(6) A prisoner who is entitled under this Rule to receive a visit may request the Governor to notify or cause to be notified those persons from whom the prisoner wishes to receive a visit, and the Governor shall do so, in so far as is practicable, and subject to the maintenance of good order and safe and secure custody.

(7) The Governor shall publish in the prison the days and times on which visits under this Rule may take place.

(8) A person, who is not a relative or friend, wishing to visit a prisoner shall make an application in writing to the Governor, detailing the purpose of the visit and such a visit may be permitted subject to such conditions, if any, as may be specified by the Governor.

(9) The Governor, shall consider whether or not a visit should be permitted under *paragraph (8)* and, if so, what if any conditions should be imposed and take into account,

(*a*) the prisoner's consent or otherwise to the visit

(*b*) the interests of the prisoner

(*c*) the need to maintain good order and safe and secure custody within the prison,

(*d*) the need to avoid:

(i) the facilitation or encouragement of a criminal offence or the hampering of the prevention, detection, investigation or prosecution of a criminal offence,

(ii) any person being threatened or put in fear,

(iii) serious offence or distress being caused to any person, including the victim, or family of the victim, of the crime for which the prisoner has been convicted,

(iv) giving rise to a legal action by a third party,

(v) jeopardising the interests of national security or

(vi) infringing the rights and freedoms of another person (including the right to privacy of another prisoner), and

(*e*) any guidelines issued by the Director General.

(10) A prisoner shall not be under any obligation to receive a visit under *paragraph (9)*.

Regulation of visits

36. (1) In the interests of security, good order and government of the prison, visits to which *Rule 35 (Ordinary visit)* applies shall take place on such days and times as are designated by the Governor.

(2) A prisoner shall be notified of the name of any person who attends at the prison for the purposes of visiting the prisoner where the visit will be allowed.

(3) A prisoner shall not be required to meet with a person who attends at the prison for the purpose of visiting the prisoner.

(4) Visits to which *Rules 35 (Ordinary visit)*, *37 (Visit for prisoner committed in default of payment of money or in prison in default of bail)* or *39 (Visit to foreign national)* apply shall take place within the view and hearing of a prison officer, unless the Governor otherwise directs.

(5) No articles shall be exchanged between a prisoner and a visitor during the course of a visit, except with the permission of the Governor.

(6) Visits to which *Rules 35 (Ordinary visit)*, *37 (Visit for prisoner committed in default of payment of money or in prison in default of bail)* or *39 (Visit to foreign national)* apply shall take place in a part of the prison designated for that purpose but the Governor may permit a visit to take place in a part of the prison other than a part so designated, where,

(*a*) a prisoner is certified by a prison doctor to be too ill to attend a visit in that part of the prison designated, or

(*b*) in the Governor's opinion it would not be appropriate for the visit to take place in the part so designated.

(7) (*a*) A part of the prison designated under *paragraph (6)* for visits shall have facilities to allow a prisoner and visitor to see and talk to one another but which prevent, through the use of screens or otherwise, physical contact between a prisoner and a visitor.

(*b*) The Governor may allow physical contact between a prisoner and a visitor when he or she is satisfied that such contact will not facilitate the entry into the prison of controlled drugs or other prohibited articles or substances.

(8) A person who attends the prison for the purpose of visiting a prisoner shall, if requested to do so, provide photographic evidence of identification and evidence of address and failure to do so may result in refusal of entry to the prison.

(9) The Governor, where he or she believes it to be necessary in order to,

(*a*) prevent the entry into the prison of controlled drugs or other prohibited articles or substances,

(*b*) prevent a conspiracy to commit a criminal offence, or

(*c*) otherwise maintain good order and safe and secure custody,

may refuse to permit a visit to a prisoner by a person or persons.

(10) (*a*) The Governor may refuse to allow a visit to take place unless a person, attending at the prison for the purpose of visiting a prisoner pursuant to *Rules 35 (Ordinary visit)* or *37 (Visit for prisoner committed in default of payment of money or in prison in default of bail)*, permits a search of his or her person to be carried out prior to the visit.

(*b*) The Governor may require that a visitor shall, before any visit pursuant to *Rules 35 (Ordinary visit)* or *37 (Visit for prisoner committed in default of payment of money or in prison in default of bail)* takes place, be asked to consent to the carrying out of a search of his or her person after the visit takes place but before his or her departure from the prison, and if he or she refuses to so consent the Governor shall not permit the visit to take place.

(11) A search of a visitor may be undertaken for the purposes of ensuring that the visitor is not in possession of a prohibited article, confiscating of a prohibited article, or seizing and retaining anything under *Rule 7 (Articles found in search and offences)*, where,

(*a*) permission referred to in *paragraph (10)(a)* has been given or

(*b*) such consent referred to in *paragraph (10)(b)* has been given, the visit has taken place and the Governor has reason to believe that the person may be in possession of a prohibited article.

(12) The carrying out of a search under this Rule may consist of an examination of the person and clothing which may involve the removal of the other outer clothing only and any articles in the possession of the visitor.

(13) A search shall be carried out with due regard to decency, privacy and the dignity of the person being searched.

(14) A search under this Rule shall be undertaken by not less than two prison officers, who are of the same gender as the person being searched.

(15) The Governor may, where he or she considers it necessary or expedient for the maintenance of good order or safe or secure custody, request the attendance of one or more members of the Garda Síochána during the conduct of a search under this Rule and a member of the Garda Síochána (being of the same gender as the person who is being searched) may, pursuant to such a request, be in attendance during the conduct of such a search.

(16) A visitor who is refused permission to visit a prisoner under *paragraph (9)* or who fails to give his or her permission or consent under *paragraph (10)* may be required to leave the prison by the Governor and if he or she refuses to leave the prison, upon being so required, the Governor may use, or cause to be used, only such

force as is reasonably necessary and proportionate to effect the person's removal from the prison.

(17) The Governor may, for the purposes of effecting the removal of a person from the prison in accordance with this Rule, request the assistance of such number of members of the Garda Síochána as he or she considers appropriate.

(18) Nothing in these Rules shall entitle a prisoner to any additional visit as a result of a visit having been refused under this Rule.

F8[Suspension, restriction or modification of entitlements under *Rule 35* where necessary to prevent or limit the spread of an infectious disease

36A. (1) Where the Director General is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) within a prison, he or she may direct the Governor of that prison to—

(*a*) suspend the entitlement to visits under *Rule 35*, or

(*b*) restrict or modify the entitlement to visits under *Rule 35*, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits,

for a specified period or periods.

(2) Where the Governor is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) within his or her prison, subject to any direction made by the Minister or the Director General, he or she may—

(*a*) suspend the entitlement to visits under *Rule 35*, or

(*b*) restrict or modify the entitlement to visits under *Rule 35*, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits,

for a specified period or periods.**]**

Annotations

Amendments:

F8 Inserted (20.07.2020) by *Prison (Amendment) Rules 2020* (S.I. No. 250 of 2020), art. 4, in effect as per art. 1(3).

Editorial Notes:

E4 The rule heading is taken from the contents of the rule in the absence of one included in the amendment.

Visit for prisoner committed in default of payment of money or in prison in default of bail

37. (1) A person committed to prison for failing or refusing to pay a sum payable by him or her by virtue of an order of a court in proceedings of either a criminal or civil nature, shall be entitled to receive a visit at any reasonable time from a person whose purpose in visiting the prisoner is to arrange for the payment of such sum, and such visit shall, unless the Governor otherwise directs, take place within the view and hearing of a prison officer.

(2) An unconvicted prisoner who has been admitted to bail but who remains in prison pending the payment of the amount of a recognisance entered into shall be entitled to receive a visit at any reasonable time from a person whose purpose in visiting the prisoner is to arrange for the payment of the amount of the recognisance, and such visit shall, unless the Governor otherwise directs, take place within the view and hearing of a prison officer.

Visit by legal adviser or relating to court appearance

38. (1) A prisoner shall be entitled to receive a visit from his or her legal adviser at any reasonable time for the purposes of consulting in relation to any matter of a legal nature in respect of which the prisoner has a direct interest, and any such visit shall take place within the view of, but out of the hearing of a prison officer.

(2) A prisoner may, at the discretion of the Governor receive a visit at any reasonable time from a legal adviser or from any other person approved of by that legal adviser who is assisting in making preparations on behalf of a party to proceedings before the courts whether criminal or civil in nature, and such a visit shall take place,

(*a*) within the view, and

(*b*) except where the prisoner or visitor requests otherwise, out of the hearing, of a prison officer.

(3) Where, in relation to a visit under *paragraph (1)* or *(2)*, the prisoner requests the attendance of an interpreter, the Governor may allow such attendance where the lack of such services during such visit would cause the prisoner substantial difficulty in communicating with the person visiting.

(4) *Paragraph (6)* of *Rule 35 (Ordinary visit)* shall apply to a visit under this Rule.

Visit to foreign national

39. (1) A foreign national shall be entitled to receive a visit from his or her consul at any reasonable time or where he or she is a stateless person the consul of a state of his or her choosing who is willing to visit him or her.

(2) An asylum applicant shall be entitled to receive a visit at any reasonable time from—

(*a*) such national or international authorities or organisations, as may be designated by the Minister, whose principal object is to serve the interests of refugees or stateless persons, and

(*b*) a consul of a state of his or her choosing.

(3) A visit under *paragraph (1)* or *(2)* shall, unless the Governor otherwise directs, take place in the hearing and view of a prison officer.

(4) *Paragraphs (5)(a)(ii)* and *(6)* of *Rule 35 (Ordinary visit)* shall apply to a visit under this Rule.

Visit by Probation and Welfare Officer relating to reports for court or other relevant purpose

40. (1) A Probation and Welfare Officer shall be entitled to visit a prisoner at any reasonable time for the purpose of preparing a report for a court or other report relevant to a matter in which the prisoner has an interest.

(2) A visit under *paragraph (1)* shall take place within the view and, unless the Probation and Welfare Officer or prisoner otherwise request, out of the hearing of a prison officer.

(3) Where, in relation to a visit under *paragraph (1)*, the prisoner or Probation and Welfare Officer requests the attendance of an interpreter, the Governor may allow such attendance where the lack of such services during such visit would cause the prisoner substantial difficulty in communicating with the Probation and Welfare Officer.

Visit by member of the Garda Síochána

41. (1) The Governor of a prison may permit a member of the Garda Síochána to visit a prisoner for the purposes of enabling the member to identify the prisoner.

(2) A member of the Garda Síochána shall, upon notification to the Governor, for the purposes of obtaining the assistance of a prisoner in relation to any matter connected with the performance by the Garda Síochána of their functions, be permitted to visit a prisoner—

(*a*) (i) where the member concerned produces a written request, addressed to the Governor and signed by a member of the Garda Síochána not below the rank of Superintendent, that the member concerned be permitted to visit the prisoner, and

(ii) the prisoner consents.

(*b*) on production of a court order.

(3) A visit under *paragraph (1)*, or *(2)* shall take place in the view of and, unless otherwise requested by the prisoner or the member of the Garda Síochána, out of the hearing of a prison officer.

(4) Subject to *paragraph (5)*, if it is proposed that, in relation to a prisoner who is under the age of 18 years, a visit under *paragraph (2)* will take place the Governor shall make all reasonable efforts to so inform—

(*a*) a parent or guardian of that prisoner, or

(*b*) if he or she is married, his or her spouse,

and to further inform that person that he or she may be in attendance while the visit takes place, and a person so informed may so attend.

(5) A visit under *paragraph (2)* may take place before there has been compliance with *paragraph (4)*, or the attendance of the person informed under that paragraph, if the Governor is reasonably satisfied, upon consideration of any information given to him or her by a member of the Garda Síochána, that to delay the holding of the visit could result in—

(*a*) the death of, or injury to, a person,

(*b*) the loss of, or serious damage to, property,

(*c*) the destruction of, or interference with, evidence relating to an offence, or

(*d*) the flight from justice of a person suspected of committing an offence.

(6) A visit under *paragraph (5)* shall take place in the presence of a prison officer.

(7) Where at a visit to which this Rule applies the Governor is of the opinion that the conduct of a person attending under the provisions of *paragraph (4)*, is such as to threaten the maintenance of good order or safe or secure custody, the Governor may remove him or her, or cause him or her to be removed, from the prison and the Governor may use, or cause to be used, only such force as is reasonably necessary and proportionate to effect the person's removal from the prison.

(8) Not more than three members of the Garda Síochána may visit a prisoner at any one time under this Rule unless the Governor otherwise permits.

Video links

42. (1) Where facilities are available and if practicable, the Governor may, as an alternative to a visit under these Rules, permit a prisoner and persons outside the prison to communicate by means of a device capable of transmitting simultaneously sounds and visual images for such period or periods of time as the Governor shall determine.

(2) A communication under *paragraph (1)* shall only take place with the consent of the prisoner concerned.

(3) A communication under *paragraph (1)* shall take place in the hearing and view of a prison officer unless it is a communication with a person to which *Rule 38 (Visit by legal adviser or relating to court appearance)* or *41 (Visit by member of the Garda Síochána)* would apply.

(4) Nothing in this Rule shall be construed as imposing an obligation on the Minister to ensure that a device referred to in *paragraph (1)* is installed in a prison.

(5) The Minister may establish rates at which such communications referred to in *paragraph (1)* may be charged to a prisoner or a person and the Governor of a prison shall inform or cause to be informed every prisoner of such charges and of the method of payment of such charges, if applicable, prior to such communications being made.

Letters

43. (1) Subject to the provisions of these Rules, a prisoner shall be entitled to send letters to his or her family or friends, and to receive as many letters as are sent to him or her by his or her family or friends.

(2) An unconvicted prisoner shall, in addition to being entitled to send letters under *paragraph (1)*, be entitled to send such number of letters to persons (other than persons referred to in that paragraph) as are reasonably necessary for the purposes of the management of his or her property or business affairs, and to receive such number of letters as are sent to him or her for that purpose by persons (other than persons referred to in that paragraph).

(3) A prisoner who, after sending seven letters in any one week, sends one or more other letters during that week may be required to pay for postage and writing materials in respect of the other letter or letters.

(4) A prisoner to whom *Rule 37 (Visit for prisoner committed in default of payment of money or in prison in default of bail)* or *Rule 39 (Visit to foreign national)* applies shall, in addition to being entitled to send or receive a letter under *paragraph (1)*, *(2)* or *(3)*, be entitled to send a letter to and receive a letter from a person from whom he is entitled to receive a visit in accordance with either such Rule.

Letter to authorities

44. (1) A prisoner shall, in addition to being entitled to send or receive a letter under *Rule 43 (Letters)*, be entitled to send a letter to, or receive a letter from any one or more of the following persons or bodies, that is to say:

(*a*) his or her legal adviser,

(*b*) a member of the visiting committee,

(*c*) the Minister,

(*d*) the Chief Justice, the President of the High Court, The President of the Circuit Court, the President of the District Court or the Presiding Judge of the Special Criminal Court,

(*e*) the European Court of Human Rights,

(*f*) the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, known as CPT,

(*g*) the Parole Board,

(*h*) the Inspector of Prisons,

(*i*) the Irish Human Rights Commission,

(*j*) the International Committee of the Red Cross.

(2) A prisoner may, at the discretion of the Governor, in addition to being entitled to send or receive a letter under *Rule 43 (Letters)*, send a letter to, and receive a letter from, a person from whom he or she might receive a visit under *paragraph (2)* of *Rule 38 (Visit by legal adviser or relating to court appearance)*.

(3) A letter from a prisoner intended for a person or body referred to in this Rule shall be sent to that person or body without delay and shall not be opened before it is so sent.

(4) A letter sent to a prisoner by a person or body referred to in this Rule shall be given to the prisoner without delay and shall not be examined to any greater extent than is necessary to determine that it is such a letter. If any such letter is to be examined, it shall only be opened in the presence of the prisoner to whom it is addressed.

Annotations

Modifications (not altering text):

C3 Irish Human Rights Commission construed as Irish Human Rights and Equality Commission (1.11.2014) by *Irish Human Rights and Equality Commission Act 2014* (25/2014), s. 9(1), 44(2), S.I. Nos. 449, 450 of 2014.

Establishment of Irish Human Rights and Equality Commission

9. (1) There shall stand established on the establishment day, a body which shall be known, in the Irish language as Coimisiún na hÉireann um Chearta an Duine agus Comhionannas or, in the English language, the Irish Human Rights and Equality Commission (in this Act referred to as the "Commission"), to perform the functions conferred on it by or under this Act.

Transfer of functions to Commission

44. ...

(2) References in any enactment or instrument under an enactment to the Human Rights Commission or the Equality Authority, as the case may be (howsoever described) shall be construed as references to the Commission save where other provision is made as respects the construction of the first-mentioned references by any enactment passed before the passing of this Act.

Examination of letters

45. (1) A letter given by a prisoner for sending, other than a letter referred to in *Rule 44 (Letter to authorities)*, may be opened and examined by the Governor and he or she may confiscate the letter or any article enclosed therewith if he or she is of the opinion that—

(*a*) it is threatening in nature,

(*b*) were the letter or article sent to the person for whom it was intended, it could cause serious offence or distress to that person or other persons or there could be an interference with the course of justice,

(*c*) the prisoner has not adequately identified himself or herself as the sender of the letter,

(*d*) the person for whom it is intended has informed either the Minister or the Governor that he or she does not wish to receive letters from the prisoner,

(*e*) it would facilitate or encourage the commission of a criminal offence or hamper the prevention, detection, investigation or prosecution of a criminal offence,

(*f*) it could give rise to a legal action by a third party against the Governor or the Minister,

(*g*) it is contrary to the interests of national security,

(*h*) it is contrary to the interests of the security, good order and government of the prison or

(*i*) it infringes the rights and freedoms of another person (including the right to privacy of another prisoner).

(2) A letter sent to a prisoner under *paragraph (1)*, *(2)* or *(3)* of *Rule 43 (Letters)* may be opened and examined by the Governor and he or she may confiscate the letter or any article enclosed therewith, if he or she, upon reasonable grounds, believes that were the letter or article to be given to the prisoner, that

(*a*) the maintenance of good order or safe or secure custody in the prison could be threatened, or

(*b*) it might facilitate a criminal offence or hamper the prevention, detection, investigation or prosecution of a criminal offence or

(*c*) it might, otherwise, cause an interference with the course of justice.

(3) A prisoner shall not, without the prior consent of the intended recipient, send a letter to the victim of his or her offence or the family of that person.

(4) If a letter or an article is confiscated under this Rule, the prisoner or the author of the letter concerned shall be so informed wherever possible.

Telephone calls

46. (1) The Governor may permit a prisoner to communicate with members of his or her family or his or her friends by means of telephone calls, for such period or periods of time and in accordance with such procedures, as the Governor shall determine.

(2) Subject to the availability of facilities, a convicted prisoner who is not less than 18 years of age shall be entitled to make not less than one telephone call per week to a member of his or her family or to a friend.

(3) Subject to the availability of facilities, a convicted prisoner who is less than 18 years of age shall be entitled to make not less than two telephone calls per week to a member of his or her family or to a friend.

(4) Subject to the availability of facilities, an unconvicted prisoner shall be entitled to make—

(*a*) not less than five telephone calls per week to a member of his or her family or to a friend, and

(*b*) as many telephone calls as are reasonably necessary for the purpose of enabling him or her to manage his or her property or business affairs, subject to such reasonable limitations as the Governor may impose in the interest of the effective management of the prison and to the maintenance of good order and safe and secure custody.

(5) A prisoner to whom *Rule 38 (Visit by legal adviser or relating to court appearance)* or *Rule 39 (Visit to foreign national)* applies shall, in addition to being entitled to make a telephone call under *paragraph (2)*, *(3)* or *(4)*, be entitled to make a telephone call to a person from whom he is entitled to receive a visit in accordance with either such Rule, at any reasonable time.

(6) A prisoner to whom *Rule 37 (Visit for prisoner committed in default of payment of money or in prison in default of bail)* applies shall, in addition to being entitled to make a telephone call under *paragraph (2)*, *(3)* or *(4)*, be entitled to make a telephone call to a person from whom he is entitled to receive a visit in accordance with such Rule, at any reasonable time.

(7) The Governor may, for the purposes of maintaining good order and safe and secure custody or ensuring that a prisoner does not make any telephone calls to which

paragraph (8) applies, intercept a telephone communications message made during a telephone call, provided that the prisoner or the person with whom he or she proposes to communicate is informed before any communication takes place that any telephone communications message made during the course of the telephone call may be intercepted.

(8) The Governor or a prison officer authorised by the Governor may effect the termination of a telephone call to which this Rule applies if, upon reasonable grounds, he or she believes that the telephone communication—

(*a*) is threatening in nature,

(*b*) could cause serious offence or distress to the recipient of the call

(*c*) could cause an interference with the course of justice,

(*d*) the recipient of the call has informed either the Minister or the Governor that he or she does not wish to receive telephone calls from the prisoner,

(*e*) would facilitate or encourage the commission of a criminal offence or hamper the prevention, detection, investigation or prosecution of a criminal offence,

(*f*) could give rise to a legal action by a third party against the Governor or the Minister,

(*g*) is contrary to the interests of national security,

(*h*) is contrary to the interests of the security, good order and government of the prison or

(*i*) infringes the rights and freedoms of another person (including the right to privacy of another prisoner).

(9) In this Rule "intercept" means to listen, attempt to listen, record or attempt to record, howsoever affected, a telephone communications message taking place during a telephone call.

(10) The Minister may set down the rates at which telephone calls to local, mobile, national or international numbers from a prison may be charged to a prisoner and the Governor of a prison shall inform or cause to be informed every prisoner of such charges and of the method of payment of such charges, if applicable, prior to such calls being made by a prisoner.

(11) The Governor may set out by local order arrangements for making telephone calls under this Rule, including the period or periods of time for calls.

(12) The Governor may, if he considers it appropriate, arrange for recipients of telephone calls from prisoners to be informed as to the origin of the call in advance of it being connected.

Contact in case of emergency, or death of prisoner

47. (1) Subject to *paragraph (3)*, if a prisoner dies the Governor shall so inform or cause to be so informed, the nominated next-of-kin (or other such person as the prisoner may have nominated to be informed in the event of an emergency) as soon as may be after his or her death.

(2) Subject to the Governor being satisfied that it would not compromise the safe and secure custody of the prisoner and subject to *paragraph (3)*, if a prisoner becomes seriously ill or is seriously injured the Governor shall so inform a member of his or her family or such other person as the prisoner nominates, as soon as may be thereafter, unless the prisoner expresses a wish to the contrary.

(3) Where a prisoner who is under 18 years of age dies or becomes seriously ill, is seriously injured or is admitted to a hospital for treatment the Governor shall so inform—

(*a*) a parent or guardian of that person, or

(*b*) if he or she is married, his or her spouse,

as soon as may be thereafter.

(4) If the Governor has, after having made all reasonable efforts, been unable to comply with *paragraph (3)*, *paragraph (1)* or *(2)*, as may be appropriate, shall apply in relation to that person.

(5) If the Governor becomes aware that a member of the prisoner's family or a close friend of the prisoner has died, is seriously ill, or has been seriously injured, he or she shall, as soon as may be after becoming so aware, inform the prisoner thereof.

(6) The Governor may permit a prisoner to whom *paragraph (5)* applies to make and receive such number of telephone calls and receive such number of visits from members of his or her family or other persons whom he or she may nominate, as the Governor considers is practicable and consistent with the maintenance of good order and safe and secure custody.

(7) If a prisoner dies while in prison the Governor shall, forthwith, notify or cause to be notified—

(*a*) the coroner having jurisdiction,

(*b*) the Garda Síochána,

(*c*) the Minister,

(*d*) the Director General of the Irish Prison Service,

(*e*) the prison doctor,

(*f*) the chaplain,

(*g*) the Inspector of Prisons, and

(*h*) the Chair of the Visiting Committee to the prison.

(8) Where a prisoner dies while in prison the Governor shall as soon as may be after the prisoner's death, prepare, and submit to the Minister, a report and such other information as he or she may require in relation to the prisoner's death.

Current affairs, sport and other developments

48. (1) The Governor shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, provide such facilities as he or she considers appropriate, to enable a prisoner to be kept informed in relation to current affairs and developments outside the prison of a sporting, cultural or other nature and such facilities may include newspapers and other periodicals, radio and television.

(2) The Governor shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, provide such facilities as he or she considers appropriate to enable a prisoner who is a foreign national to be kept informed in relation to current affairs in the state of which he or she is a citizen or spent the greater part of his or her life, as may be appropriate, and developments in that state of a sporting, cultural or other nature and the Governor shall seek the assistance of any one or more of the following persons or bodies to enable him or her to provide such facilities, taking account of the views of the prisoner,—

(*a*) such national or international authorities and organisations, as may be designated by the Minister, whose principal object is to serve the interests of foreign persons or foreign prisoners or refugees or stateless persons or to protect the civil rights of such persons, and

(*b*) the consul of the state of which the prisoner is a citizen or such other consul as the prisoner nominates.

(3) Nothing in this Rule shall be construed as imposing any obligation to provide a particular facility or shall preclude a prisoner being charged a reasonable sum for availing of a facility.

(4) A prisoner may, with the consent of the Governor, be provided with a facility to which this Rule applies by a member of his or her family or any other person, and such consent shall only be withheld where the Governor, upon reasonable grounds, considers that its provision would be impracticable or prejudicial to the maintenance of good order and safe and secure custody.

Provision of services by persons outside prison

49. (1) Subject to any direction under *paragraph (3)*, the Governor may, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, permit such persons as he or she considers appropriate to enter the prison for the purposes of providing such services or facilities to—

(*a*) prisoners generally,

(*b*) prisoners of a certain class of prisoner, or

(*c*) individual prisoners,

as he or she is of opinion would be beneficial to the welfare of the prisoners concerned, and the Governor shall, when performing a function under this Rule, have regard to such guidelines (if any) as the Minister may give.

(2) Where the Governor permits a person to enter the prison under *paragraph (1)* he or she shall take special care to safeguard the privacy and preserve the human dignity of prisoners.

(3) The Minister may give a direction to the Governor in relation to the performance by him or her of his or her functions under this Rule and where such a direction is given the Governor shall comply therewith.

Privacy

Transport of prisoners to and from prison

50. (1) When a prisoner is being moved to or from prison, or is otherwise outside of a prison but in lawful custody, such measures as are practicable shall be taken to ensure that he or she is not exposed to public view and is protected from insult, curiosity or publicity of any kind.

(2) When a prisoner is being transported to or from prison, or is otherwise outside of a prison but in lawful custody, the conveyance in which he or she is being carried shall have adequate light and ventilation and shall be such as preserves his or her human dignity and allows him or her to be so transported in reasonable comfort and safety.

Breach of confidence

51. Subject to *Rule 88 (Communication with Governor or officer of higher rank)*, personal or private information relating to a prisoner shall not be disclosed to any person by the Governor, a prison officer or any person employed or engaged in the provision of services to prisoners except where such disclosure is necessary in the performance of official duty or in the interests of justice.

Separation of male and female prisoners

52. (1) Unless otherwise authorised by the Minister, male and female prisoners shall be accommodated in separate areas to which prisoners of the opposite gender do not normally have access, and, subject to *paragraph (2)*, prisoners of one gender shall not be permitted access to areas to which prisoners of the other gender have access at the same time.

(2) Both male and female prisoners may participate together in such authorised activities as the Governor shall determine, at such times as he or she determines and such activities shall be supervised in such manner as the Governor directs.

Searches and Prohibitions

Search of prisoner's property

53. (1) The Governor or a prison officer may examine prisoners' property or anything for the time being in their possession at any time, if such examination is reasonably considered necessary for the maintenance of good order and safe and secure custody.

(2) A prison officer may search a prisoner's cell at any time if the Governor is of opinion that such searches are necessary to ensure the maintenance of good order and safe and secure custody.

Conveying articles into or out of prison

54. (1) A prisoner shall not receive any article or thing from a person from outside of the prison without the permission of the Governor and no person shall, whether during a visit to which these Rules apply or otherwise, convey or attempt to convey any article or thing into or out of a prison or to a prisoner without such permission.

(2) No person, without the permission of the Governor, shall place any article or thing in any place inside or outside the prison or convey by throwing or otherwise into or out of the prison any article or thing with the intent that it shall come into the possession of a person in the prison.

(3) The Minister may issue directions as to the circumstances when a Governor shall be under a duty to report an incident to the Garda Síochána for investigation as to whether an offence has been committed under section 6(2) of the Criminal Law Act, 1976 (No. 32 of 1976) under this Rule.

Grievance Procedures

Governor's meeting with prisoners

55. (1) The Governor shall, as soon as is practicable, meet with a prisoner where the prisoner so requests.

(2) Where at a meeting to which this Rule applies, the prisoner makes a complaint to or request of the Governor, or brings to the Governor's attention any other matter relating to the prisoner in respect of which a decision by the Governor is warranted, the Governor shall, upon making a decision in relation to any such complaint, request or matter, notify the prisoner as soon as is practicable thereafter.

(3) The Governor shall record the date and time on which a meeting under this Rule took place, the name of the prisoner concerned, the nature of any request, complaint or matter brought to the Governor's attention during the meeting and the decision (if any) of the Governor in relation thereto.

Prisoner's request to meet with visiting committee

56. Where a prisoner makes a request to meet with the visiting committee or a member of the visiting committee the Governor shall forward the request without undue delay to the visiting committee or the member concerned, as may be appropriate.

Prisoner's meeting with officer of Minister

57. (1) A prisoner may make a request, in writing, to the Governor to meet with an officer of the Minister (other than the Governor, a prison officer or any other person working in the prison) and the Governor shall, upon receipt of such request, forward the request without undue delay to the Director General.

(2) An officer of the Minister, designated by the Director General, shall, as soon as is practicable, visit the prisoner and hear any request or complaint which the prisoner may wish to make.

(3) Subject to the requirements of security, good order and the government of the prison, a meeting between a prisoner and an officer of the Minister attending the prison pursuant to this Rule shall take place within the view, and except where the prisoner or officer of the Minister requests otherwise, out of the hearing of a prison officer.

(4) Where at a meeting to which this Rule applies the prisoner makes a complaint to or request of the officer of the Minister concerned, or brings to his or her attention any other matter relating to the prisoner in respect of which a course of action by the Governor is warranted, or appeals against any decision made by the Governor, the officer of the Minister may—

(*a*) make a recommendation to the Governor, or

(*b*) recommend to the prisoner that he or she make the complaint or request to the Governor or bring the matter to the attention of the Governor,

and the officer may, before making a recommendation under this paragraph, seek the views of the Governor in relation to the request, complaint or other matter, as the case may be.

(5) Where the Governor fails or refuses to give full effect to a recommendation of an officer of the Minister under *paragraph (4)(a)* the Director General may give a direction to the Governor in relation to the complaint, request or other matter concerned and the Governor shall comply with the direction.

(6) The Governor shall record—

(*a*) the prisoner's name,

(*b*) the date on which a request under this Rule was made,

(*c*) the date on which it was forwarded under this Rule,

(*d*) the date on which a meeting under this Rule took place,

(*e*) a recommendation made or direction given under this Rule, and

(*f*) any action taken or decision made by him or her pursuant to such a recommendation or direction.

F9[Complaints of a criminal offence

57A. (1) Any allegation by a prisoner to a prison officer or a member of the Irish Prison Service that an act has been committed that may constitute a criminal offence shall be notified, by such officer or member, to the Governor and to the Garda Síochána and the Governor shall arrange for a record to be kept of—

(*a*) the identity of the complainant and the time and date the complaint was made,

(*b*) the details of the complaint,

(*c*) the time and date the complaint was notified to the Governor, and

(*d*) the time and date of the notification to the Garda Síochána and the name of the member notified.

(2) The Governor shall, on being notified of such a complaint—

(*a*) arrange for any relevant evidence, including CCTV recordings, to be preserved as long as they may be required for any investigation by the Garda Síochána, or any criminal proceedings,

(*b*) arrange for the prisoner in question to be examined and any injuries or marks recorded and photographed if any physical force is alleged, and

(*c*) arrange for the names of all prisoners, staff and others who may be potential witnesses to be recorded.**]**

Annotations

Amendments:

F9 Inserted (14.01.2013) by *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013), art. 2, in effect as per art. 1(5).

F10[Preparation of internal reports on complaints

57B. (1) (*a*) This Rule shall apply to any complaint made after the Rule comes into operation by any person alleging—

(i) assault or use of excessive force against a prisoner, or

(ii) ill treatment, racial abuse, discrimination, intimidation, threats or any other conduct against a prisoner of a nature and gravity likely to bring discredit on the Irish Prison Service,

whether or not the incident occurred before this Rule comes into operation and shall apply notwithstanding *Rule 57A*.

(*b*) It shall not be necessary to duplicate a record for the purposes of this Rule if a record has already been made for the purposes of *Rule 57A*.

(*c*) Nothing shall be done under this Rule which might interfere with or prejudice any investigation by the Garda Síochána or possible criminal proceedings.

(2) (*a*) It shall be the duty of every prisoner, prison officer and other member of prison staff whether engaged under a contract of employment or a civil servant, to whom a complaint is made, to notify the Governor of any such complaint to which this Rule applies.

(*b*) The Governor shall arrange for a record to be kept of

(i) the identity of the complainant and the time and date the complaint was made,

(ii) the details of the complaint, and

(iii) the time and date the complaint was notified to the Governor.

(*c*) If necessary the complainant shall be given assistance to record his or her complaint in writing. The prisoner shall be assured that the complaint can be made without fear of repercussions and the Governor shall take any steps necessary to ensure that there is no victimisation of the prisoner.

(*d*) If the Governor is a subject of the complaint, the Governor shall forthwith notify the Director General of the Irish Prison Service and the Inspector of Prisons.

(3) The Governor shall, on being notified of such a complaint, or if the provisions of *subparagraph (2)(d)* apply, such other person as may be designated by the Director General of the Irish Prison Service (hereafter referred to as the "Designated Officer"),

(*a*) arrange for any relevant material, including CCTV recordings, to be preserved as long as they may be required for any investigation by the Garda Síochána and any investigation under this Rule, or any proceedings,

(*b*) arrange for the prisoner in question to be examined and any injuries or marks recorded and photographed if any physical force is alleged,

(*c*) arrange for the names of all prisoners, staff and others who may be potential witnesses to be recorded, and

(*d*) advise the complainant that the complaint is being investigated and the procedures involved.

(4) The Governor shall, within seven days of being notified of such a complaint, or the Designated Officer where the Governor is the subject of the complaint, refer the complaint and the evidence gathered pursuant to *subparagraph (3)* to the Director General and also notify the Inspector of Prisons.

(5) (*a*) Subject to *subparagraphs (b)* and *(c)*, the Director General shall appoint an investigation team comprising one or more persons to investigate the complaint. The person or persons appointed shall not be members of staff serving at the prison to which the complaint relates or have had a recent association with that prison through having worked there or otherwise, and may be persons from outside the Irish Prison Service. The Governor and Inspector of Prisons shall be notified of the appointment of the person or persons.

(*b*) The Director General may decide not to appoint an investigation team if he or she is satisfied that the complaint is vexatious, without foundation or falls outside the scope of this Rule. If such a decision is made the Director General shall document the reasons for the decision and arrange for the complainant, the Governor and the Inspector of Prisons to be advised of the decision and the reasons for the decision.

(*c*) If the complaint is withdrawn, the Governor, or the Designated Officer where the Governor is the subject of the complaint, shall inquire as to why the complaint was withdrawn, document the reasons given and forward a report to the Director General. If there is any evidence of any threat or inducement for the complainant to withdraw the complaint, the initiation of disciplinary proceedings shall be considered. On receipt of the Governors or the Designated Officers report, the Director General may decide that the investigation should be terminated (and if so document the reasons for doing so and advise the Inspector of Prisons) or direct that the investigative process should continue.

(6) The purpose of an investigation under this Rule shall be to advise whether there are grounds for the complaint, and to make recommendations on the future management of such complaints or their subject matter. Nothing in this Rule shall prevent the initiation of disciplinary proceedings before an investigation team is appointed or reports.

(7) It shall be the duty of every prisoner, Governor, prison officer and other member of prison staff whether engaged under a contract of employment or a civil servant to cooperate fully with an investigation team appointed for the purpose of this Rule.

(8) The complainant shall be advised of the identity of the member or members of the investigation team and how the team may be contacted.

(9) The investigation team shall investigate the complaint. To this end the team may gather further evidence, interview persons and take statements. The team shall be given access to the prison and all records to which the complaint relates or any other prison.

(10) (*a*) On completion of this investigation, the team shall submit a report to the Governor, unless the Governor is the subject of the complaint, and the Director General. If an investigation is not completed within 3 months from the date of the complaint an interim report shall be submitted to the Governor, unless the Governor is the subject of the complaint, and Director General documenting the progress made and the reasons why they will require further time to complete the report. The Inspector of Prisons shall be provided

with a copy of every report submitted under this paragraph and the complainant shall be advised of the reasons for any delay.

(*b*) The Governor, or the Director General where the Governor is the subject of the complaint, shall make his or her finding on the basis of the report that:

(i) there are reasonable grounds for sustaining the complaint,

(ii) there are no reasonable grounds for sustaining the complaint, or

(iii) it has not been possible to make a determination as set out at *(i)* or *(ii)* above

and may state the reasons for his or her finding.

The Governor, or the Director General where the Governor is the subject of the complaint, shall decide, what action if any should be taken, on the basis of the report and any other matters that he or she considers relevant. The finding and decision of the Governor, or the Director General where the Governor is the subject of the complaint, shall be documented and if any matters not in the report are taken into consideration for the purpose of deciding what action shall be taken those matters shall be referred to in the documentation. The Governor, or the Director General where the Governor is the subject of the complaint, shall advise the complainant and any person against whom the complaint was made that the report of the investigating team has been received, and give, subject to subparagraph (c) below, a general outline of the report and advise them of his or her finding and decision. A copy of any report and the Governors finding and decision shall be forwarded by the Governor to the Director General and the Inspector of Prisons or if the Governor is the subject of the complaint the Director General shall forward a copy of the report to the Inspector of Prisons.

(*c*) Subject to *subparagraph (d)* below no part of the report shall be made public or made known to the complainant or the person against who the complaint is made if it contains adverse findings about an identifiable person or if it might prejudice any criminal proceedings. A prisoner may be told that disciplinary proceedings have been initiated and the outcome of such proceedings.

(*d*) The finding of the Governor and the report shall not be a basis for imposing any disciplinary sanction on an officer or a prisoner but notwithstanding this and any time limits provided for in the Prison (Disciplinary Code for Officers) Rules S.I. 289 of 1996 (hereafter referred to as the "Disciplinary Code"), such a report or the report with any additional statements or information may

(i) be used by a Governor to ground a Complaint Form under the Disciplinary Code against an officer and, subject to *(e)* below, any evidence gathered for the investigation may be referred to in disciplinary proceedings including at an Oral Hearing under the Disciplinary Code, or

(ii) be used by the Governor to ground an allegation of a breach of prison discipline and subject to *(e)* below, any evidence gathered for the investigation may be referred to in proceedings for breach of prison discipline.

(*e*) Statements made by an officer, prisoner or the Governor to the investigating team shall not be used in disciplinary proceedings against that officer or the Governor or the prisoner in proceedings for breach of prison discipline without his or her consent.

(*f*) For the purpose of this Rule, reassignment of duties or suspension from duty on full pay shall not be regarded as a disciplinary action.

(11) A complainant shall be advised that if he or she is not satisfied with the outcome of the investigation, he or she may write to the Inspector of Prisons and the Director General of the Irish Prison Service stating why he or she is not satisfied.

(12) The Inspector of Prisons shall have oversight of all investigations carried out under this Rule, shall have access to any material relevant to any such investigation and may investigate any aspect that he or she considers relevant.**]**

Annotations

Amendments:

F10 Inserted (14.01.2013) by *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013), art. 2, in effect as per art. 1(5).

Long Term Prisoners

Prisoners serving long sentences

58. (1) The Governor shall, at least every two years after the prisoner commenced serving the term concerned, meet with any prisoner, who is serving a term of imprisonment of five years or more, for the purpose of—

(i) confirming that the prisoner is fully aware of services and facilities of which he or she may avail, and

(ii) advising and encouraging the prisoner to avail fully of those services and facilities, particularly services and facilities that are likely to be of assistance in helping him or her to reintegrate into society upon his or her release from prison.

(2) The Governor shall, in relation to a prisoner who has served not less than four years of a term of imprisonment, prepare and submit to the Director General a report and such report shall include proposals in relation to the future management of the prisoner's term of imprisonment and recommendations (if any) in relation to the prisoner.

Remission, Transfer and Release

Remission

59. F11**[**(1) A prisoner who has been sentenced to—

(*a*) a term of imprisonment, or

(*b*) terms of imprisonment to be served consecutively,

shall be eligible, by good conduct, to earn a remission of sentence not exceeding one quarter of such term or terms, as the case may be.**]**

F12**[**(2) (*a*) A prisoner who has engaged in authorised structured activity may apply to the Minister for enhanced remission.

(*b*) An application shall be made in such form and manner and shall be accompanied by such other information and documentation as may be specified by the Minister.

(*c*) An application under *subparagraph (a)* shall not be made earlier than 6 months prior to the date on which the prisoner would be released if enhanced remission of one third of the prisoners sentence were to be granted to him or her.

(*d*) Where the Minister receives an application under *subparagraph (a)*, the Minister shall, as soon as practicable thereafter—

(i) if he or she is satisfied that the prisoner, having regard to the matters referred to in *subparagraph (f)* is less likely to re-offend and better able to re-integrate into the community, notify the prisoner of his or her decision to grant enhanced remission to the prisoner and the period of enhanced remission of sentence which is to apply, or

(ii) notify the prisoner of his or her decision to refuse the prisoners application and the reasons for the refusal.

(*e*) A notification referred to in *subparagraph (d)* shall be in writing and shall be copied to the Governor of the prison in which the prisoner concerned is serving his or her sentence.

(*f*) The Minister shall, when making a decision in respect of an application under *subparagraph (a)*, have regard to the following matters:

(i) the manner and extent to which the prisoner has engaged constructively in authorised structured activity;

(ii) the manner and extent to which the prisoner has taken steps to address his or her offending behaviour;

(iii) the nature and gravity of the offence to which the sentence of imprisonment being served by the prisoner relates;

(iv) the sentence of imprisonment concerned and any recommendations of the court that imposed that sentence in relation thereto;

(v) the period of the sentence served by the prisoner;

(vi) the potential threat to the safety and security of members of the public (including the victim of the offence to which the sentence of imprisonment being served by the prisoner relates) should the prisoner be released from prison;

(vii) any offence of which the prisoner was convicted before being convicted of the offence to which the sentence of imprisonment being served by him or her relates;

(viii) the conduct of the prisoner while in custody or during a period of temporary release;

(ix) any report of, or recommendation made by—

(I) the Governor of, or person for the time being performing the functions of the Governor in relation to, the prison concerned,

(II) the Garda Síochána,

(III) a probation officer, or

(IV) any other person whom the Minister considers would be of assistance in enabling him or her to make a decision on an application under *subparagraph (a)*.

(*g*) In this paragraph "enhanced remission" means such greater remission of sentence in excess of one quarter, but not exceeding one third, as may be determined by the Minister.**]**

(3) This Rule shall not apply to a prisoner who is serving a term of imprisonment ordered under section 18 of the Enforcement of Court Orders Act 1926 (No.18 of 1926), a prisoner sentenced to life imprisonment or to a prisoner committed to prison for contempt of court.

(4) Nothing in this Rule shall result in a reduction in the period of remission of a sentence an individual prisoner has been granted prior to the entry into force of these Rules.

Annotations

Amendments:

F11 Substituted (29.05.2014) by *Prison (Amendment) Rules 2014* (S.I. No. 227 of 2014), art. 3, in effect as per art. 1(3).

F12 Substituted (15.08.2014) by *Prison (Amendment) (No. 2) Rules 2014* (S.I. No. 385 of 2014), art. 4, in effect as per art. 1(3), subject to transitional provisions in art. 5.

Record of transfer or release

60. (1) Where a prisoner is,

(*a*) transferred to the Central Mental Hospital, another prison or any place outside the prison for the purposes of receiving medical treatment, or

(*b*) released on temporary release,

the Governor shall, as soon as is practicable, record that the person has been so transferred or released, the date on which he or she has been so transferred or released, and the authority under which the transfer or release, as the case may be, took place.

(2) In this Rule "Central Mental Hospital" has the same meaning as it has in the Act of 1960.

Basic provision on release

61. (1) When a prisoner is discharged from prison whether on temporary release or otherwise, the Governor shall ensure that he or she has sufficient means for travelling to his or her destination within the State.

(2) If, upon being discharged from prison whether on temporary release or otherwise, a prisoner has no clothing of his or her own, or inadequate clothing, he or she shall be provided with suitable clothing, and, in so far as is practicable, of a type that is generally worn by persons of his or her age and gender outside prison.

(3) If the Governor has reasonable grounds for believing that a prisoner who is being discharged from prison, whether on temporary release or otherwise, has insufficient means of subsistence, the Governor shall ensure, in so far as is practicable, that he or she is provided with such means of subsistence as the Governor considers appropriate in the circumstances.

PART 4

Control, Discipline and Sanctions

Control

Removal of prisoner from structured activity or association on grounds of order

62. (1) Subject to *Rule 32 (Exercise)* a prisoner shall not, for such period as is specified in a direction under this paragraph, be permitted to—

(*a*) engage in authorised structured activities generally or particular authorised structured activities,

(*b*) participate in communal recreation,

(*c*) associate with other prisoners,

where the Governor so directs.

(2) The Governor shall not give a direction under *paragraph (1)* unless information has been supplied to the Governor, or the prisoner's behaviour has been such as to cause the Governor to believe, upon reasonable grounds, that to permit the prisoner to so engage, participate or associate would result in there being a significant threat to the maintenance of good order or safe or secure custody.

(3) A period specified in a direction under *paragraph (1)* shall not continue for longer than is necessary to ensure the maintenance of good order or safe or secure custody

(4) Where the direction under *paragraph (1)* is still in force, the Governor shall review not less than once in every seven days a direction under *paragraph (1)* for the purposes of determining whether, having regard to all the circumstances, the direction might be revoked.

(5) A prisoner in respect of whom a direction under this Rule is given shall be informed in writing of the reasons therefor either before the direction is given or immediately upon its being given, and shall further be informed of the outcome of any review as soon as may be after the Governor has made a decision in relation thereto.

(6) The Governor shall make and keep a record of—

(*a*) any direction given under this Rule,

(*b*) the period in respect of which the direction remains in force,

(*c*) the grounds upon which the direction is given,

(*d*) the views, if any, of the prisoner, and

(*e*) the decision made in relation to any review under *paragraph (4)*.

(7) The Governor shall, as soon as may be after giving a direction under *paragraph (1)(c)*, inform the prison doctor, and the prison doctor shall, as soon as may be, visit the prisoner and, thereafter, keep under regular review, and keep the Governor advised of, any medical condition of the prisoner relevant to the direction.

(8) The Governor shall, as soon as may be after giving a direction under *paragraph (1)(c)*, inform a chaplain of the religious denomination, if any, to which the prisoner belongs of such a direction and a chaplain may, subject to any restrictions under a local order, visit the prisoner at any time.

(9) The Governor shall, as soon as may be, submit a report to the Director General including the views of the prisoner, if any, explaining the need for the continued removal of the prisoner from structured activity or association under this Rule on grounds of order where the period of such removal will exceed 21 days under *paragraph (4)*. Thereafter, any continuation of the extension of the period of removal must be authorised, in writing, by the Director General.

Protection of vulnerable prisoners

63. (1) A prisoner may, either at his or her own request or when the Governor considers it necessary, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be kept separate from other prisoners who are reasonably likely to cause significant harm to him or her.

(2) A prisoner to whom *paragraph (1)* applies may participate with other prisoners of the same category in authorised structured activity if the Governor considers that such participation in authorised structured activity is reasonably likely to be beneficial to the welfare of the prisoner concerned, and such activity shall be supervised in such manner as the Governor directs.

(3) The Governor shall make and keep in the manner prescribed by the Director General, a record of any direction given under this Rule and in particular

(*a*) the names of each prisoner to whom this rule applies,

(*b*) the date and time of commencement of his or her separation,

(*c*) the grounds upon which each prisoner is deemed vulnerable,

(*d*) the views, if any, of the prisoner,

(*e*) the date and time when the separation ceases

Use of special observation cell

64. (1) Subject to *paragraphs (6)* and *(7)* a prisoner shall, where the Governor so directs, be accommodated in a special observation cell designated by the Minister under *Rule 18 (Certification of cells or rooms)* for the purposes of this Rule, for such period, not exceeding 24 hours, as is specified in the direction concerned.

(2) A direction under *paragraph (1)* shall not be given, in relation to a prisoner, unless it is necessary to prevent the prisoner from causing imminent injury to himself or herself, or others and all other less restrictive methods of control have been or would, in the opinion of the Governor, be inadequate in the circumstances.

(3) A prisoner to whom a direction under *paragraph (1)* applies shall be examined by the prison doctor as soon as practicable after he or she has been accommodated in a special observation cell pursuant to such direction.

(4) If the prison doctor advises that a prisoner to whom a direction under *paragraph (1)* applies should be accommodated other than in accordance with such direction the Governor shall consider the matter and shall, if he or she decides against the advice of the prison doctor, record the reasons for his or her action.

(*5*) A prisoner to whom a direction under *paragraph (1)* applies shall be observed by a prison officer at least once every 15 minutes while he or she is being accommodated in a special observation cell.

(6) Subject to *paragraph (7)* a period specified in a direction under this Rule shall not exceed 24 hours, but the Governor may, having consulted the prison doctor and considered all other matters, if exceptional circumstances exist that would warrant the extension of the period, direct that the period be extended for not more than four further periods none of which shall exceed 24 hours commencing on the expiration of the first-mentioned period.

(7) The Governor may extend the periods provided for in *paragraph (6)* that a prisoner may be accommodated in a special observation cell but only after submitting a report to the Director General explaining the need for such an extension and receiving written authorisation from the Director General for such an extension.

(8) The Governor may require a prisoner's clothing, including underwear, to be removed before the prisoner is accommodated in a special observation cell where he or she considers that items or parts of the prisoner's clothing may be used by the prisoner to harm himself or herself, or others, or to cause significant damage to property, and such removal of clothing shall be carried out with due regard to decency and the dignity of the prisoner.

(9) No prisoner shall be left unclothed in a special observation cell, but may be provided with appropriate clothing in the interests of his or her safety.

(10) The Governor shall visit any prisoner accommodated in a special observation cell under this Rule not less than once on each day that he or she is so accommodated.

(11) A doctor shall visit a prisoner accommodated in a special observation cell under this Rule at least daily and as frequently as the doctor believes it necessary.

(12) The Governor shall, in the manner prescribed by the Director General, record—

(*a*) any direction given under this Rule and its terms,

(*b*) the date and time of the commencement of a period specified in a direction under this Rule,

(*c*) the grounds upon which the direction is given,

(*d*) the date and time of the termination of a period specified in a direction under this Rule,

(*e*) all visits received by a prisoner to whom a direction under this Rule applies during any such period,

(*f*) any request made by such prisoner to be permitted to meet with or receive a visit from a prison doctor, psychologist, healthcare professional, or chaplain, and the action taken by the Governor in response to such request,

(*g*) any request made by such prisoner to be permitted to meet with or receive a visit from his or her legal adviser, and the action taken by the Governor,

(*h*) any other significant occurrences, or requests of the prisoner, during such period and any other comments or observations of the Governor relating to any direction under this Rule,

(*i*) any report issued under *paragraph (7)*.

(13) Under no circumstances shall a prisoner be accommodated in a special observation cell for purposes of punishment.

Use of restraints

65. (1) In this Rule a "restraint" means a device approved by the Minister that is designed to restrict the prisoner's movement without causing injury to the prisoner.

(2) A prisoner may—

(*a*) be placed in a restraint, in a manner approved by the Minister, where the Governor so directs, and

(*b*) be kept in restraint for such period, not exceeding 24 hours, as is specified in the direction concerned.

(3) A direction under *paragraph (2)* shall not be given in relation to a prisoner unless it is necessary, in case of urgent necessity, to prevent—

(*a*) the prisoner from injuring himself or herself, or others, or

(*b*) significant damage to property by the prisoner,

and the accommodation of the prisoner concerned without restraint in a cell would, in the opinion of the Governor, be inadequate.

(4) The Governor shall as soon as may be after giving a direction under this Rule inform—

(*a*) the Director General,

(*b*) the prison doctor,

(*c*) a member of the visiting committee, and

(*d*) a chaplain of the religious denomination, if any, to which the prisoner belongs,

of the giving by him or her of the direction concerned, the reason for so doing and of its terms.

(5) A prisoner to whom a direction under *paragraph (2)* applies shall be visited by a member of the healthcare staff immediately after he or she has been placed in a restraint pursuant to such direction and as soon as may be after such restraint is removed.

(6) A prisoner to whom a direction under *paragraph (2)* applies shall be released from a restraint if the prison doctor so advises.

(7) A prisoner to whom a direction under this Rule applies shall be observed by an officer at least once every 15 minutes while he or she is restrained in a restraint.

(8) A period specified in a direction under this Rule shall not exceed 24 hours, but the Governor may, having consulted a doctor and considered all other matters, if exceptional circumstances exist that would warrant the extension of the period, direct that the period be extended for not more than one further period of 24 hours commencing on the expiration of the first-mentioned period.

(9) Before a further extension of such period as described in *paragraph (8)* may be applied, the Governor shall submit a report to the Director General explaining the need for such an extension and obtain written authorisation from the Director General for such an extension.

(10) The Governor shall visit any prisoner restrained under this Rule not less than once on each day that he or she is so accommodated or restrained.

(11) The prison doctor shall visit any restrained prisoner under this Rule during each 24 hour period and more often if the prison doctor believes it necessary.

(12) The Governor shall record—

(*a*) any direction given under this Rule and its terms,

(*b*) the date and time of the commencement of a period specified in a direction under this Rule,

(*c*) the grounds upon which the direction is given,

(*d*) the date and time of the termination of a period specified in a direction under this Rule,

(*e*) all visits received by a prisoner to whom a direction under this Rule applies during any such period,

(*f*) any request made by such prisoner to be permitted to meet with or receive a visit from a prison doctor, psychologist, healthcare professional, or chaplain, and the action taken by the Governor in response to such request,

(*g*) any request made by such prisoner to be permitted to meet with or receive a visit from his or her legal adviser, and the action taken by the Governor in response to such request,

(*h*) any other significant occurrences, or requests of the prisoner, during such period and any other comments or observations of the Governor relating to any direction under this Rule,

(*i*) any report issued under *paragraph (9)*.

(14) Nothing in this Rule shall be construed as requiring that a direction under *paragraph (2)* be given in order to enable handcuffs or other restraints to be placed on a prisoner who is being escorted to or from a prison, or is otherwise outside of a prison but in lawful custody, or is being escorted from one part of the prison to another part of the prison.

Annotations

Editorial Notes:

E5 There is no paragraph (13) in the original instrument.

Discipline

Breach of prison discipline

66. (1) An act or omission described in *Schedule 1* of these Rules shall for the purposes of Part 3 of the Prisons Act, 2007, be a breach of prison discipline and "a breach of prison discipline" shall be construed accordingly.

(2) Pursuant to Part 3 of the Prisons Act, 2007, if a prisoner is alleged to have committed a breach of discipline, the Governor of the prison may decide to hold an inquiry into the alleged breach. Where the Governor decides not to hold an inquiry into the alleged breach, this fact and the reason why such a decision has been made shall be recorded.

(3) Subject to *Rules 62* to *65*, disciplinary action may only be taken by the Governor following an inquiry pursuant to Part 3 of the Prisons Act, 2007.

Inquiry into breach of prison discipline

67. (1) Where the Governor decides to hold an inquiry into an allegation of a breach of prison discipline, he or she shall inform the prisoner by notice in writing of the nature of the alleged breach.

(2) Where the Governor decides to hold an inquiry, it shall commence—

(*a*) not earlier than the next day after the prisoner has been given a notice under *paragraph (1)* unless the Governor has reasonable grounds for believing that delaying the holding of an inquiry would threaten the maintenance of good order or safe or secure custody, and

(*b*) not later than the day falling seven days after the Governor has made his or her decision, unless the Governor upon reasonable grounds is of opinion that more time is required to enable the inquiry to be conducted effectively.

(3) An inquiry into an allegation of a breach of prison discipline shall be conducted by the Governor, and the prisoner to whom the allegation relates shall be entitled to be present during the conduct of the inquiry.

(4) As far as is reasonably practicable, a prisoner to whom an allegation relates shall not be escorted to or from an inquiry to which this Rule relates by the prison officer who made the allegation.

(5) The prisoner shall be entitled to sit or stand as he or she wishes.

(6) The prisoner shall be entitled to be told what is alleged against him or her and to hear or be given an opportunity to examine or have explained to him or her any evidence given or submitted in support of an allegation that he or she committed a breach of prison discipline.

(7) The prisoner shall be entitled to reply to any allegation that he or she has committed a breach of prison discipline and, with the consent of the Governor, to call a witness to give evidence. A prisoner shall give notice prior to the commencement of the inquiry of a witness he or she wishes to call to the inquiry.

(8) The Governor shall not withhold his or her consent under *paragraph (7)* unless he or she is satisfied, upon reasonable grounds that the evidence that the witness would propose to give would be of no assistance in furthering the inquiry.

(9) At an inquiry the prisoner may put questions, through the Governor, to any witness.

(10) The Governor may adjourn an inquiry to which this Rule applies where the interests of justice so require and he or she shall inform the persons present during the conduct of the inquiry of his or her reasons for so doing.

(11) A prisoner to shall be entitled to make a plea in mitigation to the Governor before the Governor imposes any penalty

(12) The Governor shall, where necessary and in so far as is practicable, arrange for the provision of the services of an interpreter to a prisoner during the conduct of an inquiry into a breach of prison discipline.

F13**[**(13) (*a*) Pursuant to Part 3 of the Prisons Act, 2007, the Governor shall inform a prisoner of his decision to impose a penalty, suspend the operation of a penalty or restore lost remission, as soon as may be after he or she has made a decision to so do.

(*b*) The Governor shall not include a prohibition on receiving visits as a penalty without specifying why that prohibition has been decided upon.

(*c*) A decision to impose "loss of all privileges" for a specified period shall not be interpreted as including a prohibition on receiving visits unless it is specifically included in accordance with *subparagraph (b)*.**]**

Annotations

Amendments:

F13 Substituted (14.01.2013) by *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013), art. 3, in effect as per art. 1(5).

Notification of Appeal Tribunal Decisions

68. (1) Pursuant to Part 3 of the Prisons Act, 2007, the Governor shall ensure that decisions made by the Appeal Tribunal shall be notified in writing to the prisoner and displayed in the prison in line with guidelines laid down from time to time by the Director General.

PART 5

Young Prisoners

Separation of young prisoners

69. (1) Subject to *paragraph (2)*, a prisoner who has not attained the age of 18 years (in this Rule referred to as a "young prisoner") shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be accommodated in areas that are separate from those in which older prisoners are accommodated or have access.

(2) A young prisoner may participate with older prisoners in such authorised structured activity as the Governor may determine at such times as he or she may determine (in this paragraph referred to as "communal activity"), if the Governor considers that such communal activity is reasonably likely to be beneficial to the welfare of the young prisoner concerned, and such activity shall be supervised in such manner as he or she directs.

(3) Subject to *paragraph (4)*, a young prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be kept separate from other prisoners who are reasonably likely to cause significant harm to him or her.

(4) Where practicable a young prisoner shall associate with other young prisoners.

Release

70. (1) Where a prisoner who is under the age of 18 years is due to be released from prison, the Governor shall as soon as practicable before his or her release, inform, or cause to be informed—

(*a*) a parent or guardian of the prisoner, or

(*b*) (if the prisoner is married) his or her spouse,

of the proposed time and place of his or her release.

(2) If the Governor, having made all reasonable efforts to contact the persons referred to in *paragraph (1)* has been unable to so do, or if none of those persons is willing or able to meet the prisoner, or provide him or her with accommodation, upon his or her release, the Governor shall, with the agreement of the prisoner, attempt to make contact or cause contact to be made with a relative or friend of the prisoner or with such other appropriate person or agency as might be able to provide the prisoner with accommodation, or assistance in finding accommodation, upon his or her release from prison, and if contact is made with such relative, friend or other person then that person shall be informed of the proposed time and place of the prisoner's release.

(3) The Governor shall record of the name of any person or agency contacted by him or her under this Rule.

PART 6

Prisoners Not Serving Sentence

Separate accommodation

71. Unconvicted prisoners shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be accommodated in areas that are separate from those in which convicted prisoners are accommodated or to which convicted prisoners have access, and convicted prisoners shall, as far as is practicable, not be permitted access to areas to which unconvicted prisoners have access at those times when unconvicted prisoners have such access.

Authorised structured activity

72. (1) An unconvicted prisoner may, with the consent of the Governor, engage in authorised structured activity, but shall not be required to engage in such activity.

(2) An unconvicted prisoner may, with the prior approval of the Governor, participate with convicted prisoners in such authorised structured activity as the Governor may determine at such times as he or she may determine.

(3) The Governor may, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, and recoupment of any additional costs involved, arrange for the provision of such facilities as he or she considers appropriate to an unconvicted prisoner to enable him or her to engage in his or her normal trade or employment.

Private healthcare - request by unconvicted prisoner

73. (1) Where an unconvicted prisoner requests the services of a registered medical practitioner other than a prison doctor or a registered dental practitioner other than one provided by the Minister, the Governor shall, if he or she is reasonably satisfied that there exists a genuine medical need for the attendance, permit the registered medical practitioner or registered dental practitioner concerned to attend at the prison and examine and provide treatment to the prisoner concerned, in so far as is practicable and subject to the maintenance of good order and safe and secure custody.

(2) Where an unconvicted prisoner makes a request to be provided with medicine or equipment or access to facilities prescribed or recommended by a registered medical practitioner or registered dental practitioner to whom *paragraph (1)* applies the Governor may arrange for their provision, in so far as is practicable and subject to the maintenance of good order and safe and secure custody.

(3) The Governor shall before performing a function under paragraph (1) or (2) consult with the prison doctor.

(4) Where the Governor decides not to accede to a request to which this Rule applies he or she shall inform the prisoner concerned forthwith.

Payment by unconvicted prisoner for private healthcare

74. (1) An unconvicted prisoner who is permitted to receive private healthcare or to be provided with medicine, equipment or access to facilities under *Rule 73 (Private healthcare - request by unconvicted prisoner)* shall be required to pay expenses arising out of the attendance of the registered medical practitioner or a registered dental practitioner under *paragraph (1)* of *Rule 73 (Private healthcare - request by unconvicted prisoner)* and the provision of any medicine, equipment or other facilities under *paragraph (2)* of *Rule 73 (Private healthcare - request by unconvicted prisoner)*.

(2) Any expenses incurred in the provision of medicine, equipment or access to facilities to an unconvicted prisoner under *paragraph (2)* of *Rule 73 (Private healthcare - request by unconvicted prisoner)* or expenses referred to in *paragraph (1)* may, with the prior consent of the prisoner concerned, be paid out of any moneys belonging to an unconvicted prisoner that have been retained by the Governor under *paragraph (6)* of *Rule 8 (Prisoner's property)*.

PART 7

Governors

Duties of Governor

75. (1) Subject to the directions of the Minister and the Director General, the Governor shall be responsible for the management of the prison of which he or she is Governor.

(2) The Governor shall at all times conduct himself or herself and perform his or her functions in such a manner as to—

(i) influence prisoners for good by his or her example,

(ii) maintain the respect of the prisoners in the prison, and

(iii) respect the dignity and human rights of all prisoners.

(3) The Governor shall—

(i) develop and maintain a regime which endeavours to ensure the maintenance of good order and safe and secure custody and personal well being of prisoners; and

(ii) assist and encourage prisoners in—

(*a*) coping with their imprisonment,

(*b*) achieving their personal development,

(*c*) taking responsibility for their lives, including offending behaviour, and

(*d*) preparing for reintegration into society after release.

(4) The Governor shall

(i) endeavour to ensure the fitness for duty of all prison officers and good conduct in the performance of such duties;

(ii) promote awareness of and ensure compliance with statutory obligations in regard to health, safety and welfare in the workplace;

(iii) have in place plans, equipment and procedures and ensure that prison officers are trained to perform their duties to meet fire, riot and other such emergencies.

(5) The Governor shall ensure that these Rules are applied fairly, impartially and without discrimination and that all persons to whom these Rules apply are made aware of these Rules and of the consequences of any breach of prison discipline under these Rules.

(6) The Governor shall co-ordinate the delivery of all services to prisoners and ensure, in so far as is practicable, the preparation and implementation of sentence management plans incorporating plans for their reintegration into society. The Governor shall endeavour to ensure that the persons engaged in the delivery of such services and the preparation and implementation of such plans co-operate with one another in such delivery, preparation and implementation.

(7) A Governor shall comply with any directions of the Minister or the Director General or such persons as may be designated by the Minister or the Director General.

(8) The Governor shall ensure the efficient and appropriate delivery of healthcare services in his/her prison and shall seek periodic reports thereon from the relevant healthcare professionals.

Delegation by Governor of functions

76. (1) A Governor may, as occasion requires, delegate any function performable by him or her under these Rules to a Deputy Governor, Assistant Governor or any grade of prison officer.

(2) Where a delegation is made under this Rule—

(*a*) the person to whom the function is delegated shall perform the function under the general direction and control of the Governor,

(*b*) the person shall perform the function concerned in accordance with any limitations specified in the delegation as to the part of the prison in respect of which, the period in which, or extent to which he or she is to perform that function, and

(*c*) a provision of these Rules that vests functions in the Governor or regulates the manner in which any function is to be performed shall, if and in so far as it is applicable to the function concerned, have effect, for the purposes of the performance of that function by the person to whom it has been delegated, with the substitution of that person for the Governor.

(3) Notwithstanding *paragraph (2)*, every function delegated under this Rule shall continue to be vested in the Governor but shall be so vested concurrently with the person to whom it has been delegated and so as to be capable of being performed by either the Governor or the person concerned.

(4) Where a delegation to a person is made under this Rule the Governor shall, where he or she proposes to perform the function himself or herself, inform the person concerned, where practicable, that he or she so proposes.

(5) The Governor or the Minister may revoke a delegation under this Rule.

(6) In the absence of the Governor, Deputy Governor or Assistant Governor, the Chief Officer or in his or her absence the senior Assistant Chief Officer, to whom such

a role is normally assigned, shall have charge of the prison unless another officer has been designated these functions.

Inspection of prison

77. (1) The Governor shall make daily inspections of the prison including those areas of the prison where prisoners are accommodated or congregate or are otherwise held. The times of all such visits shall be at the Governor's discretion and recorded in a manner as prescribed by the Director General. In the event that the Governor is absent from the prison, he or she shall ensure that the responsibilities to carry out the inspections under this Rule shall be delegated to a Deputy Governor or Assistant Governor.

(2) The Governor shall also, on a number of occasions during each year, inspect the prison at night time, such visits to be unsuspected and not announced in advance.

Local orders

78. (1) The Governor may make orders relating to the security, good order and government of the prison and the prisoners therein, in so far as they are consistent with these Rules (in these Rules referred to as "local orders").

(2) A record of the making of every local order shall be made and kept by the Governor and each local order shall, as appropriate, be published and brought to the notice of all persons to whom it applies.

(3) A Governor may revoke or amend a local order.

Viewing of prison

79. (1) The Governor, shall, as far as reasonably practicable, comply with any request for information that the Inspector of Prisons may make in the performance of his or her functions

(2) The Governor may, subject to any restrictions imposed or directions given by the Minister, admit such persons as he or she may deem appropriate to the prison, for the purposes of allowing them to view the prison or prison property or observe the operation of the prison.

(3) Where the Governor admits a person to the prison under this Rule he or she shall take special care to safeguard the privacy and preserve the human dignity of prisoners.

Special monitoring of prisoner

80. (1) Where it has been brought to the attention of the Governor that:

(*a*) a specified prisoner is liable to inflict injury upon himself or herself, or other person, or

(*b*) a specified prisoner is particularly vulnerable to injury or harm by another person or persons, or

(*c*) a specified prisoner poses a significant risk to the security, good order and government of the prison,

the Governor shall consider the matter and may give a direction that the prisoner be monitored by not less than one prison officer until the Governor is satisfied that the possible risk no longer justifies such monitoring.

(2) The Governor shall record—

(*a*) any direction given under this Rule,

(*b*) the period in respect of which the direction remains in force,

(*c*) the grounds upon which the direction is given,

(*d*) the decision made in relation to any revocation of the direction, and

(*e*) the grounds upon which the direction is revoked.

Burial or cremation of deceased prisoner

81. (1) Where a prisoner dies in prison the Governor shall hand over, or cause to be handed over, the body of the deceased prisoner to the coroner having jurisdiction, should he or she so request.

(2) Where the coroner having jurisdiction has indicated that he or she does not require the body of the deceased prisoner in order to carry out his or her duties, the Governor shall hand over, or cause to be handed over, the body of the deceased prisoner to

(*a*) such person or persons as the Governor may have contacted under *paragraph (1)* of *Rule 47 (Contact in case of emergency or death of prisoner)*, or

(*b*) if such person or persons referred to in *subparagraph (a)* are unwilling or unable, within a reasonable period of time after the death of the prisoner concerned, to make arrangements for the burial or cremation of the deceased prisoner's remains, such other member of the deceased prisoner's family or known friend of the deceased who is willing to make such arrangements,

as soon as may be after the prisoner's death, or where the body of the deceased prisoner is required by the coroner having jurisdiction for the carrying out of a post mortem examination under the Act of 1962, as soon as may be after the carrying out of any such examination.

(3) Where the Governor has, after making all reasonable efforts, been unable to contact any person under *paragraph (2)* within a reasonable time after the death of the prisoner concerned, or where all such persons as are contacted under *paragraph (2)* are unwilling or unable to arrange for the burial or cremation of the remains of the deceased, the Governor shall, after the carrying out of such post mortem examination (if any) under the Act of 1962 as may be required by the coroner having jurisdiction, make arrangements for the burial or cremation, as may be appropriate, of the deceased's remains.

(4) The Governor shall make and keep a record of the name, address and relationship to the deceased prisoner of any person to whom the body of the deceased was given under this Rule or particulars of any burial or cremation arranged by the Governor under this Rule, as the case may be.

(5) A chaplain of the religious denomination to which the deceased prisoner belonged shall, if available, attend the burial or cremation of the deceased's remains where such burial or cremation has been arranged by the Governor under this Rule.

(6) In this Rule "Act of 1962" means the Coroners Act 1962 (No. 9 of 1962).

Power to search person and remove person from prison

82. (1) Where the Governor, upon reasonable grounds or in the interests of ensuring safe and secure custody and good government of the prison, believes that prison officers or other persons for the time being employed or engaged in the provision of a service in the prison (other than a prisoner) is, without the permission of the Governor,—

(*a*) in possession of a prohibited article, or

(*b*) attempting to take a prohibited article in or out of the prison,

(*c*) attempting to take any item of official property out of the prison,

the Governor may carry out, or cause to be carried out, a search of that prison officer or other person pursuant to section 6(3) of the Criminal Law Act 1976 and this Rule.

(2) The carrying out of a search under this Rule may consist of an examination of the person and clothing which may involve the removal of outer clothing only and

any articles in the possession of the person and any such searches shall be carried out in accordance with such directions of the Governor as may for the time being be in force relating to the degrees of search required to maintain good order and safe and secure custody.

(3) A search shall be carried out with due regard to decency, privacy and the dignity of the person being searched and at no stage shall a person be left in a state of complete undress.

(4) A search under this Rule shall not be conducted in the presence or view of a prisoner and shall be conducted in the presence and view only of such and such number of prison officers (being prison officers who are of the same gender as the person) as are required to ensure the effective conduct of the search and the maintenance of good order and safe and secure custody.

(5) The Governor may, where he considers it necessary or expedient for the maintenance of good order or safe or secure custody, request the attendance of one or more members of the Garda Síochána during the conduct of a search under this Rule and a member of the Garda Síochána (being of the same gender as the person who is being searched) may, pursuant to such a request, be in attendance during the conduct of such a search.

(6) The Governor may search, or cause to be searched, any vehicle, parcel, box, container or other thing for the time being in the prison or within the boundaries of the prison property.

(7) Where the Governor, upon reasonable grounds, believes that a prison officer or other person for the time being employed, or engaged in the provision of a service, in the prison (other than a prisoner)—

(*a*) has caused or is likely to cause damage to any property in the prison, or

(*b*) is likely to interfere with or destroy anything that may be required as evidence in proceedings for an offence,

(*c*) is likely to attempt to suborn a witness in proceedings before a court (of a criminal or civil nature) whether the witness is a prisoner, a prison officer or other person for the time being employed or engaged in the provision of a service in the prison (other than a prisoner), or

(*d*) is behaving, has behaved or is likely to behave in a manner that constitutes or would constitute a threat to the maintenance of good order or safe or secure custody in the prison,

the Governor may require that person to leave the prison, and if he or she refuses to comply with such a requirement, the Governor may use, or cause to be used, only such force as is reasonably necessary and proportionate to effect the person's removal from the prison.

(9) The Governor may, for the purposes of effecting the removal of a person from the prison in accordance with this Rule, request the assistance of such number of members of the Garda Síochána as he or she considers appropriate.

Annotations

Editorial Notes:

E6 There is no paragraph (8) in the original instrument.

Reporting to Minister

83. (1) The Governor shall inform the Minister in writing of any activity, occurrence or matter relating to the prison or its operation that he or she considers—

(*a*) to be of particular importance, and

(*b*) should be brought to the attention of the Minister.

(2) The Governor may make any suggestion to the Minister for the improvement of the prison or its operation, or prisons generally or their operation, that he or she considers appropriate.

(3) The Governor shall, upon receipt of a report or complaint made by a prison officer, forward the report or complaint together with any comments of the Governor thereon to the Minister, if the prison officer concerned informs the Governor that he or she wishes the report or complaint to be brought to the attention of the Minister.

(4) If the prison doctor or a psychiatrist advises the Governor that he or she is of the opinion that—

(*a*) the life of a prisoner will be endangered by continued imprisonment,

(*b*) a prisoner is unlikely to live until the expiration of the period of his or her sentence,

(*c*) a prisoner is unfit for the prison regime, or

(*d*) the mental or physical state of any prisoner is being significantly impaired by his or her continued imprisonment,

the Governor shall so inform the Minister as soon as may be after being so advised.

(5) The Governor shall make and keep a record of any activity, occurrence or matter relating to the prison or its operation in relation to which he or she has informed the Minister under *paragraph (1)* and of any direction given in relation thereto by the Minister under these Rules.

Annual report to Minister

84. The Governor shall, not later than the 31st day of March or such other date as may be specified by the Minister, in each year, prepare, and submit to the Director General, a report in relation to—

(*a*) the performance by him or her of his or her functions, and

(*b*) the operation of the prison,

during the year immediately preceding the year in which the report is so submitted, and such report shall be submitted to the Minister and shall contain information relating to such other matters as the Minister may direct.

PART 8

Prison Officers

Duties of prison officer

85. (1) In addition to the duties of a prison officer under these Rules, the duties of a prison officer shall be such as may be determined by the Minister.

(2) A prison officer shall be fully conversant with and shall comply with these Rules, local orders for the time being in force, directions given under these Rules and all lawful instructions of the Governor.

(3) A prison officer shall—

(*a*) ensure the maintenance of good order and safe and secure custody,

(*b*) comply with the Governor, and cooperate with other prison officers and persons employed or engaged in the provision of a service in the prison in a manner

that will ensure that prisoners and other persons in the prison are treated in accordance with these Rules,

(*c*) at all times conduct himself or herself and perform his or her functions in such a manner as to—

(i) have a good influence on,

(ii) be a good example to,

(iii) respect the dignity and human rights of,

(iv) contribute to the rehabilitation and reintegration into the community and general welfare of, and

(v) maintain the respect of,

prisoners and in so doing, shall respect, in an appropriate manner, the privacy of prisoners of the opposite gender.

(4) A prison officer shall, at all times (whether or not on duty) behave in an orderly and disciplined manner and shall not engage in conduct, or behave in a manner that would cause embarrassment to, or discredit the prison service.

F14**[**(5) A prison officer shall, while on duty,—

(*a*) wear a uniform in such a manner and of such type and description as is specified by the Governor or Director General, unless the Governor so directs;

(*b*) wear identification marks in such a manner and of such type and description as is specified by the Governor or Director General, unless the Governor so directs; and

(*c*) maintain a level of appearance and personal cleanliness consistent with standards of a disciplined service.**]**

(6) A prison officer shall, while on duty, use equipment of such a type and description, and for such purposes, as the Minister may specify.

(7) A prison officer or other person employed or engaged in the provision of services to prisoners or to the prison shall not take any key, locking or unlocking device of the prison outside the gate or leave them unattended or lend them to another prison officer on any pretext whatever, but shall when leaving the prison or coming off duty on any occasion deliver their keys, locking or unlocking devices to such prison officers as may be authorised to receive them.

(8) A prison officer shall, as far as reasonably practicable, comply with any request for information that the Inspector of Prisons may make in the performance of his or her functions.

(9) A prison officer shall cooperate with such persons or agencies as may be specified by the Governor for the purposes of *paragraph (6)* of *Rule 75 (Duties of Governor)*.

Annotations

Amendments:

F14 Substituted (14.01.2013) by *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013), art. 4, in effect as per art. 1(5).

Observation and direction of prisoners

86. (1) A prison officer shall, in relation to prisoners for the time being in his or her charge or being supervised by him or her—

(*a*) ensure the maintenance of good order and safe and secure custody,

(*b*) interact with each prisoner in a manner that supports his or her rehabilitation and general welfare, and

(*c*) where he or she is of the opinion that a prisoner may be in need of medical, psychiatric or other assistance, or special care or closer observation, inform an officer of higher rank or the Governor forthwith (whether or not the prisoner concerned requests him or her to so do) after he or she forms such an opinion.

(2) (*a*) A prison officer on being relieved from any particular duty, or transferred to some other duty, shall point out to the prison officer who relieves or succeeds him or her all matters of special importance connected with the duty, and explain to that prison officer any directions of the Governor, or other superior officer, affecting any particular prisoner.

(*b*) On all occasions, the prison officer who receives charge of a party of prisoners shall count the number of prisoners therein, and repeat the number aloud to the prison officer from whom he or she receives

Examination of and report on buildings, structures and equipment

87. A prison officer shall—

(*a*) forthwith report any defect or insufficiency in the state of a building, structure or equipment which could compromise security, good order and good government of the prison or health and safety; and

(*b*) in particular, on taking up duty and as frequently as is reasonable thereafter, examine the state of any building, structure, or equipment of such area for which he or she has responsibility, and forthwith report any defect or insufficiency which could compromise good order, safe or secure custody or health and safety.

Communication with Governor or officer of higher rank

88. (1) A prison officer shall inform an officer of higher rank or the Governor of any matter relating to the prison or occurrence within the prison that he or she reasonably considers to be of sufficient importance to be brought to the attention of such an officer or the Governor.

(2) A prison officer may make such suggestions as he or she considers appropriate, for the improvement of facilities in the prison or prisons generally, or improvements in relation to the running of the prison or prisons generally, to an officer of higher rank or to the Governor,

Communication with Minister

89. A prison officer wishing to complain to or bring any matter to the attention of the Minister shall communicate any such complaint or matter in writing to the Governor, who shall forward it, as soon as may be, to the Minister in accordance with *paragraph (3)* of *Rule 83 (Reporting to Minister)*.

Request of prisoner to see Governor or officer of higher rank

90. Where a prisoner makes a request of a prison officer to be permitted, for whatever purpose, to meet with the Governor or a prison officer of a higher rank than the prison officer of whom the request is made, the prison officer shall, as soon as may be after receiving the request, inform the Governor or the higher ranking prison officer, as the case may be, thereof.

Reporting breach of prison discipline

91. A prison officer shall report any breach of prison discipline by a prisoner to the Governor or to a prison officer of a higher rank than himself or herself, as soon as may be after he or she becomes aware of the breach and shall do so in a manner as may be prescribed by the Director General from time to time.

Imposition of punishment or penalty

92. A prison officer shall not impose a punishment, penalty or privation of any kind upon a prisoner unless he or she is authorised to so do by or on behalf of the Governor and its imposition is in accordance with these Rules.

Use of force

93. (1) Where, for the purpose of maintaining or restoring good order or safe or secure custody, it is deemed necessary to use force in relation to a prisoner, such force only as is reasonably necessary and proportionate to achieve that purpose shall be used.

(2) A prison officer shall not strike a prisoner unless compelled to do so to prevent injury to himself or other persons

(3) Where force has been used on a prisoner, the Governor shall ensure, as soon as is reasonably practicable, that the prisoner concerned is examined by a healthcare professional, as appropriate.

(4) Where a prison officer uses force in relation to a prisoner he or she shall, as soon as may be thereafter, inform the Governor thereof and report to him or her, in writing, the circumstances that gave rise to force having to be used and, also, the nature and degree of force used.

Sick leave and annual leave

94.(1) Where a prison officer is, by reason of illness or for any other reason, unable to attend to his or her duties he or she shall inform the Governor thereof or cause the Governor to be so informed in line with sick leave procedures for the time being in operation.

(2) A prison officer may be granted annual leave at such times as the Governor may determine consistent with the need to maintain good order, safety and security.

Suspended officer

95. (1) A prison officer who has been notified that he or she is suspended from duty shall, immediately upon being so notified, give over to the Governor

(*a*) any key or other device in his or her possession at the time of the notification that is used for locking or unlocking any lock or device located in the prison, and

(*b*) any equipment, tool or other item that has been issued to him or her,unless the Governor otherwise directs.

(2) A prison officer who is suspended from duty shall

(*a*) during the period of his or her suspension, attend at the prison or such place as the Governor may direct;

(*b*) during the period of his or her suspension, comply with any directions or orders given to him or her by the Governor.

Notification of proceedings for a criminal offence or bankruptcy

96. Where—

(*a*) a prison officer is charged with or convicted of a criminal offence,

(*b*) a prison officer is adjudicated bankrupt, or

(*c*) proceedings under the Bankruptcy Act 1988 (No. 27 of 1988) are brought in relation to a prison officer,

the prison officer concerned shall, forthwith, inform the Governor thereof who shall immediately upon being so informed inform the Minister thereof.

Contact by prison officers with former prisoners or connected persons

97. No officer shall inappropriately communicate or associate with any person whom he knows to be a former prisoner or a relative, friend or associate of a prisoner or a former prisoner.

PART 9

Official Accommodation

98. (1) A Governor or a prison officer who resides in accommodation owned by the Minister shall not alter it structurally, let or sublet it or carry on any commercial operation from it.

(2) A Governor or a prison officer to whom *paragraph (1)* applies shall vacate such accommodation if so required by the Minister.

(3) If a Governor or a prison officer to whom *paragraph (1)* applies retires or resigns, is transferred, or is discharged or dismissed, he or she shall, thereupon, cease to be entitled to reside in such accommodation.

(4) Where a Governor or a prison officer to whom *paragraph (1)* applies dies, retires, resigns, is transferred, is discharged or dismissed or otherwise vacates the accommodation, any person previously entitled to reside in such accommodation with that Governor or prison officer by virtue of his or her relationship to that Governor or prison officer shall vacate the quarters when required to so do by the Minister.

(5) Accommodation to which this Rule applies shall be subject to such inspections as the Minister may direct.

PART 10

Healthcare

Provision of healthcare services

99. (1) The Minister shall arrange for the provision in each prison of primary healthcare services.

(2) The Minister shall appoint a person to carry on and manage, and control generally, the administration of the prison healthcare services who shall be known as and is referred to in these Rules as the "Director of Prison Healthcare Services" and any person so appointed shall be employed subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as the Minister may, after consultation with the Minister for Finance, determine

(3) The Minister may engage such and such numbers of registered medical practitioners as he or she considers appropriate to perform the functions of prison doctors under these Rules.

(4) The Minister may appoint such and such numbers of nurses as he or she considers appropriate to provide nursing care to prisoners and perform such other functions assigned to nurse officers under these Rules, and any person so appointed shall be employed subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as the Minister may, after consultation with the Minister for Finance, determine.

(5) The Minister may arrange for the provision of dental, psychiatric and other healthcare services as he or she considers appropriate.

Performance of functions by healthcare professionals

100. (1) A healthcare professional shall, in the performance of his or her functions—

(*a*) comply with these Rules and any local order for the time being in force,

(*b*) in so far as is practicable, make arrangements for the continued provision of medical or healthcare of the type provided by the healthcare professional concerned to a prisoner upon his or her release from prison, where appropriate,

(*c*) treat prisoners with the same dignity and respect as would be afforded to any patient who is not a prisoner,

(*d*) subject to these Rules, deal with any information of a medical or healthcare nature relating to a prisoner in the same manner as that information would be dealt with if the information related to a person who is not a prisoner,

(*e*) as far as possible involve the prisoner in making decisions in relation to his or her own healthcare, and encourage him or her to take a responsible attitude towards his or her health while in prison and upon his or her release from prison,

(*f*) provide prisoners with such information as will enable them to make free and informed decisions regarding their own healthcare,

(*g*) only administer treatment to a prisoner or conduct any tests on a prisoner with the consent of that prisoner except in the case of treatment or a test required by or under these Rules, any statute, or by order of a court.

(*h*) where he or she becomes aware of an aspect of the prison environment or regime that he or she considers to be particularly detrimental to the physical or mental health of any prisoner or other person, draw it to the attention of the Governor as soon as may be after his or her becoming so aware,

(*i*) consult with the Governor, as he or she considers appropriate, on matters relating to—

(i) the general health of prisoners, and

(ii) the more efficient operation of the prison insofar as matters of a medical, health or safety nature are concerned,

(*j*) participate in the implementation of any plans to which *paragraph (6)* of *Rule 75 (Duties of Governor)* applies and cooperate with the Governor, prison officers, and any persons that the Governor may specify for the purposes of that Rule in relation to the implementation of any such plan, and

(*k*) provide such reports as requested.

(*l*) provide to the Governor such periodic reports as are necessary to satisfy the Governor as to the efficient and appropriate carrying out of the duties for which they are responsible, and

(*m*) participate in and contribute to multi-disciplinary working in the prison for the effective delivery of services.

(2) Nothing in this rule shall prevent a healthcare professional from providing a prisoner with treatment or medication, he or she believes is necessary to prevent loss of life or injury

Duties of prison doctor

101. (1) Subject to these Rules, the general duties of a prison doctor shall be such as may be determined by—

(*a*) the Minister,

(*b*) the Governor, in consultation with the Director of Prison Healthcare Services, in so far as hours of attendance and the day to day coordination of prison healthcare services are concerned,

(*c*) the Director of Prison Healthcare Services in so far as the maintenance of professional and healthcare standards is concerned.

(2) A prison doctor shall, in particular, be responsible for the provision of primary healthcare to prisoners.

(3) Subject to directions that may be issued by the Director of Prison Healthcare Services, a prison doctor shall liaise with the Health Service Executive and other agencies, as he or she considers appropriate, to facilitate the provision of medical or other healthcare services to prisoners that are not normally provided within the prison healthcare system.

Information about prisoner requiring medical attention

102. (1) The Governor shall—

(*a*) upon being informed that a prisoner requests or is in need of medical attention, or

(*b*) upon forming the view that a prisoner—

(i) requires medical attention, or

(ii) requires, on medical grounds, special care, or to be kept under observation,

inform the prison doctor, nurse officer or other member of the prison healthcare staff thereof, and shall keep a record of the prisoner's name, the nature of the information received, the name of the person who has been informed and the time when this was done.

(2) The prison doctor, nurse officer or other member of the prison healthcare staff shall, as soon as practicable, assess a prisoner in respect of whom information has been received under *paragraph (1)*.

(3) In the case of a medical emergency involving a prisoner, or where a prisoner is otherwise in need of urgent medical attention, a prison doctor, nurse officer or other member of the prison healthcare staff shall, immediately upon receiving information under *paragraph (1)*, attend the prisoner and administer or arrange for the administration of medical care to him or her.

Recommendations of prison doctor

103. (1) Where a prison doctor believes there is a serious risk to the health of a prisoner and makes a recommendation in writing on medical grounds in relation to that prisoner to the Governor, the Governor shall, subject to *paragraph (2)*, implement the recommendation as soon as may be thereafter.

(2) Subject to any direction of the Director General under *paragraph (4)*, the Governor may, for the purpose of maintaining good order and safe and secure custody or on other reasonable grounds, decide not to implement a recommendation under this Rule (other than a recommendation that a prisoner, who is suffering from, or suspected of suffering from, a contagious or infectious disease or condition that threatens the health or well being of others, be segregated in order to prevent the spread of the disease or condition) after—

(*a*) discussing the matter with the prison doctor, and

(*b*) taking account of the likely impact of not implementing the recommendation on the prisoner.

(3) The Governor shall, as soon as may be after deciding not to implement a recommendation under this Rule, notify the Director General in writing of the prison doctor's recommendation, his or her decision not to implement the decision and the grounds for that decision, and any other issues or views that the Governor considers relevant to the matter.

(4) Upon receiving a notification under *paragraph (3)*, the Director General may, after considering—

(*a*) the recommendation concerned,

(*b*) the decision not to implement the recommendation,

(*c*) the reasons for that decision, and

(*d*) any other issues or views set out in the notification,

by direction in writing direct the Governor to implement the recommendation concerned either with or without modifications or affirm the refusal of the Governor to implement the recommendation. The Governor shall notify the prison doctor of the Director General's direction.

Information to Governor on detrimental effects of aspects of prison environment

104. A prison doctor shall draw the attention of the Governor to any particular aspect of the prison environment or regime which the prison doctor reasonably considers particularly detrimental to the physical or mental health of any individual prisoner or group of prisoners, any prison officer, or other person working in the prison, or visitors to the prison, as soon as may be after he or she becomes aware of the matter.

Information to Governor on state of health of prisoner

105. A prison doctor shall, after consulting with such other healthcare professionals as he or she considers appropriate, inform the Governor in writing if he or she is of the opinion that—

(*a*) the life of a prisoner will be endangered by continued imprisonment,

(*b*) a prisoner is unlikely to live until the expiration of the period of his or her sentence,

(*c*) a prisoner is unfit for continued imprisonment or for that particular prison's regime,

(*d*) the mental or physical state of any prisoner is being significantly impaired by his or her continued imprisonment, or

(*e*) a prisoner is unfit to travel outside the prison, including attendance at any court,

and shall make a record in writing of the prisoner's name, the information given to the Governor under this Rule and the time on which he or she so informed the Governor.

Outside medical assistance

106. (1) A prison doctor may, with the consent of the Governor, request the assistance of a registered medical practitioner or other healthcare professional, from outside the prison, in the treatment of a prisoner, where the prison doctor or any person to whom *Rule 99 (Provision of healthcare services)* applies is not able to provide the necessary medical treatment.

(2) The Governor shall not withhold his or her consent under *paragraph (1)* unless the withholding of such consent is reasonably necessary to maintain good order or safe or secure custody in the prison.

Records and annual report

107. (1) A prison doctor shall create and maintain such individual medical records in respect of prisoners as the Director of Prison Healthcare Services shall direct.

(2) A prison doctor shall, where—

(*a*) he or she conducts an examination of the body of a person who has died in prison, or

(*b*) has administered medical treatment to a prisoner who has died from the condition being treated or during the course of medical treatment,

create and maintain a record of the prisoner's name, the cause of death (if known), the treatment (if any) administered to the prisoner before his or her death, the time at which he or she died or is believed to have died and the names of the persons (if any) present when the prisoner died (if known).

(3) A prison doctor shall not later than the 31st day of March, or such later date as may be specified by the Minister, in each year, prepare and submit both to the Director of Prison Healthcare Services and to the Governor of the prison, a report in relation to—

(*a*) the performance by him or her of his or her functions, and

(*b*) the operation of the prison healthcare services in the prison to which he or she has been appointed,

during the year immediately preceding the year in which the report is so submitted, and such report shall contain such other information relating to the prison healthcare services or the prison environment or regime as he or she considers appropriate or the Minister may direct.

PART 11

Probation Service

Probation Service

108. (1) The Director of the Probation Service may assign officers of the Probation Service to provide probation services to prisoners.

(2) An officer of the Probation Service assigned to work in a prison shall be subject to these Rules and any local order for the time being in force.

(3) An officer of the Probation Service assigned to work in a prison to provide probation services to prisoners may be required by the Minister to no longer work in prison for stated reasons.

Performance of functions by Probation and Welfare Officer

109. (1) A Probation and Welfare Officer assigned under *Rule 108 (Probation Service)* shall, in the performance of his or her functions—

(*a*) focus on offending behaviour and address issues arising from imprisonment and issues which are likely to confront prisoners on their release; and

(*b*) participate in and contribute to multi-disciplinary working in the prison for the effective delivery of services.

(2) In particular, a Probation and Welfare Officer assigned under Rule 108 (Probation Service) shall, in the performance of his or her functions—

(*a*) advise and assist a prisoner or prisoners in coping with their imprisonment, in maintaining, as appropriate, their family and community ties and in preparing for life after release from prison;

(*b*) advise and assist a prisoner or prisoners in developing effective ways of managing their behaviour, lifestyle and personal affairs, through individual and group programmes and interventions, to reduce the risk of offending and to assist re-settlement within the community;

(*c*) work with a prisoner or prisoners and with prisoners' families and other social supports, including community based Probation and Welfare Officers and other statutory, community and voluntary services, to reduce the risk of offending and to assist re-settlement within the community;

(*d*) cooperate with the Governor, prison officers and persons employed or engaged in the provision of services to prisoners and in the preparation and implementation of sentence management plans to which *paragraph (6)* of *Rule 75 (Duties of Governor)* applies,

(*e*) contribute to the provision of individual and group work programmes and interventions for prisoners designed to address particular offending related behaviours, or problems associated with such behaviours, and to help prepare prisoners for release;

(*f*) endeavour to co-ordinate and assist community based bodies in the provision of services to prisoners, their families and communities, aimed at reducing offending and assisting prisoners' resettlement within the community;

(*g*) provide reports, and advice, as appropriate, to inform planning and decision making for the management of prisoners and their re-settlement within the community.

(3) Subject to the maintenance of good order and safe and secure custody, each prisoner shall, in so far as is practicable, be entitled to avail of the probation and welfare services provided in the prison.

PART 12

Education

Education and library services

110. (1) In so far as is practicable, a broad and flexible programme of education shall be provided in each prison to meet the needs of prisoners, through helping them—

(*a*) cope with their imprisonment,

(*b*) achieve personal development,

(*c*) prepare for life after their release from prison, and

(*d*) establish the appetite and capacity for lifelong learning.

(2) In particular, the programme referred to in *paragraph (1)* shall:

(*a*) encourage prisoners to participate in educational activities organised in the prison,

(*b*) give special attention to prisoners with basic educational needs, including literacy and numeracy needs.

(3) Subject to the maintenance of good order and safe and secure custody, each prisoner shall, in so far as is practicable, be permitted to participate in education as provided in the prison.

(4) The Governor, prison officers and all persons employed or engaged in the provision of services to prisoners shall actively encourage and facilitate participation in education as provided in the prison.

(5) The programme referred to in *paragraph (1)* may be provided in partnership with community based education bodies.

(6) In so far as is practicable, a library and information centre shall be provided in each prison, providing regular access to a wide range of informational, educational and recreational resources catering for the needs and interests of all prisoners.

(7) Subject to the maintenance of good order and safe and secure custody, each prisoner shall be entitled to avail of the library service provided in the prison at least once a week and be actively encouraged to make full use of it.

(8) A person providing educational or library services at a prison shall in the performance of his or her functions—

(*a*) comply with these Rules and any local order for the time being in force,

(*b*) treat prisoners with the same dignity and respect as would be afforded to any person availing of his or her services who is not a prisoner,

(*c*) cooperate with the Governor, prison officers and other persons employed or engaged in the provision of services to prisoners, and in the preparation and implementation of sentence management plans to which *paragraph (6)* of *Rule 75 (Duties of Governor)* applies, and

(*d*) develop and maintain links with appropriate community based services to facilitate, in so far as is practicable, post-release access to educational services.

(*e*) participate in and contribute to multi-disciplinary working in the prison for the effective delivery of services.

(9) A person working in the prison to provide an education or library service for prisoners may be required by the Minister to no longer work in the prison for stated reasons.

PART 13

Vocational Training

Provision of vocational training

111. (1) A broadly based programme of vocational and pre-vocational training shall, as far as is practicable, be provided in each prison designed to help prisoners to—

(*a*) occupy their time while in prison,

(*b*) achieve personal development,

(*c*) prepare for life after their release from prison,

(*d*) develop their vocational skills and talents, and

(*e*) improve their prospects of employment after their release from prison.

(2) Subject to the maintenance of good order and safe and secure custody, each prisoner shall, in so far as is practicable, be permitted to participate in vocational or

pre-vocational training as provided in the prison and the Governor, prison officers and all persons employed or engaged in the provision of services to prisoners shall actively encourage and facilitate such participation.

(3) A person providing vocational or pre-vocational services at a prison shall in the performance of his or her functions—

(*a*) comply with these Rules and any local order for the time being in force,

(*b*) treat prisoners with the same dignity and respect as would be afforded to any person availing of his or her services who is not a prisoner,

(*c*) cooperate with the Governor, prison officers and other persons employed or engaged in the provision of services to prisoners, and in the preparation and implementation of sentence management plans to which *paragraph (6)* of *Rule 75 (Duties of Governor)* applies, and

(*d*) develop and maintain links with appropriate community based services to facilitate, in so far as is practicable, access to work and training placements in the community and post-release work and training opportunities.

(*e*) participate in and contribute to multi-disciplinary working in the prison for the effective delivery of services.

(4) A person working in the prison to provide vocational or pre-vocational training for prisoners may be required by the Minister to no longer work in the prison for stated reasons.

PART 14

Psychology Service

Provision of psychology service

112. In so far as is practicable the Minister shall make arrangements for the provision of such psychological services as he or she considers appropriate to provide for the psychological needs of prisoners.

Performance of functions by psychologist

113. (1) A person providing psychological services at a prison shall in the performance of his or her functions—

(*a*) provide a psychology service that is in accordance with the Code of Professional Ethics of the Psychological Society of Ireland,

(*b*) comply with these Rules and any local order for the time being in force,

(*c*) treat prisoners with the same dignity and respect as would be afforded to any person availing of his or her services who is not a prisoner,

(*d*) provide a psychology service to a prisoner or prisoners to address their mental health needs, to assist in their personal development and to encourage them to take responsibility for their lives, including their offending behaviour,

(*e*) cooperate with the Governor, prison officers and other persons employed or engaged in the provision of services to prisoners and in the preparation and implementation of sentence management plans to which *paragraph (6)* of *Rule 75 (Duties of Governor)* applies,

(*f*) participate in the development, implementation and maintenance of programmes for prisoners, in partnership with the Governor, prison officers, and other persons employed or engaged in the provision of services to prisoners, aimed at addressing those needs of prisoners that put them at risk of re-offending,

(*g*) contribute to the development of policy and regimes within prisons and, when requested by the Governor, to the management of specific operational matters,

(*h*) develop and maintain links with appropriate community based services to facilitate, as far as possible, post-release access to follow-up therapeutic services for prisoners, and

(*i*) as he or she considers appropriate, bring to the attention of the Governor any matter relating to the psychological well-being of a prisoner or prisoners, or the provision of psychological services.

(*j*) participate in and contribute to multi-disciplinary working in the prison for the effective delivery of services.

(2) Where a psychologist makes a recommendation in writing to the Governor to address any matter having, or likely to have, significant impact on—

(*a*) the psychological well-being of a prisoner or prisoners, or

(*b*) the provision of psychological services in the prison,

the Governor shall, subject to he or she considering that such a recommendation is reasonably necessary and consistent with the requirement to maintain good order and safe and secure custody, implement the recommendation.

(3) Where the Governor decides not to implement such a recommendation, he or she shall so inform the psychologist as soon as may be and notify the Director General of the psychologist's recommendation, his or her decision not to implement the recommendation and the grounds for that decision and any other relevant observations.

PART 15

Chaplains

Duties of chaplain

114. (1) A chaplain shall,

(*a*) visit prisoners who are recorded as belonging to his or her religious denomination and who are willing to be visited or who request a visit,

(*b*) minister to prisoners of his or her religious denomination,

(*c*) conduct religious services for prisoners of his or her religious denomination at such times as may be arranged, and

(*d*) subject to *Rule 117 (Time and place of chaplain visits)*, visit any prisoner who is under restraint or confined to a cell unless the prisoner is unwilling to receive such a visit.

Provision of chaplaincy services

115. A chaplain shall, in providing chaplaincy services—

(*a*) comply with these Rules and any local order for the time being in force,

(*b*) treat prisoners with the same dignity and respect as would be afforded to any person availing of his or her services who is not a prisoner,

(*c*) encourage prisoners to talk with him or her,

(*d*) as he or she considers appropriate, bring to the attention of the Governor any matter relating to the well-being of a prisoner or prisoners, or the provision of chaplaincy services

(*e*) cooperate with the Governor, prison officers and other persons employed or engaged in the provision of services to prisoners and in the preparation and implementation of sentence management plans to which *paragraph (6)* of *Rule 75 (Duties of Governor)* applies, and

(*f*) develop and maintain links with appropriate community based groups or persons who visit prisoners for spiritual or pastoral purposes.

(*g*) participate in and contribute to multi-disciplinary working in the prison for the effective delivery of services.

Information to chaplain

116. The Governor shall, upon,

(*a*) being informed by or on behalf of any prisoner that the prisoner wishes to meet with a chaplain, or

(*b*) forming the view that the prisoner may require the services of a chaplain,

inform the chaplain concerned.

Time and place of chaplain visits

117. (1) Subject to any local order for the time being in force, and to any issues of security or health and safety, a chaplain shall be entitled to visit a prisoner at any time and in any part of the prison.

(2) A visit under *paragraph (1)* shall take place out of hearing of prison staff, unless the chaplain or prisoner requests otherwise.

Information to Governor

118. A chaplain shall inform the Governor in writing if he or she is of the opinion that the spiritual, moral, mental, emotional or physical state of any prisoner is being significantly impaired by his or her continued imprisonment, and shall make and keep a record of the prisoner's name, the information given to the Governor under this Rule and the date on which he or she so informed the Governor.

Annual report

119. (1) Each chaplain shall, not later than the 31st day of March, or such later date as may be specified by the Minister, in each year, prepare and submit to the Director General and to the Governor, a report on matters relevant to the provision of chaplaincy services in the prison during the year immediately preceding the year in which the report is to be submitted.

(2) Where a report under *paragraph (1)* is prepared and submitted by a chaplain of a religious denomination, all chaplains of that denomination in the prison concerned shall be deemed to have complied with the requirements of *paragraph (1)*.

PART 16

Revocations, Savers and Transitional Provisions

Revocations

120. (1) The rules specified in *Part A* of *Schedule 2* are hereby revoked.

(2) The regulations specified in *Part B* of *Schedule 2* are hereby revoked to the extent specified.

Savers

121. (1) A prisoner who before the commencement of these Rules is entitled to a period of remission under rule 38 of the Rules of 1947 shall, after such commencement continue to be so entitled, and for the purposes of calculating any further periods of remission in respect of that part of his or her sentence that remains unexpired after the said commencement the provisions of *Rule 59 (Remission)* shall apply.

(2) These Rules shall not operate to affect any penalty imposed on a prisoner under rule 38 of the Rules of 1947 before the commencement of these Rules.

(3) Any punishment imposed as a penalty before the commencement of these Rules shall continue to apply.

Transitional provisions

122. (1) Any appeal against any decision made by the Governor under the Rules of 1947 shall be dealt with under the provisions of those Rules.

(2) A local order made under paragraph (2) of Rule 116 of the Rules of 1947 that was in force immediately before the commencement of these Rules shall continue in force in accordance with its terms, as if made under *Rule 78 (Local orders)*, and may be amended or revoked accordingly.

(3) The "Rules of 1947" means the Rules for the Government of Prisons 1947 (SR&O No. 320 of 1947).

SCHEDULE 1

Breaches of Prison Discipline

A prisoner shall be guilty of a breach of prison discipline if he or she—

(1) disobeys or fails to comply with any lawful order of the Governor or of any prison officer,

(2) contravenes or fails to comply with any provision of these Rules or any local order,

(3) treats with disrespect, through the use of any abusive, insolent, racist or threatening behaviour or language, the Governor, any prison officer, any prisoner, any visitor to the prison or any other person

(4) without lawful authority—

(*a*) prepares, manufactures,

(*b*) consumes, inhales, or administers to himself or herself or any other prisoner,

(*c*) consents to the administration to himself or herself of, or

(*d*) has in his or her possession or buys, sells or supplies,

any intoxicating liquor or substance, controlled drug or medicinal product,

(5) is intoxicated as a consequence of knowingly consuming any intoxicating liquor or substance, controlled drug or medicinal product,

(6) pierces himself or herself or another prisoner with a needle or other implement, or consents to another prisoner piercing him or her with a needle or other implement, whether for the purpose of tattooing or otherwise,

(7) intentionally or recklessly endangers the health or personal safety of any person or persons,

(8) assaults any person,

(9) engages in any form of bullying or harassment,

(10) intentionally obstructs a prison officer in the execution of his or her duty or any other person going about his or her authorised duties,

(11) attempts, by use of any inducement or threat, to influence any prison officer, any prisoner, or other person in the performance of his or her duties in a prison,

(12) makes false allegations against the Governor, any prison officer, any prisoner, any visitor to the prison or any other person,

F15**[**(13) gives false evidence to, frustrates or fails to cooperate with an investigation or inquiry under section 12 of the Prisons Act, 2007 (Inquiry into alleged breach of discipline), section 15 of the Prisons Act, 2007 (Appeal against forfeiture of remission of portion of sentence) or *Rule 57B (Preparation of internal reports on complaints)***]**

(14) fails to comply with a direction of a prison officer in relation to the conduct of a search under *paragraph (3)* of *Rule 6 (Searching)*, including failure to open his or her mouth for the purpose of enabling a visual examination to be carried out,

(15) absents himself or herself from any place where he or she is required to be, or is present at any place where he or she is not authorised to be,

(16) intentionally or recklessly sets fire to any part of a prison or any other property, whether or not that property belongs to him or her,

(17) damages or disfigures any part of the prison, prison property, or the property of any other person,

(18) fails to comply with a requirement to work or intentionally fails to work properly or to engage properly in authorised structured activity,

(19) has in his or her cell or room or has in his or her possession any prohibited article,

(20) has in his or her possession an article in a part of the prison where he or she is not permitted to be in such possession,

(21) sells or supplies to or receives from any person any prohibited article,

(22) sells or supplies to any person any article which he or she is allowed to have only for his or her own use,

(23) has in his or her possession a greater quantity of any article than he or she is authorised to have,

(24) refuses to undergo an examination or refuses or fails to provide a sample when requested to do so, under *paragraph (5)* of *Rule 26 (Tobacco, intoxicating liquor and drugs)*, for the purpose of detecting the presence or recent use of intoxicating liquor, a controlled drug or any medicinal product (other than a controlled drug or medicinal product for which a prescription has been issued by a prison doctor, registered dentist, psychiatrist or other healthcare professional) or other illicit substance,

(25) takes any article belonging to another person without the consent of that person,

(26) detains any person against his or her will,

(27) mutinies or commits any act of collective indiscipline,

(28) escapes, or absconds from prison or lawful custody, or aids or abets another prisoner to escape or abscond therefrom, or has in his or her possession any article, or information, intended for use in an escape or absconsion,

(29) attempts to commit, incites another prisoner to commit, or assists another prisoner to commit or attempt to commit any of the foregoing breaches of prison discipline,

(30) is indecent in language, act or gesture,

(31) displays, attaches, or draws on any part of a prison, or on any other property, threatening, abusive or insulting racist words, drawings, symbols or other material,

(32) in any other way offends against good order and discipline.

Annotations

Amendments:

F15 Substituted (14.01.2013) by *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013), art. 6, in effect as per art. 1(5).

SCHEDULE 2

REVOCATIONS

PART A

Rules for the Government of Prisons, 1947 (S.I. No. 320 of 1947)

Regulations as to the Measuring and Photographing of Prisoners, 1955 (S.I. No. 114 of 1955)

Rules for the Government of Prisons, 1955 (S.I. No. 127 of 1955)

Rules for the Government of Prisons, 1976 (S.I. No. 30 of 1976)

Rules for the Government of Prisons, 1983 (S.I. No. 135 of 1983)

Rules for the Government of Prisons, 1987 (S.I. No. 90 of 1987)

PART B

Regulation 4, 5, 6, 7, 8 and 10 of the Saint Patrick's Institution Regulations, 1960 (S.I. No. 224 of 1960)

L.S.

GIVEN under my Official Seal
29th May 2007
MICHAEL MCDOWELL
Minister for Justice, Equality and Law Reform.

S.I. No. 252 *of* 2007

PRISON RULES 2007

REVISED

Updated to 1 January 2024

About this Revised Statutory Instrument

This Revised Statutory Instrument presents the text of the instrument as it has been amended, and preserves the format in which it was made.

Related legislation

Prison Rules 2007 to 2020**:** this statutory instrument is one of a group of statutory instruments included in this collective citation, to be construed together as one (*Prison (Amendment) Rules 2020*, art. 1(2)). The instruments in this group are:

- *Prison Rules 2007* (S.I. No. 252 of 2007)
- *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013)
- *Prison (Amendment) Rules 2014* (S.I. No. 227 of 2014)
- *Prison (Amendment) (No.2) Rules 2014* (S.I. No. 385 of 2014)
- *Prison (Amendment) Rules 2017* (S.I. No. 276 of 2017)
- *Prison (Amendment) Rules 2018* (S.I. No. 507 of 2018)
- *Prison (Amendment) Rules 2020* (S.I. No. 250 of 2020)

Annotations

This Revised Statutory Instrument is annotated and includes textual and non-textual amendments and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this statutory instrument, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Irish Human Rights and Equality Commission Act 2014* (25/2014)
- *Courts and Court Officers Act 2009* (36/2009)

All Acts up to and including *Electoral (Amendment) Act 2023* (40/2023), enacted 19 December 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Justice and Equality (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 452 of 2020)
- *Prison (Amendment) Rules 2020* (S.I. No. 250 of 2020)
- *Prison (Amendment) Rules 2018* (S.I. No. 507 of 2018)
- *Prison (Amendment) Rules 2017* (S.I. No. 276 of 2017)
- *Prison (Amendment) (No.2) Rules 2014* (S.I. No. 385 of 2014)
- *Prison (Amendment) Rules 2014* (S.I. No. 227 of 2014)
- *Prison Rules (Amendment) 2013* (S.I. No. 11 of 2013)
- *Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 138 of 2011)
- *Justice, Equality and Law Reform (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 216 of 2010)

All statutory instruments up to and including *Income Tax (Employments) Regulations 2024* (S.I. No. 1 of 2024), made 4 January 2024, were considered in the preparation of this revision.