



STATUTORY INSTRUMENTS.

S.I. No. 385 of 2014



PRISON (AMENDMENT) (NO. 2) RULES 2014

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I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 35 of the Prisons Act 2007 (No. 10 of 2007) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)), hereby make the following rules:

1. (1) These Rules may be cited as the Prison (Amendment) (No.2) Rules 2014.

(2) The Principal Rules and these Rules may be cited together as the Prison Rules 2007 to 2014.

(3) These Rules shall come into operation on 15 August 2014.

2. In these Rules “Principal Rules” means the Prison Rules 2007 (S.I. No. 252 of 2007) (as amended by the Prison Rules (Amendment) 2013 (S.I. No. 11 of 2013) and the Prison (Amendment) Rules 2014 (S.I. No. 227 of 2014)).

3. Rule 27 of the Principal Rules is amended by substituting the following for paragraph (2):

“(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.”

4. Rule 59 of the Principal Rules is amended by substituting the following for paragraph (2):

“(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 prisoner's sentence were to be granted to him or her.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 19th August, 2014.

- (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 prisoner's 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.”

5. (1) These Rules shall apply to a pending application subject to the modification that subparagraph (c) of Rule 59(2) (amended by Rule 4) of the Principal Rules is deleted.

(2) A prisoner who has made a pending application may submit further information or documentation in support of his or her application.

(3) In this Rule “pending application” means an application for remission under Rule 59(2) of the Principal Rules—

- (a) made at any time before the date of the coming into operation of these Rules, and
- (b) in respect of which the Minister had not, before that date, made a decision.



GIVEN under my Official Seal,
14 August 2014.

FRANCES FITZGERALD,
Minister for Justice and Equality.

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