



## Prison Service Order

ORDER  
NUMBER

4600

# Unconvicted, Unsentenced and Civil Prisoners

Date of Issue / Amendment	Click on Number for link to reference
27/01/2020 – Revision	Updates SO 8, SO 12, SO 16, CI 18/85 & CI 30/90
Amendments can be tracked in the Numerical Index.	
PSI Amendments should be read before and in conjunction with PSO	
January 2020 – References to IEP have been changed to the <a href="#">Incentives Policy Framework (IPE)</a> , which came into force on 13 January 2020	

### INTRODUCTION FROM THE DIRECTOR OF RESETTLEMENT

1. This Prison Service Order (PSO) is issued as part of the Woodcock 60 process, to replace Standing Orders and Circular Instructions. It updates Standing Order 8, Standing Order 12, Standing Order 16, CI 18/85 and CI 30/90.

#### Performance Standards

2. This PSO is not part of the Performance Standards Programme.

#### Output

3. The purpose of the Order is to ensure that staff involved in the management and throughcare of unconvicted, unsentenced and civil prisoners, are aware of their special rights and privileges and any specific needs. Those that they share with other prisoners are covered in other instructions.
4. Throughout the Order, references to Governors apply equally to controllers and directors of contracted-out prisons.

## Impact and Resource Assessment

5. This PSO brings together and clarifies existing instructions. There should be no increase in the workload of staff.

## Implementation

6. This PSO comes into effect immediately.
7. *This Order must be held by or made available to all staff who are involved in the management and throughcare of unconvicted, unsentenced or civil prisoners, and made available to all prisoners.*

## Contact points

8. Further information is available on the following numbers in Prisoner Administration Group:  
Carrie Cannings                      020 7217 2933  
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**Director of Resettlement**

### **NOTE FOR ESTABLISHMENT LIAISON OFFICERS**

*ELOs must record the receipt of the Prison Service Order – **Unconvicted, Unsentenced and Civil Prisoners** in their registers as issue **165** as set out below. The PSO must be placed with those sets of orders mandatorily required in Chapter 4 of PSO 0001..*

<b>Issue no.</b>	<b>Date</b>	<b>Order no.</b>	<b>Title and / or description</b>	<b>Date entered in set</b>	<b>ELO signature</b>
165	10/02/03	4600	Unconvicted, Unsentenced and Civil Prisoners		

# **PRISON SERVICE ORDER ON UNCONVICTED, UNSENTENCED AND CIVIL PRISONERS**

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## CHAPTER ONE : UNCONVICTED PRISONERS

### Definition

- 1.1 Unconvicted prisoners have not been tried and are presumed to be innocent, the Prison Service's sole function is to hold them in readiness for their next appearance at court. Their imprisonment should not deprive them of any of their normal rights and freedoms as citizens, except where this is an inevitable consequence of imprisonment, of the court's reason for ordering their detention and to ensure the good order of the prison. *Instructions or practices that limit their activities must provide only for the minimum restriction necessary in the interests of security, efficient administration, good order and discipline and for the welfare and safety of all prisoners.*
- 1.2 *Mandatory requirement: Subject to these considerations, they must be treated accordingly and, in particular, will be allowed all reasonable facilities to:*
- *seek release on bail*
  - *preserve their accommodation and employment*
  - *prepare for trial*
  - *maintain contact with relatives and friends*
  - *pursue legitimate business and social interests*
  - *obtain help with personal problems*

They should receive health care appropriate to their needs, and opportunities for education, religious observance, exercise and recreation and, where possible, for training and work.

As a result of this special status, unconvicted prisoners are entitled to a number of special rights and privileges which are listed in Annex B. Further details can be found in the relevant Prison Rules and instructions which are highlighted in the Annex.

### Categorisation

- 1.3 Unconvicted prisoners will normally be held in a local (category B) establishment. There is, however, no reason in principle why they cannot be held in category C conditions with the approval of the Area Manager. Female prisoners are categorised for open, semi open or closed conditions and can also be held in Cat A. Young offenders are categorised for open or closed establishments, but can also be held in Cat A or categorised for Restricted Status. Unconvicted prisoners under the age of 18 will normally be held in the nearest establishment with juvenile accommodation. PSO 0900 gives detailed guidance on categorisation and allocation and the procedures involved, including those to be applied to unconvicted prisoners.

### Separation

*Mandatory Requirement:*

- 1.4 *An unconvicted prisoner must not in any circumstances be required, against their will, to share a cell with a convicted prisoner - Prison Rule 7(2)(b).*

*Unconvicted prisoners must be kept out of contact with convicted prisoners as far as the Governor considers that it can reasonably be done, unless and to the extent that they have consented to share residential accommodation or participate in any activity with convicted prisoners - Prison Rule 7(2)(a). However see 1.6.*

- 1.5 Accommodation - Practically, this means that unconvicted prisoners should be housed in separate accommodation from convicted prisoners as far as the Governor considers this can reasonably be done. If the Governor considers in certain circumstances that it would be unreasonable to maintain separation where unconvicted prisoners prefer to be held separately, he may locate them on the same wing or landing as convicted prisoners, but *must not require an unconvicted prisoner unwillingly to share a cell with a convicted prisoner. Where it seems necessary that an unconvicted prisoner should share a cell with a convicted prisoner, their explicit consent must be obtained.* Where an unconvicted prisoner is content to share residential accommodation, or to participate in activities with convicted prisoners, there should be no obstacle to their doing so.
- 1.6 Regime Activities - Sharing activities with convicted prisoners is acceptable, providing such activities are supervised and on the understanding that this enables unconvicted prisoners to have a better choice of activities, education and work than they would if they were kept segregated. *Should the prisoner object to sharing activities, he/she must not be forced to do so.*

## **Persons Charged with Murder**

*Mandatory Requirement:*

- 1.7 *The Governor must ensure that the Prison Doctor is aware of his/her responsibilities to prisoners charged with murder as set out below.*
- 1.8 On reception a prisoner charged with murder may be admitted to the health care centre and kept under continuous observation for as long as the prison doctor considers necessary. After an initial period of observation in the health care centre the prison doctor may, at his/her discretion, direct that the prisoner be moved to ordinary location and advise the Governor on matters relating to the supervision, actual location, employment and association activities of the prisoner.

Mothers charged with the murder of their children

- 1.9 Where a mother is charged with the murder of her child under the age of twelve months, the prison doctor may form the opinion that at the time of the act or omission the balance of the prisoner's mind was disturbed as a result of the birth. *In such a case, the prison doctor must convey that opinion to the Crown Prosecution Service so that the question of charging infanticide may be considered.*

## **Notifications**

Identifying next of Kin

- 1.10 Efforts should be made, particularly during the reception and first night screening processes, to identify whom the prisoner considers next of kin. The establishment should have clear details as to who, in the following circumstances, the prisoner would wish them to contact. See PSO 2700 Suicide and Self Harm Prevention.

### *Mandatory Requirements :*

*The prison must ensure that all reasonable steps are taken to notify next of kin, or defence solicitors of the prisoner's location in the following circumstances:*

*(i) Under 18s:*

- ◇ On first reception on remand. The notification should include brief details of the remand and the date and place of the next court appearance.*
- ◇ On committal for trial*
- ◇ Before transfer to another establishment except in the case of a prisoner potentially or provisionally Restricted Status or on the E list, when notification should only be made after transfer, as set out in the next point*
- ◇ on reception after transfer (including where the prisoner is taken to court from one establishment and returns to another)*
- ◇ if a prisoner escapes or is subsequently returned*
- ◇ if the prisoner causes deliberate self harm*
- ◇ if the prisoner is charged in an outside court for an offence committed in custody*

*(ii) All prisoners:*

*In all cases of death, serious injury or removal to hospital on account of mental disorder, irrespective of any wishes the prisoner may previously have expressed.*

In the case of serious illness, the prisoner should first be asked whether he or she objects to their next of kin being informed. The prisoner's wishes should be respected but encouragement and facilities to inform their next of kin should be given.

- (iii) A prisoner's defence solicitor must be notified as soon as possible of the proposed transfer of the prisoner - unless they are potentially or provisionally placed in Category A, in which case the transfer should not take place without the authority of Headquarters (Directorate of High Security Prisons). Notification in these circumstances should take place after transfer. The prisoner must be given the opportunity to notify his/her family.*

### **Time in the Open Air**

- 1.11 PSO 4275 Time in the Open Air, specifically states in the Mandatory Requirements that:

*unconvicted prisoners who exercise their right not to participate in work or other activities, should be provided with the opportunity to spend a minimum of one hour in the open air per day, subject to weather conditions and the needs of good order and discipline.*

## Voting Rights

- 1.12 Prisoners lose their special privileges on conviction, even if they are remanded pending sentence, (except in certain specific situations as set out in Chapter 2). The exception to this is voting rights, as only convicted sentenced prisoners are prohibited from voting in elections. Unconvicted, convicted unsentenced and civil prisoners, who are eligible to do so, have the right to vote under section 3 of the Representation of the Peoples Act 1983 as amended in Parliamentary, local government and European Parliamentary elections. Detailed guidance on the procedure that is necessary to enable such prisoners to exercise this right is set out in PSO 4650 (Prisoners' Voting Rights).

## Reports to court

- 1.13 There is no general requirement for Governors to routinely provide reports on prisoners to courts to assist in consideration of the appropriate sentence. If however a court should request a report (e.g. on a prisoner's conduct during a previous custodial sentence or while on remand), the Governor should co-operate by providing the information requested as far as he is able.

Copies of such reports will be made available to the defence by the court. Governors should not therefore supply copies direct to the defence, but refer them to the court.

## Reports at the Prison Doctor's initiative

- 1.14 The prison doctor will arrange for reports to be submitted to the court on the physical or mental condition of prisoners remanded or committed into custody in the following cases:

(i) Expedited trial

In normal circumstances there is an unavoidable delay between committal proceedings and a trial. If the prison doctor is of the opinion that such delay would be seriously prejudicial to the mental condition of a defendant who has been remanded in custody, he may submit a preliminary medical report to the Crown Court to ask for an expedited trial to be arranged. If, however, the condition of a defendant suffering from mental illness or severe mental impairment is considered to be such as to necessitate urgent admission to hospital before the trial, the procedure for exercise of the Secretary of State's power under section 48 of the Mental Health Act 1983 should be followed.

(ii) Other cases

Where there is evident abnormality in any prisoner's physical or mental condition, the prison doctor will draw the attention of the court to it, he should furnish the court with a report of any attempt to cause self harm or serious self-injury made by a prisoner, saying whether he recommends psychiatric treatment. He should also endeavour generally to pick out those cases in which the medical condition may be relevant to verdict or sentence and furnish a full report to court.

## Postponement of trials in Crown Courts

- 1.15 If the Clerk of the Court notifies the prison that it is proposed to postpone a prisoner's trial beyond eight weeks from the date of committal (under the Crown Court Rules 1982), the prisoner may attend the application for postponement if he/she wishes to do so. A prisoner who wishes to attend should be produced in court. *If the Clerk of the Court notifies the prison that the prosecution intends to make an application to extend a prisoner's Custody Time Limit, the prisoner must be produced in court for the application.*

## Custody Time Limits

- 1.16 A Custody Time Limit is the maximum time that a defendant may be held in custody between their first appearance in court and the commencement of proceedings. The Time Limits, which are set out in the Prosecution of Offences (Custody Time Limits) Regulations 1987 as amended) are different for Magistrates' Courts and Crown Courts and vary according to the way the trial is to proceed – i.e. summary trial, trial either way or trial on indictment). The defendant may, of course, apply for bail in the meantime. *The prosecution can apply for extensions of the custody time limit, but if on the expiry of the time limit (and extensions) the case has not come to court, the court must release the defendant on bail, although the prosecution can seek to have conditions added to the bail.*
- 1.17 The defendant remains in the custody of the court while awaiting trial and it is only by order of the court that the custody can be brought to an end. Case law has found that the Governor's **only responsibility** is to hold the defendant in accordance in with the terms of the warrant. It is not his responsibility to make any application to the court (i.e. for an extension of the time limit) or to release the defendant without an order of the court. If, however, the prison becomes aware that a custody time limit has expired, they should take steps to bring this to the notice of the court.



## CHAPTER TWO: UNSENTENCED PRISONERS

### The effects of conviction

- 2.1 A prisoner loses his or her special privileges at the point of conviction, (except as stated below). From that point they have been convicted of an offence and are treated accordingly. An unsentenced prisoner can also be remanded from the court for sentencing, without previously having served time on remand.
- 2.2 Unsentenced prisoners can be divided into two groups, those who are treated the same as unconvicted prisoners, and therefore receive the same special rights and privileges, and those who are treated as convicted, and therefore do not. The specific Acts and sections are described in detail in Annex A, however as a simple guide, an unsentenced prisoner will be treated as unconvicted if he/she has been:
- remanded into custody for medical examination; or
  - remanded in custody after conviction, and sentence has been postponed solely to enable a notice of patriality or liability to deportation to be served (or allow 7 days to elapse after serving such a notice).

A convicted but unsentenced prisoner remanded into custody for any other reason will be treated as convicted.

#### *Mandatory Requirement :*

- 2.3 *Convicted unsentenced prisoners who are treated the same as unconvicted prisoners (see 2.2 above), must be accorded the special rights and privileges shown in Annex B.*
- 2.4 Convicted unsentenced prisoners who are treated the same as convicted prisoners (see 2.2 above) have no special rights and privileges.

The only exception to the loss of privileges on conviction is the right to vote. Only sentenced convicted prisoners lose the right to vote, see 1.13 above.

## CHAPTER THREE : THE TREATMENT OF CIVIL PRISONERS

### Definition

3.1 Prison Rule 7(3) states:

Prisoners committed or attached for contempt of court, or failing to do or abstain from doing anything required to be done or left undone:

- (a) shall be treated as a separate class for the purpose of this rule;
- (b) notwithstanding anything in this rule, may be permitted to associate with any other class of prisoner if they are willing to do so; and
- (c) shall have the same privileges as an unconvicted prisoner under rules 20(5), 23(1), 31(5) and 35(1), as discussed below.

3.2 This leads to the following *Mandatory Requirement*:

*Civil prisoners must be treated in the same way as convicted prisoners except that the following privileges should be conferred on them (i.e. as if they were unconvicted prisoners):*

- He/she may have a registered medical practitioner or dentist attend them if they so choose and agree to pay any expenses incurred. *There must be reasonable grounds for the request and the prison doctor must be consulted, (unless the Secretary of State directs otherwise). PR 20(5).*
- He/she may wear their own clothes unless there are reasonable grounds for believing that there is a serious risk of an attempt to escape and that if they did so, they would be highly dangerous to the public, the police or the security of the State. PR 23 (1)
- He/she does not have to work unless they wish to do so. Those working outside the prison must wear prison clothing and those working in their cell may do so with the door unlocked. Civil prisoners committed for contempt of court may not be employed outside the prison. PR 35(1)
- He/she can have as many visits and send as many letters as they wish, subject to practical limitations. PR 31(5)

Information on sentence calculation, payment of fines etc. for prisoners committed for a civil offence or in default of a fine can be found in the Sentence Calculation Manual, chapters 16 and 17.

As Civil Prisoners are treated as convicted they should be categorised unless their sentence is of so short a duration as to make this unnecessary.

### Contempt of court

3.3 An individual can be committed to prison for contempt for a number of reasons, including but not exclusively, assault on an officer of the court, non-payment of a debt or fine, rescuing or attempting to rescue goods seized by the court. The most common reason for committal is breach of an injunction.

This is a complicated area, but the following should be taken into consideration.

3.4 *Mandatory Requirement :*

*The prison must notify the Official Solicitor of the reception of **all prisoners committed for contempt of court (including persons committed under section 63(3) of the Magistrates' Courts Act 1980).** A copy of the warrant, together with the name, prison number and address of the prison should be sent to:*

The Office of the Official Solicitor  
81 Chancery Lane  
London WC2A 1DD

*Also, a medical report must be provided on request to the Official Solicitor, when the health of the prisoner committed for contempt makes it necessary to consider discharge.*

### Purging contempt

- 3.5 A prisoner may write to the court to purge his/her contempt. This may be done either in person, with or without the help of a solicitor or the prisoner may seek the assistance of the Official Solicitor, at public expense. The latter is not usually willing to help those who are able to take action themselves. Any prisoner wishing to purge his/her contempt should seek assistance from the Legal Services Officer.
- 3.6 If a court requests the production of a prisoner to purge his/her contempt (e.g. if they are in prison for non-payment of a debt), the prisoner should be produced at public expense.

### Appeal against committal under the Debtors Act 1869

#### *3.7 Mandatory Requirement:*

*Prisoners must be told immediately on reception that, in accordance with section 13 of the Administration of Justice Act 1960, or section 77 of the County Courts Act 1984 in the case of those committed under the Debtors Act 1869, that they have a right to appeal against committal and that notice of appeal must be served within 14 days of the date on which the order of committal was made. Prisoners who require help to do this, should consult their solicitor. Those who wish to act on their own should write to Civil Appeals Section, Royal Courts of Justice, Strand, London WC2. If a prisoner thinks that they have 6 weeks in which to serve a notice of appeal because they are the subject of a final judgement or order, the Governor may contact the Civil Appeals Section on 0207 947 6409 with details of the action.*

### Appeal against committal under the Attachment of Earnings Act 1971

- 3.8 A person who is committed by the High Court or a County Court for an offence under section 23 (2) of the Attachment of Earnings Act 1971 has the same right of appeal as if the offence were contempt of court.

### **Failing to comply with a maintenance order**

- 3.9 Section 76 of the Magistrates' Courts Act 1980 (The 1980 Act), as amplified by section 92, allows a Magistrates Court to commit someone who has failed to comply with a maintenance order, to prison. Similar powers are contained in section 5 of the Debtors Act 1869 in relation to the High Court and County Courts. Section 77(2)

of the 1980 Act permits the court to postpone enforcement of a warrant in relation to such an order, until a time it fixes. In this instance, the prisoner will receive a notification from the court when the warrant falls to be issued and can apply by post to the clerk of the justices at public expense if he/she considers there are grounds for not issuing the warrant. Prisoners who are committed to or detained in prison for the purpose of enforcing a maintenance order may, under section 18(4) of the Maintenance Orders Act 1958 apply for cancellation of the warrant by which they are detained.

## **Fine default**

3.10 The default of payment of a fine can result in a committal to prison. Fine defaulters can be divided into the following categories :

i). Those serving a "default term" imposed for nonpayment or arrears in the payment of the following and including consecutive fine default warrants:

- (a) a fine
- (b) costs ordered in criminal proceedings
- (c) compensation ordered in criminal proceedings
- (d) confiscation orders imposed under the Drug Trafficking Offences Act 1986 or the Criminal Justice Act 1988 (except where the warrant specifies that the committal is a criminal one).

It is worth noting that a prisoner can be serving a lengthy sentence as a result of defaulting on a confiscation order where the sum is significant. The prisoner is still classed as a civil prisoner and should receive the appropriate rights and privileges.

ii). Forfeiture of recognizance e.g. to keep the peace, be of good behavior, or by a parent in respect of a child.

iii). Those committed for various types of nonpayment, including:

- (a) maintenance arrears
- (b) Legal Services Contribution Orders
- (c) civil debt
- (d) council tax

## **Eligibility for Early Release**

3.11 The following prisoners **are** eligible for early release. (For further information please see the Sentence Calculation Manual 17.2.6 and Annex H ) :

- those who are committed for contempt of court for a term of imprisonment of more than two days including committals by order of a judge under section 14 (assaulting an officer of the court) or section 92 (rescuing or attempting to rescue goods seized) of the County Courts Act 1984
- a parent or guardian committed in default of payment of a fine, damages or costs ordered to be paid by them in respect of an offence of a young person under section 26 of the Criminal Justice Act 1982.
- persons committed for non-payment of a sum due on the forfeiture of a recognisance and for failure to enter into a **recognisance, to provide a surety or for breaching a bind over.**

The following prisoners **are not** eligible for early release:

- (i) Those committed for non-payment of:
  - a civil debt defined in section 92 of the Magistrates' Courts Act 1980 as:
    - Magistrates Court Maintenance Orders
    - contributions under section 23 of the Legal Aid Act 1988
    - payment of Taxes and Contributions specified in Schedule 4 of the administration of Justice Act 1970
  - a sum enforceable under the Community Charges (Administration and Enforcement) Regulations 1989
  - a sum for which there is power to commit to prison under section 5 of the Debtors Act 1869 (as restricted by the Administration of Justice Act 1970)
- (ii) persons committed in default of entering a recognisance, with or without sureties or for breaching a bind over
- (iii) persons committed for non-compliance with an order of a court other than an order for the payment of money
- (iv) persons committed on an order, writ or warrant by the High Court, a County Court or other court of civil jurisdiction except persons committed in the circumstances set out in the first ◊ of paragraph 9 above
- (v) persons committed to prison and who are required to be released on a specified date
- (vi) persons committed to prison under section 4 of the Debtors Act 1869 for 12 months

**NB Committal to prison does not extinguish debts owed. Action can still be taken against any realisable assets**

The Sentence Calculation Manual covers this area in greater detail.

## ANNEX A : FULL DEFINITION OF UNCONVICTED AND UNSENTENCED PRISONERS

### Unconvicted prisoners

#### 1 Definition

Without prejudice to the effect of the definition as it appears in the Prison Rules, the Prison Service treats persons as unconvicted prisoners for administrative purposes where they are remanded, committed or detained in custody:

- under sections 5(1), 6(3), 10(4), 15(2), 18(4), 30(1), 55(5) and 129(1) of the Magistrates' Courts Act 1980, section 5(3) of the Criminal Justice Act 1987 or section 1(6) of the Bail (Amendment) Act 1993
- under section 27(1) of the Criminal Justice Act 1948 , when remanded or committed for trial
- during any adjournment of the Crown Court before conviction
- under section 10(3) of the Magistrates' Courts Act 1980 or during an adjournment of the Crown Court after conviction, if - in either case - sentence has been postponed *solely* for the purpose of section 6(2) of the Immigration Act 1971
- under **section 23(4)(b) or (c) of the Children and Young Persons Act 1969, when remanded or committed for trial** - Sections 23(4) (b) and (c) allow 15 and 16 year old boys who are violent etc. to be remanded to a remand centre or prison instead of local authority accommodation.
- under paragraph 2(1) of schedule 3 of the Immigration Act 1971, while a court's recommendation for deportation is considered
- on the authority of an Immigration Officer or the Secretary of State under provisions in schedule 2 or 3 of the Immigration Act 1971
- under provisions of the Extradition Act 1989 and the Backing of Warrants (Republic of Ireland) Act 1965
- (to a prison) as a place of safety under section 35 or 36 of the Mental Health Act 1983, section 5 of the Criminal Procedure (Insanity) Act 1964, or section 6 or 14 of the Criminal Appeal Act 1968 (those committed under sections 37 or 38 of the Mental Health Act must already have been convicted of a criminal offence. If the offence did not result in a custodial sentence, they should be treated as unconvicted, in other cases, they are treated as convicted prisoners).
- those detained under the Anti-terrorism, Crime and Security Act 2001
- on further charges while still on licence under supervision, unless and until the licence is revoked.

### Unsentenced prisoners

#### 2 Definition

The definition of an unsentenced prisoner for Prison Service purposes is:

- persons remanded in custody for medical examination under Section 30 of the Magistrates' Courts Act 1980
- persons remanded in custody under section 10(3) of the Magistrates' Courts Act 1980 or during an adjournment of the Crown Court after conviction, if sentence has been postponed solely for the purpose of

section 6(2) of the Immigration Act 1971 (i.e. to enable a notice of partiality or liability to deportation to be served or to allow seven days to elapse after service of such a notice).

**NB in the above circumstances the prisoner is treated as an unconvicted prisoner**

- persons found guilty and remanded in custody for inquiry or to await sentence, including those remanded or committed under:
- section 10(3), **37,38 or 38A** of the Magistrates' Courts Act 1980
- **schedule 2 of the Criminal Justice Act 1991**
- section 43(1) of the Mental Health Act 1983
- section 5 of the Vagrancy Act 1824
- section 27(1) of the Criminal Justice Act 1948, when committed for sentence
- section 23 (4) (b) or (c) of the Children and Young Persons Act 1969, when committed for sentence - see similar provision under unconvicted; and
- during an adjournment of the Crown Court following conviction
- **under section 24(2) of the Powers of Criminal Courts Act 1973**  
**NB in the above circumstances, the prisoner is treated as a convicted prisoner**

## ANNEX B

### Special Rights and Privileges

- 1 As a consequence of their special status, unconvicted prisoners have a number of special rights and privileges.

#### *Mandatory Requirement :*

*Governors must ensure that, as far as possible, unconvicted prisoners are accorded the following rights and privileges.*

- 2 In brief, unconvicted prisoners are entitled to :
  - Have supplied at his/her own expense, books, newspapers, writing materials and other means of occupation. *[Prison Rule 43(1)]*
  - Have items for cell activities and hobbies handed in by relatives or friends, as well as to purchase them from private cash or pay. *[SO 4(31)]*
  - Carry out business activities *[SO1c (28)]*
  - Wear his/her own clothing, unless considered inappropriate or unsuitable. *[Prison Rule 23, 40 (3) SO 14 (22)]*
  - Take part in the Incentives scheme, please see [Incentives Policy Framework](#) Send and receive as many letters as he/she wishes. *[Prison Rule35(1)]* including two statutory letters at public expense per week. *[SO 5b(8)]*
  - Be attended by his own registered medical practitioner or dentist, at his own expense. *[Prison Rule 20(5), SO 13(60)]*
  - Be separated from convicted prisoners, as far as can reasonably be done. *[Prison Rule (2)]*
  - Under no circumstances be required to share a cell with a convicted prisoner. *[Prison Rule (2)]*
  - Have in possession a greater quantity of smoking materials, and bring in tobacco and cigarettes on reception, or have them sent in by friends. *[SO 4]*
  - Receive as many visits as he/she wishes, within reasonable limits; *[Prison Rule 35(1), SO 5a]* and
  - Not to work unless he/she chooses to. *[Prison Rule 31(5), SO 6a & 6b]*

These special privileges are not absolute and can be tempered by consideration of security, operational need and practical considerations. However, when restricting an unconvicted prisoner's rights, we must be aware of these entitlements and be able to justify our restrictions should we be challenged. For example, Prison Rules allow that an unconvicted prisoner who is placed on the escape list can be required to wear E-list clothing.

Further details can be obtained from the relevant Prison Rules, PSOs and Standing Orders (where still extant).