Coronavirus Restricted Temporary Release Direction pursuant to rule 9A of the Prison Rules 1999

The Secretary of State, in accordance with rule 9A, makes the following direction:

Prisoners who meet the following description may be released on temporary licence for the period specified, and subject to any conditions specified, by HMPPS in their licence.

Duration of direction

This direction applies from the day it is made [7th April 2020], to eligible prisoners falling into the below description, until revoked by a further direction.

Description of prisoner criteria

Prisoners may be released under this direction if they fall into the following description (all points must be met to be eligible for release):

a. A standard determinate sentence prisoner whose release is subject to section 244 of the Criminal Justice Act 2003, or
b. A fine defaulter or contemnor whose release is subject to section 258 of the Criminal Justice Act 2003, and
c. Who has served at least half of the requisite custodial period of their sentence, and
d. Whose most recent assessment to determine their Risk of Serious Harm (ROSH) in accordance with the Public Protection Manual is low or medium, and
e. Who is within 61 days of their conditional release date.

Regardless of whether a prisoner qualifies under the above direction, if the prisoner falls into one or more of the following categories they must not be temporarily released under this direction:

- if excluded by rule 9A (see list below); or
- they are subject to assessment and management by a responsible authority pursuant to section 325 of the Criminal Justice Act 2003 (CJA 2003) (Multi Agency Public Protection Arrangements); or
- if, at the time of assessment, they are subject to recall to custody pursuant to section 254 or section 255 of the CJA 2003; or
- they are serving a sentence of four or more years imprisonment for an offence on the ‘4 Years Plus - Possession of weapons offences’ exclusion annex in the End of Custody Temporary Release Policy; or
- they have been assessed as posing a national security risk, a child safeguarding risk or a domestic violent risk in accordance with the End of Custody Temporary Release Policy; or
- they are serving a sentence for an offence specified in Schedule 15 to the CJA 2003; or
- they are serving a sentence for an offence on the ‘Additional Violence and Sexual Offences’ exclusion annex in the End of Custody Temporary Release Policy.

Prisoners statutorily excluded from a rule 9A direction:
a. Prisoners whose initial release is subject to Parole Board referral and release.

b. Prisoners excluded from ROTL by rules 9(1A), (6) and (9) are also excluded from end of custody temporary release (ECTR):
   i. prisoners with a relevant deportation status (those who are being removed from the United Kingdom and who have exhausted their “in-country” rights of appeal against removal) who are not located in open conditions;
   ii. prisoners who have committed offences whilst at large following temporary release (unless the Secretary of State determines that to grant ECTR would not undermine the administration of justice);
   iii. prisoners remanded or committed to custody for trial, sentence or to be otherwise dealt with by the courts.

c. Prisoners subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (‘registered sex offenders’).

d. Prisoners categorised as Category A or restricted status.

Pursuant to Rule 9A(2)(b)/Rule 5A(2)(b), no prisoner may be released under the rule following the end of any transmission control period (as defined in the Coronavirus Act 2020).

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