



# Ministry of JUSTICE

## 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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