
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

**The Prisons and Young Offenders
Institutions (Scotland) Rules 2006**

PART 10

SECURITY AND CONTROL

Supervision of the prison and control of prisoners

92.—(1) Subject to the provisions of these Rules, the Governor shall be responsible for—

- (a) the supervision of the whole prison; and
- (b) the control of prisoners confined therein.

(2) The Governor shall as far as practicable visit and inspect daily those parts of the prison where prisoners are employed or accommodated.

Control of prisoners

93.—(1) In the control of prisoners, an officer shall seek—

- (a) to influence by example and leadership; and
- (b) to enlist the willing cooperation of prisoners.

(2) An officer in dealing with a prisoner shall not use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.

(3) No officer shall act in a manner deliberately calculated to provoke a prisoner.

Removal from association

94.—(1) Where it appears to the Governor desirable for the purpose of—

- (a) maintaining good order or discipline;
- (b) protecting the interests of any prisoner; or
- (c) ensuring the safety of other persons,

the Governor may order in writing that a prisoner shall be removed from association with other prisoners, either generally or during any period the prisoner is engaged or taking part in a prescribed activity.

(2) If the Governor makes an order under paragraph (1) in relation to a prescribed activity, the Governor may specify only one prescribed activity in the order.

(3) In this rule, “prescribed activity” means—

- (a) work required to be undertaken in terms of rule 82;
- (b) educational classes undertaken in terms of rule 86;
- (c) counselling provided in terms of rule 87;

- (d) participating in any activity mentioned in rule 89(1)(a)(i) or (b)(i) or spending time in the open air in accordance with rule 89(1)(a)(ii) or (b)(ii);
 - (e) recreational activities; or
 - (f) attendance at any religious service or meeting which the prisoner would otherwise have been entitled to attend in terms of rule 46(1).
- (4) The Governor when making an order under paragraph (1), shall—
- (a) specify in the order whether the removal from association is—
 - (i) in general; or
 - (ii) in relation to a prescribed activity;
 - (b) if the removal is in relation to a prescribed activity, specify which activity the order relates to;
 - (c) specify in the order the reasons why the order is made;
 - (d) record in the order the date and time it is made; and
 - (e) explain to the prisoner the reasons why the order is made and provide the prisoner with a copy of the written order.
- (5) A prisoner who has been removed from association generally or during any period that the prisoner is engaged in or taking part in a prescribed activity by virtue of an order made by the Governor in terms of paragraph (1) shall not be subject to such removal for a period in excess of 72 hours from the time of the order, except where the Scottish Ministers have granted written authority on the application of the Governor, prior to the expiry of the said period of 72 hours.
- (6) An authority granted by the Scottish Ministers under paragraph (5) shall have effect for a period of one month commencing from the expiry of the period of 72 hours mentioned in paragraph (5) but the Scottish Ministers may, on any subsequent application of the Governor, renew the authority for further periods of one month commencing from the expiry of the previous authority.
- (7) The Governor—
- (a) may—
 - (i) cancel an order under paragraph (1) at any time if the Governor considers it appropriate to do so;
 - (ii) vary an order made under paragraph (1) in terms of which the prisoner has been removed from association generally in order to restrict the effect of that order to removal from association during any period the prisoner is engaged in or taking part in any one or more prescribed activities as may be specified in the variation order;
 - (iii) if appropriate, further vary an order under paragraph (1) which has previously been varied under sub paragraph (ii) above by further restricting the number of prescribed activities to which removal from association applies; or
 - (b) shall cancel any order under paragraph (1) if a medical officer advises on medical grounds that the Governor should do so.
- (8) The Governor may allow a prisoner who has been removed from association under this rule to associate with other prisoners who have been removed from association under this rule, for the purpose of engaging or taking part in a prescribed activity.
- (9) If a prisoner is moved by the Scottish Ministers from any prison to any other prison in terms of section 10 of the Act⁽¹⁾, any order under paragraph (1), or any authority under paragraph (5), made or granted in relation to the prisoner whilst confined in the former prison shall cease to have

(1) Section 10 was substituted by the 1993 Act, section 22.

effect, but without prejudice to the power of the Governor of the prison to which the prisoner is moved to make a new order under paragraph (1).

(10) Where a prisoner has been removed from association under this rule, a medical officer shall visit that prisoner as soon as practicable and thereafter as often as is necessary but at least once in every 7 days.

Prohibited articles

95.—(1) Subject to paragraph (2), no prisoner shall have in their possession, or conceal or deposit anywhere within a prison, any prohibited article.

(2) A prisoner may be allowed to receive alcoholic liquor or controlled drugs under a written order of a medical officer specifying—

- (a) the quantity and description of the liquor or drugs to be given; and
- (b) the name of the prisoner for whose use it is intended.

(3) No person shall—

- (a) convey or throw into, or conceal or deposit in, a prison;
- (b) convey to a prisoner, whether inside or outside a prison; or
- (c) conceal or deposit in any place with a view to its coming into the possession of a prisoner,

any prohibited article.

(4) The Governor may seize and detain any prohibited article which is—

- (a) found in the possession of a prisoner or a visitor; or
- (b) conveyed or thrown into, or concealed or deposited in, the prison,

in contravention of this rule.

Unauthorised property

96.—(1) No prisoner shall have in his or her possession, or conceal or deposit anywhere within a prison, any property which he or she has not been authorised to possess or keep in terms of these Rules or by any officer.

(2) No prisoner shall have in his or her possession any property in a part of the prison which he or she has been authorised to possess only in some other part of the prison.

(3) Subject to paragraph (4), no person shall—

- (a) convey or throw into, or conceal or deposit in, a prison;
- (b) convey to a prisoner, whether inside or outside a prison; or
- (c) conceal or deposit in any place with a view to its coming into the possession of a prisoner,

any article whatsoever.

(4) Paragraph (3) does not apply to any property which—

- (a) the Governor has authorised a person—
 - (i) to convey into, or deposit in, the prison; or
 - (ii) to convey to a prisoner whether inside or outside a prison; or
- (b) consists of a letter or package addressed to a prisoner and sent to the prison by means of the postal service or otherwise.

(5) The Governor may seize and detain—

- (a) any property which a prisoner is not authorised to possess or keep in accordance with these Rules or by any officer and which is found in the possession of a prisoner, or concealed or deposited anywhere in the prison; or
- (b) any article or property conveyed or thrown into, or concealed or deposited in, prison in contravention of paragraph (3).

(6) No prisoner (other than untried and civil prisoners) shall be allowed to have any tobacco in his or her possession except as a privilege granted by virtue of rule 49 and provided that the prisoner is at least 16 years old.

Orders as to the use of restraints

97.—(1) In this rule and rule 98, “restraint” means a body belt.

(2) The Governor may order that a prisoner be placed under a restraint where it appears to the Governor that it is necessary to do so in order to restrain a prisoner—

- (a) who threatens to injure, or is in the course of injuring, him or herself or other persons; or
- (b) who threatens to damage, or is in the course of damaging, property; or
- (c) who threatens to create, or is in the course of creating, a disturbance.

(3) Where the Governor makes an order under paragraph (2), notice of the order shall be given by the Governor to a medical officer as soon as possible.

(4) On receipt of a notice under paragraph (3), the medical officer shall inform the Governor whether he or she concurs in the order and, if not, the Governor shall order the restraint to be removed immediately.

(5) A medical officer may order that a prisoner be placed under a restraint if satisfied that it is necessary to do so in order to prevent self-injury.

(6) Where a medical officer makes an order under paragraph (5), the medical officer shall give notice of the order to the Governor as soon as possible.

(7) No prisoner shall be placed under a restraint as a punishment.

Conditions of use of restraints

98.—(1) A prisoner shall not be placed under a restraint—

- (a) any longer than is necessary; and
- (b) without prejudice to sub paragraph (a), for a period of more than 24 hours except with the authority of the Scottish Ministers.

(2) An authority given under paragraph (1) shall—

- (a) state the grounds for continued use of the restraint and the time during which it may continue to be used; and
- (b) require a medical officer to visit the prisoner at regular intervals.

(3) A restraint—

- (a) shall be applied in such a manner; and
- (b) when applied, shall be temporarily removed in such circumstances,

as may be specified in a direction by the Scottish Ministers.

(4) A prisoner who is placed under a restraint shall be visited by an officer at least once in every 15 minutes during the period that the prisoner is under restraint.

(5) A medical officer shall examine a prisoner who is placed under a restraint immediately following—

- (a) the placing of the restraint; and
- (b) its removal (other than for a temporary purpose).
- (6) The Governor shall forthwith—
 - (a) record particulars of every case of a prisoner placed under a restraint; and
 - (b) give notice to the Scottish Ministers of those particulars.

Temporary confinement in a special cell

99.—(1) The Governor may order the temporary confinement in a special cell of any prisoner who is refractory or acting in a violent manner.

- (2) No prisoner shall be confined in a special cell pursuant to paragraph (1)—
 - (a) as a punishment; or
 - (b) for any longer than necessary and, in any event, no longer than a continuous period of 24 hours.
- (3) Where an order is made under paragraph (1), the Governor shall—
 - (a) give notice of the order to a medical officer as soon as possible; and
 - (b) record the particulars of the case.
- (4) A prisoner who is temporarily confined pursuant to an order under paragraph (1) shall be visited—
 - (a) by a medical officer where a prisoner has been so confined for a continuous period in excess of 15 hours; and
 - (b) by an officer at least once in every 15 minutes during the period of the prisoner’s temporary confinement.

Temporary confinement to cell

100.—(1) An officer may cause a prisoner to be temporarily confined in a cell or room at a time when other prisoners detained in the same part of the prison or, as the case may be, prisoners at the prison in general are permitted to be in association if the officer is of the opinion that—

- (a) the prisoner is acting in a disobedient or disorderly manner and that temporary confinement is both appropriate for the purpose of controlling such behaviour and is in the prisoner’s best interests; or
 - (b) by reason of the prisoner’s emotional state, it is desirable in the interests of the prisoner to be temporarily confined to a cell or room.
- (2) A prisoner shall not be confined to a cell or room by virtue of paragraph (1) for longer than one hour on any occasion.
- (3) An officer, having exercised the power conferred by paragraph (1), shall inform a supervising officer of that fact orally and as soon as is reasonably practicable.
- (4) If the officer concerned is of the opinion that a prisoner who has been confined to a cell or room by virtue of paragraph (1) is acting in a disobedient or disorderly manner at the expiry of the period permitted by paragraph (2), the officer shall forthwith report any suspected breach of discipline in accordance with rule 114.

Admission of visitors

- 101.**—(1) Where any person seeks to enter a prison as a visitor, an officer may ask the visitor—
- (a) to state his or her name and address and the purpose of his or her visit; and

- (b) to deposit for the duration of the visit any article in the visitor's possession which the officer considers may be prejudicial to security, good order or safety.
- (2) No visitor shall smoke in any building which forms part of a prison.
- (3) A person to whom rule 73 applies who seeks to enter a prison as a visitor for the purposes of a visit as mentioned in that rule shall, immediately on arrival, inform an officer of their wish to visit the prison in accordance with that rule.
- (4) A person who is, or has previously carried on the profession or vocation of, a journalist, an author or a media representative and who seeks to enter a prison for the purpose of visiting a prisoner who is a friend or relative on a personal basis, and not for professional or vocational purposes, shall, immediately on arrival, inform an officer of that fact.
- (5) Without prejudice to the powers conferred by section 41 of the Act, an officer may refuse to admit a visitor and may remove the visitor from the prison where—
- (a) that visitor refuses to comply with a request made in terms of paragraph (1);
 - (b) that visitor refuses to give consent for the purposes of rule 102(1) or (3) or, having given consent, is obstructive in the course of the relevant search; or
 - (c) the officer has reasonable grounds for suspecting that the visitor has in their possession or concealed about their person any article which the Governor has not authorised to be conveyed into the prison or any article which may be prejudicial to security, good order or discipline.
- (6) An officer who refuses admission to a visitor in terms of this rule, shall record particulars of the matters, including the reasons for such refusal.
- (7) In this rule, and in rules 102 and 103, "visitor" includes any person (other than an officer or employee) visiting the premises comprising the prison (or any part thereof).
- (8) The Governor shall ensure that a notice explaining the effect of the provisions of this rule, of rules 102 and 103, of section 41 of the Act and of any direction made for any purpose specified in rule 77(3) shall be displayed prominently in the visits area of the prison.

Searching of visitors

- 102.**—(1) Without prejudice to any power of search referred to in the Act, an officer may ask a visitor to consent to a search or searches in accordance with the provisions of this rule of—
- (a) their person and any of their personal possessions;
 - (b) their open mouth, but without the use of force or any instruments; and
 - (c) where the visitor is in charge of any vehicle which they intend to take into any area forming part of the premises of the prison, that vehicle.
- (2) Where the visitor has given consent to a search or searches in accordance with paragraph (1), a search thereunder may take place—
- (a) prior to their admission to the part of the prison where the visit is to take place; and
 - (b) where the Governor considers that—
 - (i) the visitor has failed to comply with rule 101(3) or (4) or;
 - (ii) in the case of any visit taking place in terms of rule 63(8), 64(6) or 73, the terms of any undertaking mentioned in any of those provisions have been breached or that there has been a contravention of any restrictions or conditions specified in the direction by virtue of rule 77(3),
- in addition to a search on admission, at any time whilst the visitor is in the prison.

(3) Where the visitor has given consent to a search or searches in accordance with paragraph (1) (c), the search of the vehicle may also be made prior to the visitor's leaving the prison.

(4) Where a visitor is searched with their consent in terms of paragraph (1)–

(a) except in the case of a search mentioned in paragraph (1)(b), the officer carrying out the search shall be of the same sex as the visitor; and

(b) the search shall be carried out as expeditiously and decently as possible.

(5) A visitor shall not be asked in terms of paragraph (1) to remove, nor shall a search thereunder involve the removal of, any clothing other than an outer coat, jacket, headgear, gloves and footwear.

(6) A search of a visitor's personal possessions (including any item of clothing which he or she may be asked to remove in terms of paragraph (5)) or of any vehicle under paragraph (1) may, in addition to being carried out by hand but subject to paragraphs (5) and (8), be carried out–

(a) by the use of equipment involving–

(i) the application of a suction device or a swab on or to such possessions or such a vehicle (or anything in it) in order to collect particles from their surface; and

(ii) the analysis of such particles for the purpose of ascertaining whether any of them consists of a controlled drug or an explosive substance;

(b) by the use of equipment designed to detect the existence of metal objects; and

(c) in accordance with such procedures and conditions as may be specified in a direction by the Scottish Ministers.

(7) Where in the course of a search undertaken in accordance with paragraph (1) an officer finds any prohibited article, he or she may seize and detain that article.

(8) Where a visitor is searched by an officer under section 41(2A) of the Act–

(a) the officer carrying out the search shall be of the same sex as the visitor;

(b) subject to sub paragraph (d), the search shall be undertaken outwith the sight of any prisoner, any other visitor or officers who are not of the same sex as the visitor;

(c) the search shall be carried out as expeditiously and decently as possible; and

(d) where the visitor is under 16 years of age, the search shall be carried out in the presence of an accompanying adult.

Removal of visitors

103.—(1) Without prejudice to section 41(3) of the Act, an officer may terminate a visit and remove a visitor from the prison where–

(a) the officer–

(i) has reasonable grounds for suspecting that the visitor has in their possession or is taking out, or attempting to take out, any article which the Governor has not authorised the visitor to convey into the prison or any article which may be prejudicial to security, good order or discipline;

(ii) considers that the visitor's conduct is prejudicial to security, good order or safety or that it is otherwise necessary to terminate the visit in the interests of security, discipline or the prevention of disorder or crime;

(iii) has reasonable grounds for suspecting that the visitor has failed to comply with rule 101(3) or (4);

(iv) in the case of any visit taking place in terms of rule 63(8), 64(6) or 73, considers that the terms of any undertaking mentioned in any of those provisions have been

breached or that there has been contravention of any restrictions or conditions specified in a direction made by virtue of rule 77(3); or

(b) the visitor smokes in breach of rule 101(2).

(2) An officer who terminates a visit in terms of this rule, shall record particulars of the matter, including the reasons for termination.

Searching of persons providing contracted out services

104.—(1) Without prejudice to any power of search referred to in the Act, the Governor may order the carrying out of a search—

- (a) of a person providing contracted out services to the prison;
- (b) of any article of property belonging to that person which is in the person's possession whilst in the prison, or which is kept by the person in a locker or any other place within the prison; and
- (c) where that person is in charge of any vehicle which is to be taken into any area forming part of the premises of the prison, that vehicle.

(2) A search under paragraph (1) of any vehicle, clothing or other article or property belonging to that person which is being worn, or as the case may be, is otherwise in that person's possession whilst in prison, or which is kept by the person in a locker or any other place within the prison, may, in addition to being carried out by hand, but subject to paragraphs (3) and (4), be carried out—

- (a) by the use of equipment involving—
 - (i) the application of a suction device or a swab on or to such possessions in order to collect particles from their surface; and
 - (ii) the analysis of such particles for the purpose of ascertaining whether any of them consists of a controlled drug or an explosive substance;
- (b) by the use of equipment designed to detect the existence of metal objects; and
- (c) in accordance with any such procedures and conditions as may be specified in a direction by the Scottish Ministers.

(3) The power of search conferred by paragraph (1) shall—

- (a) not be construed as authorising the Governor to require that person to remove any clothing other than an outer coat, jacket, headgear, footwear and gloves; and
- (b) include power to use reasonable force where necessary.

(4) A search of a person providing contracted out services shall be carried out within the prison—

- (a) by at least 2 officers who shall be of the same sex as the person being searched;
- (b) outwith the sight of any other person; and
- (c) as expeditiously and decently as possible.

Viewing of prisons

105.—(1) No person shall be permitted to view a prison unless authorised by any enactment or by the Governor or the Scottish Ministers.

(2) No person viewing the prison shall be permitted to take a photograph, make any film, sound recording or sketch or communicate with a prisoner unless authorised by any enactment or by the Governor or the Scottish Ministers.

(3) Without prejudice to paragraph (2), no person viewing the prison shall be permitted to take a photograph or make a film of a prisoner or an officer without obtaining the prior consent of the prisoner or officer.

Searching of prisoners

106.—(1) Every prisoner may be searched by an officer in accordance with the provisions of this rule.

(2) A search of a prisoner may take the form of—

- (a) an examination of the prisoner’s person and clothing but without removal of the clothing;
- (b) the removal and examination of the prisoner’s clothing;
- (c) the visual examination of the external parts of the prisoner’s body following removal of the prisoner’s clothing; or
- (d) the visual examination of the prisoner’s open mouth without the use of force or any instrument.

(3) A search of a prisoner shall be carried out—

- (a) except in the case of a search mentioned in paragraph (2)(d), only by an officer who is of the same sex;
- (b) as expeditiously and decently as possible;
- (c) in the case of a search of the type mentioned in paragraph (2)(b) and (c)—
 - (i) by 2 officers of the same sex; and
 - (ii) outwith the sight of any other prisoner; and
- (d) in accordance with any other conditions as may be specified in a direction by the Scottish Ministers.

(4) A prisoner may be searched at such times and in such circumstances as the Governor considers necessary.

(5) Subject to paragraph (2)(d), the power to search conferred by this rule shall not be construed as authorising the physical examination of a prisoner’s body orifices.

Compulsory testing for controlled drugs

107.—(1) This rule applies where an officer, acting under the powers conferred by section 41B of the Act⁽²⁾ (testing prisoners for drugs), requires a prisoner to provide a sample for the purpose of ascertaining whether he or she has any controlled drug in his or her body.

(2) In this rule “sample” means a sample of urine or any other description of sample specified in the authorisation by the Governor for the purposes of section 41B.

(3) When requiring a prisoner to provide a sample, an officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) that he or she is being required to provide a sample in accordance with section 41B of the Act; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against the prisoner.

(4) An officer shall require a prisoner to provide a fresh sample, free from any adulteration.

(2) Section 41B was inserted by the Criminal Justice and Public Order Act 1994, section 151(2).

(5) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(7) A prisoner who is unable to provide a sample of urine when required to do so may be kept apart from other prisoners until he or she has provided the required sample, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(8) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

Compulsory testing for alcoholic liquor

108.—(1) This rule applies where an officer, acting under the powers conferred by section 41C of the Act (testing of prisoners for alcohol), requires a prisoner to provide a sample for the purpose of ascertaining whether a prisoner has any alcoholic liquor in their body.

(2) In this rule “sample” means a sample of breath or any other description of sample specified in the authorisation by the Governor for the purposes of section 41C.

(3) When requiring a prisoner to provide a sample, an officer shall, so far as is reasonably practicable, inform the prisoner—

- (a) of the requirement to provide a sample in accordance with section 41C of the Act; and
- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against the prisoner.

(4) An officer shall require a prisoner to provide a fresh sample, free from any adulteration.

(5) An officer requiring a sample shall make such arrangements and give the prisoner such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(6) A prisoner who is required to provide a sample may be kept apart from other prisoners for a period not exceeding 1 hour to enable arrangements to be made for provision of the sample.

(7) A prisoner who is unable to provide a sample of urine (if by virtue of an authorisation an officer is empowered to require such a sample) when required to do so may be kept apart from other prisoners until the required sample has been provided, save that a prisoner may not be kept apart under this paragraph for a period of more than 5 hours.

(8) A prisoner required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular a prisoner shall not be required to provide such a sample in the sight of a person of the opposite sex.

Searching of prisoners' property and cells

109.—(1) Any item of property belonging to a prisoner may be searched by an officer at any time.

(2) The room or cell of every prisoner, including any item of property kept in it, shall be searched at such times as the Governor considers necessary.

Custody outside prison

110.—(1) A prisoner required to be taken in legal custody anywhere outside a prison shall be kept in the custody or under the control of an officer or a constable.

(2) A prisoner being taken to or from a prison shall be—

- (a) exposed to public view as little as possible; and
- (b) protected so far as reasonably practicable from insult, curiosity and publicity in any form.

(3) A prisoner who is allowed or is required to be present at any court, shall wear their own clothing or ordinary civilian clothing provided by the Governor.

Special escorted leave

111.—(1) In this rule, “special escorted leave” means leave of absence from the prison of a prisoner for the purpose of being escorted to their home or other approved place for a visit not exceeding 2 hours, excluding travelling time.

(2) On the application of an eligible prisoner, the Governor may grant special escorted leave if he or she of the opinion that, having regard to the relevant criteria applicable to the granting of such leave and to any operational requirements, it is appropriate to do so.

(3) For the purposes of this rule, a prisoner is an eligible prisoner if at the time of the application the prisoner—

- (a) is confined in a prison, or a category of prison, or a particular part of a prison, to which this rule applies;
- (b) is a life prisoner or is serving a sentence for a term of more than one year;
- (c) is and has been for at least 3 months assigned low supervision level; and
- (d) if serving a sentence for a term of more than one year, has served at least one third of his or her sentence.

(4) For the purposes of special escorted leave in terms of this rule, the Scottish Ministers may specify in a direction—

- (a) the prisons, categories of prisons, or parts of prisons to which this rule applies;
- (b) the manner in which the Governor shall consider an application for special escorted leave;
- (c) the criteria about which the Governor must be satisfied before he or she may grant special escorted leave;
- (d) the conditions which may be imposed in relation to any approval of such an application; and
- (e) the timing and duration of special escorted leave and the frequency with which it may be granted to an eligible prisoner.

Escorted day absence

112.—(1) In this rule, “escorted day absence” means leave of absence granted to a prisoner, under escort from the prison, for a period not exceeding 1 day, to enable the prisoner—

- (a) to visit a near relative who it appears to the Governor is dangerously ill;
- (b) to attend the funeral of a near relative; or
- (c) to attend at any place for any other reason where the Governor is of the view there are exceptional circumstances.

(2) On the written application of a prisoner, the Governor may grant, subject to and in accordance with the provisions of this rule and any operational requirements, escorted day absence to the prisoner if satisfied that the purpose of the application is genuine and appropriate.

(3) Where the Governor grants escorted day absence, the prisoner concerned shall be escorted by an officer or officers throughout the period of absence from the prison.

(4) For the purposes of escorted day absence in terms of this rule, the Scottish Ministers may specify in a direction—

- (a) the criteria about which the Governor must be satisfied before granting leave of absence for the purpose specified in paragraph (1)(a);
- (b) the persons who are to be treated as near relatives of the prisoner; and
- (c) the proceedings, services or ceremonies which a prisoner may attend for the purpose specified in paragraph (1)(b).