
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

**The Prisons and Young Offenders
Institutions (Scotland) Rules 2011**

PART 10

SECURITY

CONFINEMENT AND CUSTODY OF PRISONERS

Removal from association

95.—(1) Subject to paragraph (2), the Governor may order in writing that a prisoner must be removed from association with other prisoners, either generally or to prevent participation in a prescribed activity or activities.

(2) An order under paragraph (1) may only be made where the Governor is satisfied that removal from association is appropriate for one of the following purposes—

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

(3) Where the Governor makes an order under paragraph (1) to remove a prisoner from association in order to prevent participation in a prescribed activity, the Governor may list any number of prescribed activities in the order from which a prisoner is to be prevented from taking part.

(4) The Governor must detail in an order under paragraph (1) the following matters—

- (a) whether the removal from association is—
 - (i) in general, or
 - (ii) in relation to a prescribed activity or activities;
- (b) if the removal is in relation to a prescribed activity, the activity to which the order relates or, if the removal is in relation to more than one prescribed activity, the activities to which the order relates; and
- (c) the reasons why the order is being made.

(5) An order under paragraph (1) cannot last for more than 72 hours from the time it is made unless an extension has been authorised by the Scottish Ministers in writing in accordance with paragraphs (11) and (12).

(6) Where the Governor considers it appropriate to do so, the Governor may—

- (a) revoke the order;
- (b) amend the scope of the order from general removal to removal from a prescribed activity or activities;
- (c) add further prescribed activities to those listed in the order;

- (d) remove a prescribed activity from those listed in the order if more than one prescribed activity is listed in the order; or
- (e) apply to the Scottish Ministers before the expiry of the order, to extend the order in accordance with paragraphs (11) or (12).

(7) The Governor must revoke an order made under paragraph (1) where the Governor is advised by a registered medical practitioner that it is appropriate to do so on health or welfare grounds.

(8) Where an order is made under paragraph (1), the Governor must explain to the prisoner the reasons why the order has been made, if that is practicable, and provide the prisoner with a copy of the written order.

- (9) A prisoner is entitled to make representations to the Governor—
- (a) where the Governor is of the opinion that it is practicable to do so, prior to an order being made under paragraph (1);
 - (b) at any time after an order is made under paragraph (1) but before the Governor applies to the Scottish Ministers for an extension to the order under paragraph (11); and
 - (c) as part of the Governor's application to the Scottish Ministers under paragraphs (11) or (12) to extend an order made under paragraph (1).

(10) Representations made by the prisoner under paragraph (9) must be—

- (a) made in writing by the prisoner or
- (b) transcribed by an officer or other official on the prisoner's behalf,

and the representations must be taken into account by the Governor.

(11) The Scottish Ministers may—

- (a) on the application of the Governor prior to the expiry of an order made under paragraph (1); and
- (b) where they are satisfied that it is necessary for one of the purposes in paragraph (2),

grant an extension to an order made under paragraph (1), in writing, for a period of no more than one month, to be calculated in accordance with paragraph (13).

(12) The Scottish Ministers may—

- (a) on the application of the Governor made prior to the expiry of any extension granted under paragraph (4) or this paragraph; and
- (b) where they are satisfied that it is necessary for one of the purposes in paragraph (2),

grant any number of further extensions to an order made under paragraph (1), in writing, for successive periods of no more than one month, to be calculated in accordance with paragraph (13).

(13) Where an order made by the Governor under paragraph (1) has been extended by the Scottish Ministers under paragraphs (11) or (12), the period of the extension shall run until no later than 2359 hours on the day falling one month from the expiry of—

- (a) the period of 72 hours stated in paragraph (5); or
- (b) as the case may be, the previous extension granted by the Scottish Ministers under paragraphs (11) or (12).

(14) Where an order made by the Governor under paragraph (1) has been extended by the Scottish Ministers under paragraph (11) or (12), the Governor must inform the prisoner in writing that the order has been so extended and must, where it is practicable to do so, explain to the prisoner the reasons why the order has been extended.

(15) The Governor may allow a prisoner who has been removed from association in general under this rule, to associate with other prisoners for the purpose of engaging or taking part in any number of prescribed activities.

(16) Where a prisoner is moved to any other prison, any order made under paragraph (1) in relation to the prisoner by the Governor of the prison from which the prisoner is being moved ceases to have effect but that is without prejudice to the power of the Governor of the prison to which the prisoner is being moved to make a new order under paragraph (1).

(17) 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 84;
- (c) counselling provided in terms of rule 84;
- (d) taking exercise or spending time in the open air in terms of rule 87;
- (e) recreational activities; or
- (f) attendance at any religious service or meeting arranged by the chaplaincy team which the prisoner would otherwise have been entitled to attend in terms of rule 44.