

SCHEDULE 5

Rule 158

SAVINGS AND TRANSITIONAL PROVISIONS

1. Where, immediately prior to 1st November 2011, any of the matters listed in paragraph 2 remain extant, in force, pending or outstanding under any provision of the 2006 Rules that matter must be treated in accordance with paragraphs 3 to 13.

2. The matters referred to in paragraph 1 are—

- (a) any privilege or certificate which has been granted;
- (b) any authority, direction, order or permission which has been given; or
- (c) any record or minute which has been made in respect of any matter.

3. Subject to paragraphs 4 to 13, insofar as any matter listed in paragraph 2 could be granted, given or made under a corresponding provision of these Rules, that matter is to be treated as if it had been granted, given or made under the corresponding provision of these Rules.

4. Where, immediately prior to 1st November 2011—

- (a) a prisoner had an entitlement to carry forward an accumulated period of unused allowance under rule 65(2) of the 2006 Rules; and
- (b) some or all of that allowance had not been used,

the prisoner shall be deemed to have permission to accumulate visits under rule 65(2) of these Rules and the unused allowance under rule 65(2) of the 2006 Rules shall be treated as accumulated visits under rule 65 of these Rules.

5. Where, immediately prior to 1st November 2011, an order under rule 94(1) of the 2006 Rules is in force, that order shall be deemed to have been made under rule 95(1) of these Rules.

6. Where the Scottish Ministers have granted an authority under rule 94(5) of the 2006 Rules and that authority is in force immediately prior to 1st November 2011, that authority shall be deemed to constitute an extension granted under rule 95(11) of these Rules.

7. Where the Scottish Ministers have, under rule 94(6) of the 2006 Rules, renewed a previous authority granted by them under rule 94(5) of the 2006 Rules and that renewed authority is in force immediately prior to 1st November 2011, that renewed authority shall be deemed to constitute an extension granted under rule 95(12) of these Rules.

8. Where a report of a breach of discipline which was made in terms of rule 114 of the 2006 Rules, but in relation to which a charge has not been brought against the prisoner under rule 115 of the 2006 Rules before 1st November 2011, the report shall be deemed not to have been made, but without prejudice to the right of an officer, if appropriate, to make a report in terms of rule 111 of these Rules.

9. Part 11 and rules 130 and 131 of the 2006 Rules continue to apply as they did immediately prior to 1st November 2011 in respect of any breach of discipline, or alleged breach of discipline, in relation to which a charge was brought against a prisoner under rule 115 of the 2006 Rules before that date.

10. For the purposes of rule 120 of the 2006 Rules, references to a “breach of discipline” include a breach of discipline under these Rules.

11. Rules 123 to 128 of the 2006 Rules shall remain in force in relation to any complaint made by a prisoner under those Rules prior to the coming into force of these Rules.

12. Part 15 of the 2006 Rules shall remain in force in relation to any grant of temporary release to a prisoner under that Part which is in effect immediately prior to 1st November 2011 until the period of temporary release expires or the Governor recalls the prisoner under rule 146 of the 2006 Rules (whichever is the earlier).

Status: *This is the original version (as it was originally made).*

13. The Scottish Prison Service Employee Code of Conduct and Standards of Conduct implemented on 1st August 1998 and revised on 1st September 2000 shall continue to apply as if it had been approved under rule 144.