
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

**The Telecommunications Restriction Orders
(Custodial Institutions) (Scotland) Regulations 2017**

Power to make a telecommunications restriction order

- 3.—(1) A sheriff may make a telecommunications restriction order if they—
- (a) are satisfied that a communication device, identified in the application for the order, is inside a custodial institution; and
 - (b) have reason to think that the device is in the possession of a person who has no authorisation to possess it.
- (2) “Authorisation” under this regulation is written authorisation that—
- (a) is given in favour of any person specified in the authorisation (or a person of a specified description);
 - (b) confers authority to possess the relevant communications device; and
 - (c) is given by—
 - (i) the governor or director of a custodial institution in relation to activities at that custodial institution; or
 - (ii) the Scottish Ministers in relation to activities at any specified custodial institution.
- (3) A telecommunications restriction order has effect—
- (a) until the date, or the end of the period, that the order specifies (if any);
 - (b) if no date or period is specified, until further order.
- (4) A telecommunications restriction order may provide for the order, or any specified requirements of it, not to apply in relation to any communication device that, subsequent to the making of the order, the applicant discovers to be—
- (a) not inside a custodial institution; or
 - (b) in the possession of a person who has authorisation to possess it.
- (5) A telecommunications restriction order must specify a date on or before which the requirements of the order are to be complied with. Unless the parties to the proceedings agree otherwise, the date must be the fifth working day after the date of the order.