
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 107

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 2002**

Substitution of Part 14 of the principal Rules

8. For Part 14(1) of the principal Rules there is substituted—

**“PART 14
TEMPORARY RELEASE**

Short leave and winter and summer leave

120.—(1) In this rule—

- (a) “short leave” means temporary release from a prison of a prisoner for the purpose of enabling the prisoner to visit his home or other approved place for a period not exceeding 3 nights excluding travelling time; and
- (b) “winter and summer leave” means temporary release from a prison of a prisoner for the purpose of enabling the prisoner to visit his home or other approved place for a period of up to 5 nights, excluding travelling time, during the winter or summer.

(2) On the application of an eligible prisoner and subject to rule 126, the Governor may grant the prisoner short leave or winter and summer leave if the Governor is of the opinion that, having regard to the relevant criteria applicable to the grant of such leave, it is appropriate to do so.

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

- (a) is confined at a prison or in a particular hall or part of a prison to which this rule applies;
- (b) is assigned low supervision level; and
- (c) is not disqualified from consideration for any reason specified in rule 124(1).

Pre-release leave

121.—(1) In this rule, “pre-release leave” means temporary release of an eligible prisoner to enable the prisoner to visit his home or other approved place for a period not exceeding 3 days and 3 nights for the purpose of assisting in the prisoner’s preparation for release.

(1) Part 14 was amended by S.I. 1996/32, rules 41–46, S.I. 1998/1589, rules 49, 50(2) and (3), S.I. 1999/374, rules 30(2) and 31(2) and S.I. 2000/187, rules 16(2), 17(2), 18(2), 19(2) and 20(2).

(2) On the application of an eligible prisoner and subject to rule 126, the Governor may grant the prisoner pre-release leave if he is of the opinion that, having regard to the relevant criteria applicable to the granting of such leave, it is appropriate to do so.

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

- (a) he is not disqualified from consideration for any reason specified in rule 124(1);
- (b) he is assigned low supervision level; and
- (c) he is—
 - (i) a prisoner serving a sentence of imprisonment for a term of 4 years or more; or
 - (ii) a life prisoner,
 whose release date is within 6 weeks of the commencement of the pre-release leave.

Unescorted day release of prisoners assigned low supervision level

122.—(1) In this rule “unescorted day release” means the temporary release for a period not exceeding one day, excluding travelling time, of an eligible prisoner who is, for the time being, assigned low supervision level for the purpose of enabling the prisoner—

- (a) to visit any relative who it appears to the Governor is dangerously ill;
- (b) to attend the funeral of a near relative;
- (c) to visit a parent who is either too old or too ill to travel to the prison; or
- (d) to attend at any place for any other reason where the Governor is of the opinion that the circumstances warrant it.

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

- (a) not an untried or a civil prisoner; and
- (b) not disqualified from consideration for any reason specified in rule 124(1).

(3) The Governor may grant unescorted day release on the written application of an eligible prisoner.

Temporary release for work etc.

123.—(1) The Governor may grant temporary release to an eligible prisoner for the purpose of enabling the prisoner—

- (a) to undertake an unescorted work placement outside prison in terms of rule 70;
- (b) to attend unescorted at a college, university or other educational establishment in order to participate in vocational training or an educational class;
- (c) to undertake unescorted voluntary work outside the prison in terms of rule 70;
- (d) to attend, unescorted, for treatment at a medical facility outwith the prison; or
- (e) to attend, unescorted, for counselling outwith the prison.

(2) For the purposes of this rule, a prisoner is an eligible prisoner only if at the time of the temporary release being granted—

- (a) the prisoner is not disqualified from consideration for any reason specified in rule 124(1); and

- (b) the prisoner is assigned low supervision level.

Unavailability of temporary release

124.—(1) A prisoner shall be disqualified from being considered for temporary release in terms of rules 120 to 123 if he is for the time being—

- (a) an appellant;
- (b) subject to proceedings under the Extradition Act 1989;
- (c) in the opinion of a medical officer, suffering from mental disorder; or
- (d) in the opinion of a medical officer, otherwise unfit.

(2) A life prisoner shall not be granted temporary release under rules 120 to 123 unless the Governor has obtained the prior consent of the Scottish Ministers to—

- (a) the life prisoner's first grant of temporary release; and
- (b) any further grant of temporary release where the prisoner has been assigned a supervision level other than low supervision level following the consent of the Scottish Ministers having been obtained under sub-paragraph (a).

Recall of prisoners granted temporary release

125. The Scottish Ministers may recall to prison any prisoner who has been granted temporary release, whether the conditions upon which he has been granted such release have been broken or not.

Direction with respect to temporary release

126. For the purposes of temporary release consisting of any form of leave or release specified in rules 120 to 123, the Scottish Ministers may specify in a direction—

- (a) the prisons or any halls within or parts of particular prisons to which any of those rules applies;
- (b) the manner in which the Governor shall consider an application for any such form of temporary release;
- (c) the relevant criteria about which the Governor must be satisfied before he may grant any such form of temporary release;
- (d) the conditions which may be imposed in relation to any approval of such an application;
- (e) the timing and duration of any such form of temporary release and the frequency with which it may be granted to an eligible prisoner; and
- (f) the persons who are to be treated as a near relative of the prisoner.”.