
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules further amend the Prisons and Young Offenders Institutions (Scotland) Rules 1994 (S.I.1994/1931) (“the principal Rules”), principally in order to give effect to the replacement of the system of security categorisation of prisoners by a new system of prisoner supervision levels.

Rule 1 makes provision for citation, commencement and interpretation.

Rule 2 makes amendments to the definitions contained in rule 3 of the principal Rules consequential upon the other provisions of these Rules.

Rule 3 amends rule 13 of the principal Rules by adding supervision level to the matters to which a Governor may have regard when deciding to which part of a prison a particular prisoner or group of prisoners may be confined.

Rule 4 substitutes for Part 2A of the principal Rules (security categories) a new Part 2A, which sets out the detailed procedures that are to govern the operation of the new prisoner supervision level system, and in particular prescribes the procedures to be followed when assigning or reviewing the supervision level of, or the imposition of special security measures on, an individual prisoner and the opportunities that a prisoner is to have to make representations in respect of such decisions.

Rule 5 amends rule 42 of the principal Rules (personal property of prisoners) by removing the reference therein to security category A.

Rule 6 amends rule 91 of the principal Rules (special escorted leave) by replacing the reference therein to security category C or limited D with one to low supervision level.

Rule 7 amends rule 92 of the principal Rules (escorted day absence) by removing the reference therein to security category A.

Rule 8 substitutes for Part 14 of the principal Rules (temporary release) a new Part 14 to make changes consequential upon the replacement of security categories by prisoner supervision levels, and to make a number of other changes to the rules governing temporary release. Provision is made for short leave and winter and summer leave (rule 120), pre-release leave (rule 121), unescorted day release (rule 122) and temporary release for work etc. (rule 123).

Rule 9 amends rule 133 of the principal Rules to change from 3 years to 4 years the frequency of appointment of members of visiting committees for prisons, in line with changes that have been made to the frequency of council elections.

Rule 10 amends rule 134 of the principal Rules to change from 3 years to 4 years the term of appointment of the chairmen and deputy chairmen of members of visiting committees for prisons.

Rule 11 amends the entry for Perth prison in Schedule 4 to the principal Rules (constitution of visiting committees) so as to increase from 5 to 9 the number of members to be appointed by Dundee City Council, and to increase from 2 to 3 the number of those members who are to be non members of the appointing authority.

Rule 12 contains transitional provisions.