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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 5**

**PRISONS**

**YOUNG OFFENDERS INSTITUTIONS**

The Prisons and Young Offenders Institutions  
(Scotland) Amendment Rules 2006

<i>Made</i>	- - - -	<i>10th January 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th January 2006</i>
<i>Coming into force</i>	- -	<i>2nd February 2006</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 39 of the Prisons (Scotland) Act 1989(1) and of all other powers enabling them in that behalf, hereby make the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2006 and shall come into force on 2nd February 2006.

**Amendment of the Prisons and Young Offenders Institutions (Scotland) Rules 1994**

2. In rule 120(1)(a) of the Prisons and Young Offenders Institutions (Scotland) Rules 1994(2), for “3” substitute “7”.

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(1) 1989 c. 45; the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46); section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9) (“the 1993 Act”), sections 24 and 25, Schedule 5, paragraph 6(6) and Schedule 7, by the Criminal Justice and Public Order Act 1994 (c. 33) (“the 1994 Act”), sections 116(4) and 130(4) and by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 71; section 39 is to be read with section 3A(5), (6) and (7) (which was inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48) (“the 1997 Act”), section 43(2)), 8(1) and (2), 11(1), 12 (as amended by the 1993 Act, Schedule 5, paragraphs 6(2)), 14(1) (as amended by the 1993 Act, Schedule 5, paragraph 6(3)), 19(3) and (4) (as amended by the 1993 Act, Schedule 5, paragraph 6(4)), 24 (which was repealed by the 1993 Act, Schedule 7 but was saved by Schedule 6 to that Act in relation to any “existing prisoner” within the meaning specified in paragraph 1 of Schedule 6), 33A (which was inserted by the 1994 Act, section 116(3)), 41(2B) (which was inserted by the 1994 Act, section 153(3)), 41B(1) (which was inserted by the 1994 Act, section 151(2)) and 41C(1) (which was inserted by the 1997 Act, section 42) of the 1989 Act; section 39 is also to be read with sections 107(4), 110(7) and 114(3) of the 1994 Act; section 39 was extended by the Courts Martial (Appeals) Act 1968 (c. 20), section 52 (as amended by the 1989 Act, Schedule 2, paragraph 10).

(2) S.I. 1994/1931, amended by S.I. 1996/32, 1997/2007, 1998/1589, 1998/2504 and 1999/374 and S.S.I. 2000/187, 2002/107 and 2003/242.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
10th January 2006

*CATHY JAMIESON*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of these Rules)*

These Rules amend the Prisons and Young Offenders Institutions (Scotland) Rules 1994 to extend the maximum period for which a prisoner may be granted “short leave”, as defined in rule 120(1) (a), from 3 nights to 7 nights.