
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 17

VISITING COMMITTEES

Constitution of visiting committees

155.—(1) There shall be a visiting committee constituted in accordance with this rule for each prison specified in column 1 of Schedule 2.

(2) The members of a visiting committee constituted in accordance with this rule for each prison specified in column 1 of Schedule 2 shall be appointed in accordance with this rule by the council or councils specified in column 2 of that Schedule in relation to that prison and each such council shall appoint the number of members of the committee specified in column 3 of that Schedule in relation to that council.

(3) In appointing the members of a visiting committee for each prison specified in column 1 of Schedule 2 each council responsible for appointing the members shall ensure that the total number of members specified in column 3 of that Schedule in relation to that prison and council shall include not fewer than the number of members specified (where a number is specified) in column 4 of that Schedule in relation to that prison and council being persons who are not members of the council which appoints them.

(4) Any person with a direct financial interest in any contract for the supply of goods or services to any prison shall not be eligible for appointment to a visiting committee in terms of this rule.

(5) The member or members of a visiting committee to be appointed by a council in terms of paragraph (2) shall be appointed at a meeting of the council and thereafter shall be so appointed at a meeting of that council held not later than 2 months after the date of the ordinary election of councillors.

(6) Any member of a visiting committee appointed by a council in accordance with paragraphs (2) and (5) shall take office on the day which falls 2 months after the date of the respective ordinary election of councillors and shall hold office, unless they earlier cease to hold office by virtue of paragraph (7), until the day prior to the day which falls 2 months after the date of the next ordinary election of councillors.

(7) A member of a visiting committee shall cease to hold office if—

- (a) he or she resigns;
- (b) either the council who appointed the member or the Scottish Ministers terminate the member's appointment if either is satisfied that—
 - (i) the member has failed satisfactorily to perform his or her duties;
 - (ii) the member is for any other reason incapable of carrying out his or her duties;

- (iii) subsequent to his or her appointment, the member has been convicted of such a criminal offence, or their conduct has been such, that it is not fitting that he or she should remain a member; or
 - (iv) the member has a direct financial interest contrary to the terms of rule 163; or
 - (c) having been appointed a member whilst also a member of the council, the council terminate his or her appointment by reason of having ceased to be a member of the council.
- (8) The chairman of a visiting committee shall report to the council responsible for appointing any member of the visiting committee any circumstances which the chairman considers might reasonably give cause for termination in terms of paragraph (7) of the appointment of the member appointed by that council.
- (9) If for any reason the requisite number of members of a visiting committee is not appointed at the proper time in terms of paragraph (5), or if for any cause a vacancy occurs in a visiting committee, the council responsible for the appointment may at any time and as soon as possible after the vacancy occurs appoint a person to fill the vacancy.