
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 1

GENERAL

Application of Rules

2.—(1) Subject to paragraphs (2) to (5), these Rules apply to prisons and young offenders institutions and to any person who is required to be detained in any such prison or institution.

(2) Subject to any exception or modification specified in any provision of these Rules or where the context otherwise requires, any reference in these Rules to a prison shall be construed as including a young offenders institution.

(3) Subject to any exception or modification specified in any provision of these Rules or where the context otherwise requires, these Rules apply to persons on whom detention in a young offenders institution has been imposed under section 207(2) of the 1995 Act⁽¹⁾ as they apply to prisoners who are serving sentences of imprisonment; and any reference in these Rules to a prisoner, imprisonment or a sentence of imprisonment shall respectively be construed as including a young offender, detention or a sentence of detention in a young offenders institution.

(4) Subject to any exception or modification specified in any provision of these Rules or where the context otherwise requires, these Rules apply to—

- (a) any person under 16 years of age who has been committed to a prison under section 51 of the 1995 Act⁽²⁾;
- (b) a person sentenced under section 205 of the 1995 Act⁽³⁾ to be detained without limit of time or for life and who is directed or sentenced to be detained in a prison or a young offenders institution; and
- (c) a person sentenced to be detained under section 208 of the 1995 Act⁽⁴⁾ and who is directed to be detained in a prison or a young offenders institution,

as they apply to prisoners who are serving sentences of imprisonment; and any reference in these Rules to a prisoner, imprisonment or a sentence of imprisonment shall respectively be construed as including any such person, detention or a sentence of detention under any of those provisions.

(1) 1995 c. 46.

(2) 1995 c. 46; section 51(1)(a)(aa), section 51(3)(b) and section 51(4) were amended, section 51(1)(b) substituted and section 51(1)(bb), section 51(2A), 51(5) inserted by the Criminal Justice (Scotland) Act 2003, section 23; section 51(1)(a), section 51(1)(b) and section 51(4) were amended and section 51(1)(a) and section 51(4A) were inserted by the Crime and Punishment (Scotland) Act 1997, section 56; section 51(1)(a)(aa), and section 51(2) were partially repealed by the Criminal Justice (Scotland) Act 2003, section 23.

(3) 1995 c. 46; section 205(1) amended by the Convention Rights (Compliance) (Scotland) Act 2001, section 2(1)(a); section 205(4) (6) were repealed by the Convention Rights (Compliance) (Scotland) Act 2001, section 2(1)(b).

(4) 1995 c. 46; section 208 was amended and section 208(2) was inserted by the [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), section 10(3) and section 10(4); section 208 was substituted and section 208(2) was inserted by the Criminal Justice Act 2003, section 290(3).

(5) Subject to any exception or modification specified in any provision of these Rules or where the context otherwise requires, these Rules apply to any other person on whom imprisonment, or as the case may be detention in a young offenders institution, has been imposed or who is committed to prison, including persons who are imprisoned or detained—

- (a) under section 219 of the 1995 Act (imprisonment for non payment of fine)**(5)** or, by virtue of that section, under section 207 of that Act (detention of young offenders)**(6)**;
- (b) for examination or trial on any criminal charge;
- (c) by virtue of remand in custody under the Extradition Act 2003**(7)**;
- (d) by virtue of detention under Schedule 2 or 3 to the Immigration Act 1971**(8)**;
- (e) by virtue of non compliance with an order under section 45 of the Court of Session Act 1988**(9)**;
- (f) under section 4 or 6 of the Civil Imprisonment (Scotland) Act 1882**(10)**;
- (g) by virtue of a warrant granted under section 1(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940**(11)**;
- (h) for contempt of court or for non payment of a fine for contempt of court;
- (i) for breach of interdict; and
- (j) by virtue of, or by virtue of any rules or regulations made under, the Army Act 1955**(12)**, the Air Force Act 1955**(13)**, the Naval Discipline Act 1957**(14)** or the Courts-Martial (Appeals) Act 1968**(15)**,

as they apply to persons serving sentences of imprisonment; and any reference in these Rules to a prisoner, imprisonment or a sentence of imprisonment shall therefore respectively be construed as including any such person, any such imprisonment or detention or any such period of imprisonment or detention imposed on such a person.

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- (5) 1995 c. 46; section 219(1) was amended and section 219(1A) was inserted by the Antisocial Behaviour etc. (Scotland) Act 2004, section 144(1), Schedule 4, paragraph 5(4), section 219(8)(b) amended by the Proceeds of Crime Act 2002, Schedule 11, paragraph 29(4).
 - (6) 1995 c. 46; section 207(2) was amended and section 207(4A) inserted by the Crime and Punishment (Scotland) Act 1997, section 6(4), Schedule 1, paragraph 21.
 - (7) 2003 c. 41.
 - (8) 1971 c. 77; Schedule 2 was relevantly amended as follows: paragraph 16(1A) was inserted by paragraph 60 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33); paragraph 16(2) was substituted by section 140(1) of the Immigration and Asylum Act 1999 (c. 33); paragraph 16(3) was substituted by paragraph 1(11) of Schedule 4 to the Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813); paragraph 16(2) was amended by section 73(5) of the Nationality, Immigration and Asylum Act 2002 (c. 41), and by paragraph 1(11) of Schedule 4 to the Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813); Schedule 3 was relevantly amended as follows: paragraph 2(1A) was inserted by paragraph 1(b) of Schedule 10 to the Criminal Justice Act 1982 (c. 48); paragraph 2(1) was amended by section 34(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), by section 54(2) of the Immigration and Asylum Act 1999 (c. 33) and also by paragraph 1(a) of Schedule 10 to the Criminal Justice Act 1982 (c. 48); paragraph 2(2) was amended by section 34(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) and also by paragraph 7 of Schedule 7 to the Nationality, Immigration and Asylum Act 2002 (c. 41); paragraph 2(3) was amended by section 54(3) of the Immigration and Asylum Act 1999 (c. 33). In addition, Schedule 2 is subject to the modifications contained in section 6(6) (b) of the Criminal Justice (International Co-operation) Act 1990 (c. 5).
 - (9) 1988 c. 36.
 - (10) 1882 c. 42; sections 4 and 6 were amended by the Sheriff Courts (Scotland) Act 1971 (c. 58), section 4.
 - (11) 1940 c. 42.
 - (12) 1955 c. 18, continued by section 1 of the Armed Forces Act 2001 (c. 19); section 122(1) was relevantly repealed in part by paragraph 1 of Schedule 7, Part III to the Armed Forces Act 1996 (c. 46), by Schedule 3 to the Armed Forces Act 1991 (c. 62) and also by paragraph 5 of Schedule 6 and Schedule 7 Part III of the Armed Forces Act 1996 (c. 46).
 - (13) 1955 c. 19, continued by section 1 of the Armed Forces Act 2001 (c. 19); section 122(1) relevantly repealed in part by paragraph 1 of Schedule 7, Part III to the Armed Forces Act 1996 (c. 46), by Schedule 3 to the Armed Forces Act 1991 (c. 62) and also by paragraph 5 of Schedule 6 and Schedule 7 Part III of the Armed Forces Act 1996 (c. 46).
 - (14) 1957 c. 53, continued by section 1 of the Armed Forces Act 2001 (c. 19); section 81 was relevantly amended by paragraph 90 of Schedule 1 to the Armed Forces Act 1996 (c. 46).
 - (15) 1968 c. 20; section 43 was relevantly amended by paragraph 17 of Schedule 9 to the Constitutional Reform Act 2005.

- (6) Any reference in paragraphs (1) to (5) to a person sentenced to imprisonment or other detention includes a person who is detained in a prison or young offenders institution and is—
- (a) by virtue of section 26 of the Criminal Justice Act 1961(16), Schedule 1 to the Crime (Sentences) Act 1997(17) or the Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1998(18), treated for any purpose as if his or her sentence had been an equivalent sentence passed by a court in Scotland; or
 - (b) serving a sentence of imprisonment or detention by virtue of a warrant authorising his or her detention which has been issued under the Repatriation of Prisoners Act 1984(19).

(16) 1961 c. 39; section 26 was repealed by the Crime (Sentences) Act 1997 (c. 43), Schedule 6 but, by virtue of article 5(6) of the Crime (Sentences) Act 1997 (Commencement No. 2 and Transitional Provisions) Order 1997 (S.I. 1997/2200), that repeal does not apply in respect of any person who on 1st October 1997 was in Scotland by virtue of an order made under section 26 of the 1961 Act, for so long as that order has effect under Part III of that Act.

(17) 1997 c. 43; paragraphs 1 and 2 of Schedule 1 were amended by S.I. 1997/1775, article 2 and paragraph 1 of the Schedule and also by S.I. 1999/1820, article 4 and paragraph 130 of Schedule 2.

(18) S.I. 1998/2798.

(19) 1984 c. 47, which has been relevantly amended as follows: section 1 was amended by S.I. 1999/1820, article 4 and paragraph 75 of Schedule 2; section 3 was amended by Schedule 5 to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), by section 62 and paragraph 10 of Schedule 1 of the Crime and Punishment (Scotland) Act; section 119 of the Crime and Disorder Act 1998 (c. 37), by S.I. 1999/1820, article 4 and paragraph 75 of Schedule 2, and also by the Criminal Justice (Scotland) Act 2003 (asp 7); section 3 was repealed in part by the Crime and Punishment (Scotland) Act, section 62, paragraph 10 of Schedule 1 and Schedule 3, and also by the Criminal Justice Act 2003 (c. 44), Schedule 37, Part 8; section 4 was amended by S.I. 1999/1820 article 4 and paragraph 75 of Schedule 2; section 5 was amended by the Merchant Shipping Act 1995 (c. 21), Schedule 13 and also by S.I. 1999/1820, article 4 and paragraph 75 of Schedule 2; paragraph 2 of the Schedule was substituted by the Criminal Justice Scotland Act 2003 (asp 7), section 33 and amended by S.I. 1998/2327, article 5.