
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 1

GENERAL

Application of Rules to contracted out prisons

3.—(1) Subject to paragraph (2), these Rules apply to a contracted out prison.

(2) Where the Scottish Ministers have entered into a contract for the running of a contracted out prison, these Rules shall have effect in relation to the prison, with the following modifications:—

- (a) references to “an officer” in these Rules shall include references to a prisoner custody officer certified as such under section 114(1) of the 1994 Act⁽¹⁾ and performing custodial duties at that or any other prison;
- (b) references to “an employee” in these Rules shall include references to an employee of the contractor or any sub contractor;
- (c) subject to sub paragraphs (d) and (h), references to a “Governor” in these Rules shall include references to a director approved by the Scottish Ministers for the purpose of section 107(1)(2) of the 1994 Act except in rules 22(2), 37, 94, 97, 98, 99 and 131 and in any rule in Parts 11 and 15 where references to a “Governor” shall be construed as references to a controller appointed by the Scottish Ministers under section 107(1) of the 1994 Act;
- (d) where a director exercises the powers set out in section 107(3)(c) of the 1994 Act (removal of a prisoner from association with other prisoners, the temporary confinement of a prisoner in a special cell or the application to a prisoner of any other special control or restraint in cases of urgency) the director shall notify the controller of the fact forthwith;
- (e) “Governor-in-Charge” in these Rules means the director except where the function has been conferred on the controller in terms of sub paragraph (c) and in such cases references to the “Governor in Charge” shall be construed as references to the controller;
- (f) rules 102(8), 130 and paragraphs (b) and (c) of rule 150 shall not apply;
- (g) references to an officer in rule 114(2) shall be construed as references to the controller;
- (h) in rule 127 where a prisoner desires to make a complaint concerning a matter referred to in rule 127(1) in relation to the controller, references to “the Governor” in paragraphs (2) to (4) shall be construed as references to “the Scottish Ministers”; and
- (i) the reference to “the Governor” in paragraph (b) of rule 148 shall include reference to the director and the controller.

(1) 1994 c. 33; section 114(1) was amended by S.I.1999/1820, article 4 and paragraph 115 of Schedule 2.

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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.
