
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 8

COMMUNICATIONS

Special visits to certain prisoners in connection with further proceedings

70.—(1) This rule applies to a prisoner who—

- (a) is an untried prisoner;
- (b) is a civil prisoner;
- (c) is an appellant;
- (d) has been remanded in custody following conviction to await sentence or further inquiry; or
- (e) is serving a sentence of imprisonment and who is—
 - (i) subject to a further charge; or
 - (ii) the respondent in an appeal by the Lord Advocate or the prosecutor under section 108(1) or 175(3)(2) of the 1995 Act,

but shall apply to such a prisoner only for so long as the proceedings in respect of the further charge or the appeal are pending against him.

(2) A prisoner to whom this rule applies shall be allowed a visit at any reasonable time to consult a registered medical practitioner, where the Governor considers it is in the interests of justice, or any other person for the purposes of—

- (a) in the case of an untried prisoner, the proceedings in respect of which he or she is remanded in custody or complying with a condition of bail which requires the deposit of a sum of money pursuant to section 24(6) of the 1995 Act(3);
- (b) in the case of a civil prisoner, the proceedings in respect of which he or she is committed to prison;
- (c) in the case of an appellant, the appeal or, as the case may be, the reference;
- (d) in the case of a prisoner mentioned in paragraph (1)(d), preparing representations to the court which will pass sentence or otherwise dispose of his or her case; or

(1) 1995 c. 46; section 108 was substituted by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 21 and was amended by the Crime and Disorder Act 1998 (c. 37) section 94 and Schedule 6, paragraph 6, and also by the Proceeds of Crime Act 2002 (c. 29) Part 3, section 115; section 108A was added by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 18 and was amended by the Crime and Disorder Act 1998 (c. 37) section 119 and Schedule 8, paragraph 120.

(2) 1995 c. 46; section 175 was amended by Crime and Punishment (Scotland) Act 1997 (c. 48), section 17, section 21, section 23, by the Crime and Disorder Act 1998 (c. 37) section 119 and paragraph 123 of Schedule 8, by the Proceeds of Crime Act 2002 (c. 29) Part 3, section 115, and also by the Protection of Children (Scotland) Act 2003 (asp 5), section 16.

(3) 1995 c. 46; section 24(6) amended by the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5) Schedule 1, paragraph 5.

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

- (e) in the case of a prisoner mentioned in paragraph (1)(e), the proceedings in respect of the further charge or, as the case may be, the appeal.
- (3) The number of persons who shall be allowed to visit a prisoner at any time shall be at the discretion of the Governor.
- (4) Where a prisoner receives a visit in terms of this rule–
 - (a) the visit shall take place within the sight of an officer; but
 - (b) no officer shall listen to any conversation between the prisoner and the visitor–
 - (i) in the case of a visit by a registered medical practitioner, under any circumstances; and
 - (ii) in the case of any other visitor, except where the Governor otherwise directs.