
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 9

WORK, EDUCATION, EARNINGS AND RECREATION

Exercise and time in the open air

89.—(1) Subject to paragraphs (2) to (6)—

- (a) every prisoner shall be given the opportunity—
 - (i) to take exercise for not less than one hour every day except where a medical officer has not passed the prisoner as fit on admission; and
 - (ii) to spend time in the open air at least once every day; and
- (b) every young offender shall be given the opportunity—
 - (i) on a regular basis to participate in physical recreation, activities and pursuits which are consistent with maintaining good health and physical wellbeing; and
 - (ii) to spend time in the open air at least once every day.

(2) A prisoner or young offender shall be allowed to participate in any activity mentioned in paragraph (1)(a)(i) and (b)(i) and spend time in the open air in association with other prisoners or, as the case may be, young offenders except where—

- (a) an order has been made under rule 94 removing him or her from association with other prisoners or, as the case may be, young offenders either generally or during any period he or she is participating in any activity mentioned in paragraph (1)(a)(i) or (b)(i) or spending time in the open air;
- (b) he or she has been removed from association in terms of rule 114(2); or
- (c) he or she is subject to cellular confinement imposed under rule 119(1)(d).

(3) Where at any time it appears to the Governor that it is not practicable to give prisoners or young offenders, or any particular group or category of prisoners or young offenders, the opportunity to participate in any activity mentioned in paragraph (1)(a)(i) or (b)(i) or spend time in the open air due to exceptional circumstances pertaining in that prison or young offenders institution, or in any other prison or young offenders institution, the Governor may order in writing that such prisoners or young offenders or group or category of prisoners or young offenders shall not be given either or both of the opportunities mentioned in sub paragraph (a) or, as the case may be, sub paragraph (b) of paragraph (1) until such time as the Governor considers that it is so practicable.

- (4) An order made under paragraph (3) shall—
 - (a) specify the reasons why the Governor is making it; and
 - (b) record the date and time it is made.
- (5) After making an order under paragraph (3) the Governor shall—

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- (a) take such steps as are practicable to notify prisoners or, as the case may be, young offenders who are subject to the order of the effect of the order; and
 - (b) provide a copy of the order to the Scottish Ministers.
- (6) An order made under paragraph (3) shall cease to have effect 48 hours after the time at which it was made unless the Scottish Ministers specify in a direction made before the expiry of that period that the order shall continue to have effect until revoked by a further order made by the Governor or by a further direction made for that purpose by the Scottish Ministers.