
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 2

RECEPTION, RECORDS, CLASSIFICATION AND ALLOCATION

Production of warrant, order, direction or certificate

8. No person shall be received as a prisoner into prison unless there exists and is produced in respect of that person a valid warrant, order, direction or certificate authorising detention in custody.

Procedure on reception of prisoners

9.—(1) This rule applies in relation to every prisoner on reception.

(2) Every prisoner shall be searched in accordance with rule 106.

(3) The Governor may deliver—

(a) subject to sub paragraph (b), any prohibited article in the possession of the prisoner to the police; and

(b) any medicines in the possession of the prisoner to a medical officer.

(4) Subject to paragraph (5), every prisoner shall be required by an officer to take a hot bath or shower.

(5) The Governor or a medical officer may direct that a prisoner shall not be required to take a hot bath or shower, in which event he or she shall explain the reasons why to the prisoner concerned.

Interview and medical examination of prisoners on reception

10.—(1) Every prisoner shall be interviewed by an officer at the time of reception in order to identify any problems which may require immediate attention.

(2) Every prisoner shall be examined by a medical officer, or such other person as such an officer may instruct—

(a) in the case of the prisoner's reception on removal from court or any other place, other than on a transfer from any prison, remand centre or young offenders institution, within 24 hours of that reception; or

(b) in the case of the prisoner's reception on transfer from any other prison, remand centre or young offenders institution—

(i) where some cause for concern is apparent to an officer on reception, as soon as reasonably practicable and no later than 24 hours after reception; or

(ii) in any other case, within 72 hours of that reception.

Information to be given to prisoners on reception

11.—(1) Paragraphs (2) to (5), (6)(e) and (7) of this rule do not apply in relation to a prisoner who is received into prison on transfer from any other prison.

(2) Every prisoner shall be informed by the Governor at the time of reception how the prisoner may inform—

- (a) up to two persons; and
- (b) a legal adviser,

of the prisoner's reception into prison, and the Governor shall make available reasonable facilities for that purpose.

(3) A prisoner who is a foreign national shall also be informed of his or her entitlement to contact, in addition to the persons mentioned in paragraph (2), a diplomatic representative of the prisoner's choice.

(4) A prisoner who is a refugee or stateless person shall also be informed of his or her entitlement to contact, in addition to the persons mentioned in paragraph (2),—

- (a) a diplomatic representative of a state which the prisoner considers may look after his or her interests; and
- (b) subject to such limit as to numbers as the Governor may reasonably impose, national or international authorities and organisations whose principal purpose is to serve the interests of refugees or stateless persons or to protect the civil rights of such persons.

(5) A prisoner who is committed to prison on default of the payment of any sum of money due to be paid by the prisoner shall be informed by the Governor at the time of reception of the facilities available in terms of rule 79 to arrange the making of such payment as will entitle the prisoner to be released from prison.

(6) On reception every prisoner shall be provided with information in writing by the Governor concerning the following matters:—

- (a) the rules, directions and standing orders which apply in that prison;
- (b) the prison routine and regime;
- (c) how the prisoner may make requests and complaints;
- (d) how the prisoner may maintain contact with relatives and friends; and
- (e) the rights of appeal against conviction or sentence, or against both conviction and sentence, which may be available to him or her in terms of—
 - (i) section 106 or 175 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ or, as the case may be, section 19 of the 1993 Act⁽²⁾; or
 - (ii) in the case of a prisoner convicted by a court-martial under the Army Act 1955⁽³⁾, the Air Force Act 1955⁽⁴⁾ or the Naval Discipline Act 1957⁽⁵⁾, the Courts-Martial (Appeals) Act 1968⁽⁶⁾.

(1) 1995 c. 46; has been relevantly amended as follows: section 106 was amended by the Crime and Punishment (Scotland) Act 1997 (c. 48), sections 17, 18 and 23, by the Crime and Disorder Act 1998 (c. 37) section 119 and paragraph 119 of Schedule 8, and also by the Protection of Children (Scotland) Act 2003 (asp 5), section 16 and also by the Criminal Justice Scotland Act 2003 (asp 7), Schedule 1, paragraph 2; section 106A was inserted by the Crime and Punishment (Scotland) Act 1997 section 19; section 175 was amended by the 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.

(2) 1993 c. 9.

(3) 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).

(7) In the case of any prisoner whose date of release can be calculated at the time of reception, the Governor shall inform the prisoner of that date as soon as may be reasonably practicable and normally within 48 hours.

(8) The information to be provided to any prisoner in terms of this rule shall be provided in a manner which enables the prisoner to understand it.

Registration and records of prisoners

12.—(1) As soon as may be reasonably practicable following reception the following particulars of every prisoner shall be recorded by the Governor insofar as the Governor considers they are relevant to the identification and management of that prisoner:—

- (a) the religious denomination to which the prisoner has declared him or herself to belong;
- (b) any distinctive marks on his or her body;
- (c) the prisoner's physical measurements; and
- (d) any other personal particulars.

(2) Paragraph (1) does not apply in relation to a prisoner who is received into prison on transfer from any other prison.

(3) Any information received for the purposes of paragraph (1) shall be updated as necessary during the prisoner's confinement in the prison.

(4) The Governor may at any time during the confinement of a prisoner (other than an untried or civil prisoner) in prison—

- (a) photograph; and
- (b) take fingerprints of,

the prisoner.

(5) The Governor may at any time during the period that an untried prisoner is remanded or detained in prison take photographs of, and fingerprints from, an untried prisoner.

(6) Where an untried prisoner is released before trial or disposal of proceedings or he or she is acquitted after trial or, as the case may be, successfully defends any proceedings brought against him or her under the Extradition Act 1989 or the Immigration Act 1971—

- (a) any photographs taken of him or her under paragraph (5) together with negatives and copies; and
- (b) any fingerprints taken of him or her,

shall be forthwith destroyed unless the procurator fiscal requests their retention in connection with any other proceedings.

(7) Where fingerprints are taken in accordance with paragraph (4) or (5), an officer shall require the prisoner to sign a fingerprint form relating to the prints at that time.

(8) The Governor shall ensure that information recorded in terms of this rule is kept confidential.

Classification of prisoners

13. Every prisoner may be classified by the Governor according to—

-
- (4) 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).
 - (5) 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).
 - (6) 1968 c. 20; section 43 was relevantly amended by paragraph 17 of Schedule 9 to the Constitutional Reform Act 2005.

- (a) age;
- (b) sex;
- (c) offence or matter in respect of which the prisoner is committed to prison;
- (d) period of sentence or committal; and
- (e) previous record.

Allocation of prisoners

14.—(1) The Scottish Ministers may set aside particular prisons or parts of prisons for particular groups or categories of prisoners or particular purposes.

(2) Subject to paragraph (1), the Governor may, having regard to—

- (a) the classification of a prisoner;
- (b) the supervision level of a prisoner; and
- (c) any other matter affecting the management of a prisoner,

allocate within a prison a particular part of that prison in which a prisoner, or any particular group or category of prisoners, may be confined.

(3) At the request of the prisoner following his or her allocation within any part of the prison, the Governor shall give him or her an explanation of the reasons why he or she has been allocated to that part of the prison.

Separation of different categories of prisoners

15. The Governor shall, so far as reasonably practicable, keep civil prisoners, untried prisoners and young prisoners apart from other categories of prisoners.