

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2006 No. 94**

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

**PART 5**

**HEALTH AND WELFARE**

**Smoking**

**31.** No prisoner shall smoke in a prison except—

- (a) where rule 22(1) applies, in a cell or room in which that prisoner is accommodated by him or herself;
- (b) where rule 22(2) applies, in a cell or room in which that prisoner is accommodated and which the Governor designates as a smoking area in accordance with a direction given by the Scottish Ministers; or
- (c) in the open air, in any place as the Scottish Ministers may specify in a direction.

**Provision of medical and other services and facilities**

**32.—**(1) The Scottish Ministers shall make arrangements for the provision at every prison to such extent as they consider necessary, of appropriate medical services and facilities for the maintenance of good health, the prevention of illness, the care of prisoners suffering from illness or the aftercare of such prisoners.

(2) For the purposes of this rule, “medical services and facilities” includes any form of service or facility for the care of a person’s health.

**General duty of medical officers to attend prisoners**

**33.** A medical officer shall attend prisoners who complain of illness at such times, and with such frequency, as the medical officer judges necessary in the circumstances.

**Notification to a medical officer of prisoners requiring attention**

**34.** The Governor shall, without delay, bring to the attention of a medical officer any prisoner whose physical or mental condition appears to require the attention of the medical officer.

**Arrangements for care by other medical practitioners or other persons providing professional services or at outside facilities**

**35.—**(1) A medical officer who considers it appropriate to call into consultation, or refer a prisoner to, another medical practitioner or a specialist, shall—

- (a) inform the Governor; and
- (b) thereafter make such arrangements as are necessary.

(2) Where a medical officer considers that the condition of a prisoner's health requires treatment at a medical facility outwith the prison, the Governor shall make such arrangements for the transfer of the prisoner to such facility as the Governor considers appropriate.

(3) In this rule, "medical facility" includes any hospital and any other premises at which any form of services for the care of a person's health is provided.

#### **Duty of medical officer to visit prisoners subject to cellular confinement**

**36.** Where cellular confinement is imposed on a prisoner in terms of rule 119(1)(d), a medical officer shall visit the prisoner as soon as practicable and no later than 24 hours after the imposition of that confinement and thereafter as the medical officer considers is necessary.

#### **Duty of medical officer to notify certain matters**

**37.—**(1) A medical officer who is of the opinion on medical grounds that a prisoner should—

- (a) be confined in specified conditions;
- (b) not participate in specified activities;
- (c) participate in specified activities only in accordance with such conditions as the medical officer considers necessary;
- (d) not be subject to cellular confinement where this has been imposed in terms of rule 119(1)(d); or
- (e) not be placed under a restraint in terms of rule 97,

shall notify the Governor, who shall give effect to the medical officer's opinion without delay.

(2) A medical officer shall notify the Governor without delay of any matter connected with a prisoner or the treatment of prisoners which appears to the medical officer to require attention on medical grounds.

(3) If in respect of any prisoner a medical officer is of the opinion on medical grounds that—

- (a) the prisoner is totally and permanently unfit to be detained further in prison;
- (b) the life of the prisoner is likely to be endangered by continued detention in prison; or
- (c) the health of the prisoner is such that the prisoner is unlikely to survive the sentence or the period for which the prisoner is remanded or detained,

the medical officer shall notify the Governor without delay.

(4) A medical officer shall—

- (a) where a matter notified to the Governor pursuant to paragraph (2) remains unattended, report the matter to the Scottish Ministers; and
- (b) notify the Scottish Ministers of any case notified to the Governor pursuant to paragraph (3).

#### **Notification of relatives and friends of prisoners suffering serious illness, etc**

**38.—**(1) If a prisoner becomes seriously ill or sustains serious injury or is admitted to a hospital outwith the prison, the Governor shall, where possible, ask the prisoner if any relative or friend, or any other person, should be informed.

(2) Subject to paragraph (3) where the prisoner wishes any relative, friend or other person to be informed of any event mentioned in paragraph (1), the Governor shall notify any such person accordingly.

(3) The Governor shall not be required to notify more than 2 persons in accordance with paragraph (2).

(4) In the case of a young prisoner, or a young offender who is under the age of 16 years, the Governor shall notify the parent or guardian of that prisoner or young offender of any event mentioned in paragraph (1).

### **Transfer to hospital for treatment for mental disorder**

**39.**—(1) Where it appears to a medical officer that a prisoner to whom section 52C(1)(a) to (c) of the 1995 Act(1) applies has a mental disorder such that an application may be made under section 52C of that Act to the court for an assessment order, the medical officer shall make arrangements to obtain the evidence of a medical practitioner which may be presented to the court in terms of section 52D of that Act.

(2) Where it appears to a medical officer that a prisoner to whom section 52L(1)(a) to (c) of the 1995 Act applies has a mental disorder such that an application may be made under section 52L of that Act to the court for a treatment order, the medical officer shall make arrangements to obtain the evidence of two medical practitioners which may be presented to the court in terms of section 52M of that Act.

(3) Where the evidence mentioned in paragraphs (1) or (2) above is to the effect that the matters specified in section 52D(3) or, as the case may be, section 52M(4) of the 1995 Act are met, the medical officer shall submit it to the Scottish Ministers.

(4) Where it appears to a medical officer that a prisoner to whom section 136(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003(2) applies may have a mental disorder, he or she shall—

- (a) obtain the written reports of two medical practitioners, one of whom must be an approved medical practitioner within the meaning of section 22 of that Act, and
- (b) if such reports are to the effect that the matters specified in section 136(6) of that Act are met, submit them to the Scottish Ministers.

### **Records of medical treatment**

**40.**—(1) Subject to paragraph (2), a medical officer shall in respect of each prisoner maintain a record of the prisoner's health and of all medical treatment given to that prisoner in prison, or at a medical facility outwith prison, during the period the prisoner is committed to that prison.

(2) Where—

- (a) a prisoner is moved from any prison to any other prison; or
- (b) a young offender is moved from any young offenders institution to any other institution or to a prison in terms of section 20A or 21 of the Act(3),

a medical officer of the prison or young offenders institution from which the person is moved shall send the prisoner's or young offender's medical record to a medical officer of the prison or young offenders institution to which the prisoner or young offender is moved.

(3) For the purposes of this rule, "medical treatment" shall be deemed to include any examination, consultation, diagnosis, operation, treatment or prescription.

---

(1) 1995 c. 46; sections 52A to 52U were inserted by the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), section 130.

(2) [asp 13](#).

(3) 1989 c. 45; section 20A was inserted by the [Prisoners and Criminal Proceedings \(Scotland\) Act 1993 \(c. 9\)](#), section 23 and was amended by the [Crime and Punishment \(Scotland\) Act 1997 \(c. 48\)](#), section 62 and Schedule 1, paragraph 13; section 21 was amended by the said Act of 1993, Schedule 5, paragraph 6(5) and Schedule 7 and by the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c. 40\)](#), Schedule 4, paragraph 75(3) and also by the said Act of 1995, Schedule 4.

### **Prisoners' welfare**

**41.** The Governor shall ensure that every prisoner is given reasonable assistance and facilities to maintain and develop relationships with family and friends and with such other persons and agencies outwith the prison as may best offer the prisoner assistance during the sentence or period of committal, and in preparation for and after release.

### **Visits to untried and civil prisoners by medical and dental practitioners**

**42.—(1)** Subject to paragraph (2), the Governor shall at the request of an untried prisoner or a civil prisoner permit a medical or dental practitioner of the prisoner's own choice to visit the prisoner for the purpose of giving treatment.

(2) Where an untried prisoner or a civil prisoner is permitted to be visited by a medical or dental practitioner in terms of this rule, the prisoner shall be responsible for the expenses of that visit and any treatment rendered.