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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

**The Prisons and Young Offenders  
Institutions (Scotland) Rules 2011**

**PART 15**

**TEMPORARY RELEASE**

**Eligibility of prisoners for temporary release**

**134.**—(1) In this Part “temporary release” means any of the forms of temporary release defined in rule 136.

(2) In this Part “eligible prisoner” means a prisoner who—

- (a) is assigned low supervision level; and
- (b) is not disqualified from obtaining temporary release for any reason specified in paragraph (3) or (4).

(3) A prisoner is disqualified from obtaining temporary release if, for the time being, the prisoner is—

- (a) subject to proceedings under the Extradition Act 2003;
- (b) in the written opinion of a healthcare professional, not fit enough to be granted temporary release.

(4) Subject to paragraph (5), a life prisoner is disqualified from obtaining temporary release unless the Governor has obtained the prior consent of the Scottish Ministers.

(5) Any consent granted by the Scottish Ministers under paragraph (4)—

- (a) will apply to the first grant of temporary release and any further grants of temporary release; but
- (b) will cease to have effect if the prisoner is subsequently assigned a supervision level other than low supervision level.