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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 17**

**VISITING COMMITTEES**

**Constitution of visiting committees for prisons**

**146.**—(1) A visiting committee must be constituted, in accordance with this rule, for each prison specified in column 1 of Schedule 2.

(2) In relation to each such visiting committee—

- (a) the members of the visiting committee must be appointed by the council or councils specified in column 2 of Schedule 2 opposite to the name of the prison specified in column 1 of that Schedule;
- (b) the number of members that each council must appoint to the visiting committee is specified in column 3 of that Schedule; and
- (c) the number of members who must be appointed by each council but who must not be members of that council is specified in column 4 of that Schedule .

(3) Any person with a direct financial interest in any contract for the supply of goods or services to any prison is not eligible for appointment to a visiting committee in terms of this rule.

(4) The member or members of a visiting committee to be appointed by a council in terms of paragraph (2) must be appointed—

- (a) subject to the following sub-paragraphs, at a meeting of that council held no later than 2 months after the date of the ordinary election of the council;
- (b) if for any reason the requisite number of members of a visiting committee is not appointed at the proper time in terms of sub-paragraph (a), at a meeting of the council held as soon as possible after that time;
- (c) if a member of the visiting committee ceases to hold office by virtue of paragraph (7), at a meeting of the council held as soon as possible after that member ceases to hold office; and
- (d) if for any other reason a vacancy occurs in a visiting committee, at a meeting of the council held as soon as possible after the vacancy occurs.

(5) A member of a visiting committee appointed by a council under—

- (a) paragraph (4)(a), will take office on the day which falls 2 months after the date of the ordinary election of the council;
- (b) paragraph (4)(b), (c) or (d), will take office on the day following the appointment.

(6) A member of a visiting committee appointed by a council under paragraph (4) holds office until—

- (a) he or she ceases to hold office by virtue of paragraph (7); or

- (b) until the day prior to the day which falls 2 months after the date of the next ordinary election of the council.
- (7) A member of a visiting committee ceases to hold office if—
  - (a) he or she resigns;
  - (b) the council who appointed the member terminates the member’s appointment on being satisfied that—
    - (i) the member has failed satisfactorily to perform his or her duties;
    - (ii) the member is for any other reason incapable of carrying out his or her duties;
    - (iii) subsequent to his or her appointment, the member has been convicted of such a criminal offence, or the member’s conduct has been such, that it is not fitting that he or she should remain a member; or
    - (iv) the member has a direct financial interest contrary to the terms of rule 154; or
  - (c) having been appointed a member whilst also a member of a relevant council under Schedule 2, that council terminates his or her appointment by reason of having ceased to be a member of the council.
- (8) The chair of a visiting committee must report any circumstances which he or she considers might reasonably give cause for termination, in terms of paragraph (7), of the appointment of a member of the visiting committee to the council responsible for appointing the member of the visiting committee.
- (9) In this rule, “the ordinary election of the council” means the first ordinary election of councillors of the council under section 5 of the Local Government Etc. (Scotland) Act 1994<sup>(1)</sup>.

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<sup>(1)</sup> 1994 c.39; section 5 was amended by the Local Governance (Scotland) Act 2004 (asp 9), section 5(2); the Scottish Local Government (Elections) Act 2002 (asp 1), section 4(2); and the Scottish Local Government (Elections) Act 2009 (asp 10), section 1(1) and Schedule 1, paragraph 2.