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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 3**

**SUPERVISION LEVELS**

**Assigning certain supervision levels on review**

**21.—**(1) This rule applies to the assignment of a prisoner's supervision level in the following circumstances:—

- (a) the prisoner is assigned a higher supervision level than that previously assigned to the prisoner; or
- (b) a supervision level other than low supervision level is assigned to a prisoner who is—
  - (i) a long-term prisoner who is eligible to be considered by the Parole Board for Scotland in terms of Part I of the 1993 Act;
  - (ii) a life prisoner who has served the part of his or her sentence specified in an order made under section 2(3) of the 1993 Act<sup>(1)</sup>; or
  - (iii) a long-term prisoner or life prisoner who has not yet served the part of his or her sentence specified in sub-paragraph (i) or (ii), as the case may be, but who has served such part of his or her sentence as may be specified in a direction made by the Scottish Ministers.

(2) Prior to the assignment of a supervision level to which this rule applies, the Governor must provide the prisoner with a written notice informing the prisoner of—

- (a) the supervision level that it is proposed should be assigned to the prisoner;
- (b) the reasons for that proposal; and
- (c) the procedure by which the prisoner may make written representations in relation to the proposed assignment of the supervision level.

(3) The Governor must, if asked to do so by the prisoner concerned, but subject to rule 27, provide the prisoner with—

- (a) a copy of any document to which the Governor has had regard in considering the matter; and
- (b) a summary of any other information of which the Governor was aware and to which he or she has had regard in considering the matter.

(4) The Governor must—

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<sup>(1)</sup> 1993 c.9; section 2 was amended as follows: by the Crime and Punishment (Scotland) Act 1997 (c.48), section 16; by the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7), section 1; and by the Criminal Justice (Scotland) Act 2003 (asp 7), section 29 and Schedule 1, paragraph 1.

- (a) consider any representations made by the prisoner prior to making a decision in relation to the assignment of a supervision level; and
- (b) if the supervision level is assigned in circumstances as mentioned in paragraph (1), provide the prisoner with a written statement of reasons for his or her decision.