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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 8**

**COMMUNICATIONS**

**PRISONERS' CORRESPONDENCE AND OTHER COMMUNICATIONS**

**Opening and reading of correspondence from and to legal advisers**

**57.**—(1) This rule applies only to letters and packages which—

- (a) are addressed to a legal adviser and which a prisoner gives to an officer or employee for the purpose of sending to that legal adviser; or
- (b) are sent to a prisoner at the prison by a legal adviser.

(2) A prisoner who wishes to send a letter or package to a legal adviser must mark prominently on the outer face of the envelope or packaging the words “Legal Correspondence” as well as the prisoner’s own name.

(3) Subject to paragraph (5), a letter or package to which this rule applies must not be opened by an officer or employee unless—

- (a) the officer or employee has cause to believe that it contains a prohibited article or unauthorised property;
- (b) the officer or employee has explained to the prisoner concerned the reason for that belief; and
- (c) the prisoner concerned is present.

(4) The contents of a letter or package to which this rule applies must not be read by an officer or employee except where paragraph (5) applies.

(5) A letter or package to which this rule applies may be opened and, once opened, the contents of the letter or package may be read by the Governor, or by an officer or employee authorised by the Governor, where the Governor has reasonable cause to believe that the contents of the letter or package may—

- (a) endanger the security of the prison;
- (b) endanger the safety of any person; or
- (c) relate to a criminal activity.

(6) Where the Governor decides that the contents of a letter or package to which this rule applies may be read in terms of paragraph (5), the Governor must, prior to the contents of the letter or package being read, inform the prisoner of that decision and the reasons for that decision.

(7) Where a letter or package to which this rule applies is found to contain a prohibited article or any unauthorised property, the Governor must deal with the item in terms of rule 104.