
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

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

PART 9

WORK, EDUCATION, EARNINGS AND RECREATION

Exercise and time in the open air

87.—(1) Subject to paragraphs (3) to (8), every prisoner must be given the opportunity to take exercise or, where the weather permits, to spend time in the open air for not less than one hour every day.

(2) Subject to paragraphs (3) to (8), every young offender must, where the weather permits, be given the opportunity on a regular basis to participate in physical recreation, activities and pursuits which are consistent with maintaining good health and physical wellbeing.

(3) Where the Governor receives advice from a healthcare professional that a prisoner or young offender is not fit to participate in any of the activities mentioned in paragraph (1) or (2), the Governor may order that the prisoner or young offender must not participate in the relevant activities.

(4) Where a prisoner or young offender wishes to participate in any of the activities mentioned in paragraphs (1) or (2), he or she must be allowed to do so in association with other prisoners or, as the case may be young offenders, except where—

(a) an order has been made under rule 95 removing him or her from association with other prisoners or, as the case may be young offenders, either generally or during any period he or she is participating in any of the activities mentioned in paragraphs (1) or (2); or

(b) he or she is subject to cellular confinement imposed under rule 114(1)(d).

(5) The Governor may order that the activities specified in paragraphs (1) and (2) be ceased or restricted in any way where the Governor considers it necessary to do so due to exceptional circumstances pertaining in the prison or young offenders institution, or in any other prison or young offenders institution.

(6) An order made by the Governor in terms of paragraph (5) must not take effect for a period longer than 48 hours unless the Scottish Ministers specify in a direction made before the expiry of that period that the order will continue to have effect.

(7) The Scottish Ministers may—

(a) on the application of the Governor made prior to the expiry of any direction made under paragraph (6) or this paragraph; and

(b) where they are satisfied that it is necessary to do so due to exceptional circumstances pertaining in that prison or young offenders institution, or in any other prison or young offenders institution

make any number of further directions continuing the effect of an order made by the Governor under paragraph (5) for successive periods of no more than one month.

- (8) A direction made by the Scottish Ministers under paragraphs (6) or (7) may be revoked at any time, following a request by the Governor, by a further direction made by the Scottish Ministers.
- (9) An order made in terms of paragraph (5)—
- (a) may be directed at all prisoners or young offenders in the prison or young offenders institution or at such groups or categories of prisoners or young offenders as the Governor deems appropriate; and
 - (b) must specify the reasons why the Governor is making the order and record the date and time it is made.
- (10) After making an order under paragraph (5) the Governor must—
- (a) take such steps as are practicable to notify prisoners or, as the case may be young offenders who are subject to the order of the effect of the order; and
 - (b) provide a copy of the order to the Scottish Ministers.
- (11) Any direction made by the Scottish Ministers under paragraph (6) or (7) must specify—
- (a) the reasons why the Scottish Ministers are making the direction;
 - (b) the date and time when the direction is made; and
 - (c) the date and time when the direction expires.
- (12) After the Scottish Ministers have made any direction under paragraph (6) or (7), the Governor must take such steps as are practicable to notify prisoners or, as the case may be, young offenders who are subject to the order of the effect of the direction.