
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

PRISONS

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

Made - - - - 12th September 2011
Laid before the Scottish
Parliament - - 14th September 2011
Coming into force 1st November 2011

**THE PRISONS AND YOUNG OFFENDERS
INSTITUTIONS (SCOTLAND) RULES 2011**

PART 1

1. Citation and commencement
2. Interpretation
3. Application of Rules
4. Application of Rules to contracted out prisons
5. Suspension of certificate of a prisoner custody officer
6. Elimination of discrimination
7. Availability of Rules and directions

PART 2

8. Production of warrant, order, direction or certificate
9. Procedure on reception of prisoners
10. Interview of prisoners on reception
11. Information to be given to prisoners on reception
12. Registration and records of prisoners
13. Recording data about a prisoner's religion
14. Categorisation of prisoners
15. Allocation of prisoners
16. Separation of different categories of prisoners

PART 3

17. Supervision levels

Status: This is the original version (as it was originally made).

18. Assignment of supervision levels on reception
19. Assignment of supervision levels on review
20. Maintaining or lowering a supervision level on review
21. Assigning certain supervision levels on review
22. Direction with respect to supervision levels
23. Imposition of special security measures
24. Provisional imposition of special security measures
25. Reviews of imposition of special security measures
26. Direction with respect to special security measures
27. Disclosure of information considered by the Governor under this Part

PART 4

28. Accommodation of prisoners
29. Standard of accommodation
30. Provision of bedding
31. Convicted prisoners wearing their own clothing
32. Untried and civil prisoners wearing their own clothing
33. Provision of clothing to prisoners
34. Personal hygiene
35. Prisoners' food and drink

PART 5

36. Smoking
37. Provision of accommodation for healthcare services
38. Notification to a healthcare professional of prisoners requiring attention
39. Arrangements for care by other medical practitioners, specialists or medical facilities outwith prison
40. Recommendations by healthcare professionals
41. Accommodation in specified conditions
42. Notification of relatives and friends of prisoners suffering serious illness, etc
43. Prisoners' welfare

PART 6

44. Practising religion or belief within prison

PART 7

45. Privileges
46. Prisoners' personal property
47. Storage of prisoners' personal property in cells or rooms
48. Storage of prisoners' personal property in prison storage facilities
49. Disposal of prisoner's personal property
50. Unclaimed property
51. Prisoners' money
52. Supplies of books, newspapers, etc to prisoners

PART 8

PRISONERS' CORRESPONDENCE AND OTHER COMMUNICATIONS

53. Current affairs
54. Prisoners' correspondence
55. Restrictions on other correspondence to and from the prisoner
56. Opening and reading of correspondence from and to courts
57. Opening and reading of correspondence from and to legal advisers
58. Opening and reading of correspondence from and to medical practitioners
59. Privileged correspondence
60. Requests to prevent communication from a prisoner
61. Provision of writing materials and payment of postage
62. Communication by telephone

PRISON VISITS

63. Visits by persons of a prisoner's choice
64. Visits to untried and civil prisoners by persons of a prisoner's choice
65. Accumulated visits
66. Visits by legal advisers
67. Visits by procurators fiscal
68. Visits by police constables
69. Visits by representatives of diplomatic services and national or international authorities or organisations
70. Special visits to certain prisoners in connection with further proceedings
71. Visits by Members of Parliament, members of the Scottish Parliament and representatives of the European Parliament
72. Visits by the Parliamentary Commissioner for Administration, the Scottish Public Services Ombudsman or Officers on their behalf
73. Visits by media representatives
74. Visits by members of the Parole Board for Scotland
75. Visits by members or employees of the Scottish Criminal Cases Review Commission
76. Visits by persons in connection with disciplinary proceedings
77. Restrictions and conditions applicable to visits under Part 8
78. Closed visiting facilities
79. Arrangements for securing release of prisoners committed to prison in default of payments

PART 9

80. Application of Part 9
81. Arrangements for work, education and counselling
82. Prisoners' work
83. Conditions of work
84. Purposeful activities
85. Work undertaken by untried and civil prisoners
86. Earnings
87. Exercise and time in the open air

Status: This is the original version (as it was originally made).

- 88. Recreation
- 89. Prohibition on prisoners carrying on any trade, profession or vocation from prison

PART 10

SUPERVISION AND CONTROL OF PRISONERS

- 90. Supervision of the prison and control of prisoners
- 91. Control of prisoners
- 92. Searching of prisoners
- 93. Compulsory testing for controlled drugs
- 94. Compulsory testing for alcohol

CONFINEMENT AND CUSTODY OF PRISONERS

- 95. Removal from association
- 96. The use of restraints
- 97. Temporary confinement in a special cell
- 98. Temporary confinement in a cell or room
- 99. Custody outside prison
- 100. Special escorted leave
- 101. Escorted day absence

SEIZURE AND CONTROL OF PROPERTY

- 102. Prohibited articles
- 103. Unauthorised property
- 104. Seizure and treatment of prohibited articles and unauthorised property

SUPERVISION AND CONTROL OF VISITORS

- 105. Admission of visitors
- 106. Searching of visitors
- 107. Removal of visitors
- 108. Searching of specified persons
- 109. Viewing of prisons

PART 11

- 110. Breach of discipline
- 111. Reporting breaches of discipline
- 112. Charging breaches of discipline
- 113. Disciplinary hearings
- 114. Punishment
- 115. Suspended punishments
- 116. Breaches of discipline committed in another prison or during transfer
- 117. Breaches of discipline involving the use of controlled drugs
- 118. Disciplinary appeals

119. Direction with respect to the disciplinary appeals procedure

PART 12

120. Requests to speak to certain persons
121. Representations and complaints to the Scottish Ministers in relation to certain matters
122. Complaints to the residential first line manager
123. Referral of complaints to the Internal Complaints Committee
124. Complaints to the Governor in relation to confidential matters
125. Direction with respect to complaints procedures

PART 13

126. Separation of male and female prisoners
127. Pregnancy and confinement
128. Accommodation of female prisoners' babies

PART 14

129. Interpretation of Part 14
130. Pre-release preparation
131. Healthcare assessment prior to transfer
132. Provision of clothing and return of property
133. Release of fine defaulters after payment

PART 15

134. Eligibility of prisoners for temporary release
135. Applications for, and grant of, temporary release
136. Forms of temporary release
137. Recall of prisoners granted temporary release
138. Direction with respect to temporary release

PART 16

139. General duty of officers and employees
140. Transactions with prisoners or in connection with the prison
141. Fees and gratuities
142. Searching of officers and employees
143. Communications with the media etc.
144. Code of conduct

PART 17

145. Application of Part 17
146. Constitution of visiting committees for prisons
147. Constitution of visiting committees for young offenders institutions
148. Proceedings of visiting committees
149. General duties of visiting committees and members of committees
150. Investigation of complaints
151. Visits to prisons by members of visiting committees
152. Inspection of prison records

Status: This is the original version (as it was originally made).

- 153. Annual report
- 154. Conflicts of interest
- 155. Visiting committees for legalised police cells

PART 18

- 156. Directions
 - 157. Revocations
 - 158. Savings and transitional provisions
- Signature

SCHEDULE 1	BREACHES OF DISCIPLINE
SCHEDULE 2	CONSTITUTION OF VISITING COMMITTEES
SCHEDULE 3	CONSTITUTION OF VISITING COMMITTEES FOR LEGALISED POLICE CELLS
SCHEDULE 4	REVOCATIONS
SCHEDULE 5	SAVINGS AND TRANSITIONAL PROVISIONS

- 1. Where, immediately prior to 1stNovember 2011, any of the matters...
 - 2. The matters referred to in paragraph 1 are—
 - 3. Subject to paragraphs 4 to 13, insofar as any matter...
 - 4. Where, immediately prior to 1stNovember 2011— (a) a prisoner had...
 - 5. Where, immediately prior to 1stNovember 2011, an order under rule94(1)...
 - 6. Where the Scottish Ministers have granted an authority under rule94(5)...
 - 7. Where the Scottish Ministers have, under rule94(6) of the 2006...
 - 8. Where a report of a breach of discipline which was...
 - 9. Part 11 and rules 130 and 131 of the 2006...
 - 10. For the purposes of rule 120 of the 2006 Rules,...
 - 11. Rules 123 to 128 of the 2006 Rules shall remain...
 - 12. Part 15 of the 2006 Rules shall remain in force...
 - 13. The Scottish Prison Service Employee Code of Conduct and Standards...
- Explanatory Note