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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

The Prisons and Young Offenders  
Institutions (Scotland) Rules 2011

PART 2

RECEPTION, RECORDS, CATEGORISATION AND ALLOCATION

**Production of warrant, order, direction or certificate**

**8.** A person may only be received into and detained in a prison where the Governor is satisfied that a valid warrant, order or direction exists which authorises that person to be detained in prison.

**Procedure on reception of prisoners**

- 9.**—(1) This rule applies to every prisoner on reception.
- (2) Every prisoner must be searched in accordance with rule 92.
- (3) The Governor may in the course of, or following, a search under paragraph (2)—
- (a) deal with any prohibited article in the possession of the prisoner in accordance with rule 104; and
  - (b) deliver any medicines and medical appliances in the possession of the prisoner to a healthcare professional.
- (4) An officer may—
- (a) order that a prisoner must take a shower or a bath; or
  - (b) on the advice of a healthcare professional, order that a prisoner must not take a shower or bath.

**Interview of prisoners on reception**

**10.** Every prisoner must be interviewed by an officer at the time of reception in order to identify any problems which may require immediate attention.

**Information to be given to prisoners on reception**

**11.**—(1) Paragraphs (2) to (5), and (7) do not apply in relation to a prisoner who is received into prison on transfer from any other prison.

(2) Every prisoner must be informed by the Governor at the time of reception how the prisoner may inform—

- (a) up to two persons; and
- (b) a legal adviser,

of the prisoner's reception into prison, and the Governor must make available reasonable facilities for that purpose.

(3) A prisoner who is a foreign national must be informed of his or her entitlement to contact, in addition to the persons mentioned in paragraph (2), a diplomatic representative of the prisoner's choice.

(4) A prisoner who is a refugee or stateless person must also be informed of his or her entitlement to contact, in addition to the persons mentioned in paragraph (2)—

- (a) a diplomatic representative of a state which the prisoner considers may look after his or her interests; and
- (b) subject to such limit as to numbers as the Governor may reasonably impose, national or international authorities and organisations whose principal purpose is to serve the interests of refugees or stateless persons or to protect the civil rights of such persons.

(5) A prisoner who is committed to prison on default of payment of any sum of money due to be paid by the prisoner must be informed by the Governor at the time of reception of the facilities available in terms of rule 79 to arrange the making of such payment as will entitle the prisoner to be released from prison.

(6) On reception every prisoner must be provided with information by the Governor concerning the following matters:—

- (a) the rules and directions which apply in that prison;
- (b) the prison routine and regime;
- (c) how the prisoner may make requests and complaints; and
- (d) how the prisoner may maintain contact with relatives and friends.

(7) In the case of any prisoner whose date of release can be calculated at the time of reception, the Governor must inform the prisoner of that date as soon as may be reasonably practicable.

(8) The information to be provided to any prisoner in terms of this rule must be provided in a manner which enables the prisoner to understand it.

### **Registration and records of prisoners**

**12.**—(1) Where the Governor considers it relevant to the identification and management of a prisoner or to the prevention or detection of crime, the following particulars about a prisoner may be recorded—

- (a) the prisoner's biometric data taken in accordance with paragraph (2);
- (b) the prisoner's description including any distinctive marks on his or her body;
- (c) the prisoner's photograph taken in accordance with paragraph (2);
- (d) details of any next of kin or emergency contacts; and
- (e) any other personal particulars that are relevant.

(2) The Governor may take photographs of, and biometric data from, a prisoner.

(3) Any photograph or biometric data must be destroyed—

- (a) in the case of an untried prisoner, if the prisoner is released before trial or disposal of proceedings or is acquitted after trial and is not further remanded; or
- (b) in the case of a prisoner who is the subject of extradition, removal or deportation proceedings, if the prisoner successfully defends those proceedings and is released from custody.

(4) The destruction of any photograph and biometric data must take place as soon as practicable after the occurrence of the relevant event mentioned in paragraph (3) unless—

- (a) the police or procurator fiscal requests the retention or disclosure of a prisoner's photograph or biometric data in connection with any proceedings; or

- (b) the Governor or the Scottish Ministers consider the retention of the prisoner's photograph, or biometric data to be necessary for the efficient operation of prisons and in such circumstances retention must not exceed 24 months from the date of the prisoner's release.

(5) The Governor must ensure that information recorded in terms of this rule is recorded, stored, updated, disclosed and destroyed only in accordance with such conditions as may be specified in a direction by the Scottish Ministers.

### **Recording data about a prisoner's religion**

**13.**—(1) Details about a prisoner's religion, belief or non-belief must be recorded by the Governor in accordance with this rule.

(2) A prisoner is to be treated as having a particular religion, belief or non-belief for the purposes of these Rules if he or she has declared this upon reception at the prison or at any other time.

(3) A prisoner is not obliged to give any information about having a particular religion, belief or non-belief at reception or at any other time.

(4) Any information provided in accordance with paragraph (2) must be recorded and passed to the chaplaincy team.

### **Categorisation of prisoners**

**14.** Every prisoner may be categorised by the Governor according to—

- (a) age;
- (b) gender;
- (c) offence or matter in respect of which the prisoner is committed to prison;
- (d) period of sentence or committal;
- (e) previous criminal record; and
- (f) any other matter which the Governor considers appropriate.

### **Allocation of prisoners**

**15.**—(1) The Scottish Ministers may set aside particular prisons or parts of prisons for particular categories of prisoners or particular purposes.

(2) Subject to paragraph (1), the Governor may allocate within a prison a particular part of the prison in which a prisoner, or any particular category of prisoners, may be confined having regard to—

- (a) the categorisation of a prisoner;
- (b) the supervision level of a prisoner; and
- (c) any other matter affecting the management of a prisoner.

(3) A prisoner may request reasons from the Governor as to why the prisoner has been allocated to a particular prison or part of the prison and the Governor must provide those reasons as soon as it is practicable to do so.

### **Separation of different categories of prisoners**

**16.** The Governor must, so far as reasonably practicable, keep civil prisoners and untried prisoners apart from other categories of prisoners.