

SCHEDULE 1

Rule 110

BREACHES OF DISCIPLINE

A prisoner is guilty of a breach of discipline if he or she—

1. commits any assault;
2. fights with any person;
3. uses threatening words or behaviour;
4. uses abusive or insulting words or behaviour;
5. commits any indecent or obscene act;
6. intentionally endangers the health or personal safety of others;
7. recklessly endangers the health or personal safety of others.
8. fails, without reasonable excuse, to open his or her mouth for the purpose of enabling a visual examination in terms of rule 92(2)(e);
9. is absent from a place where he or she is required to be or is present in a place he or she is not authorised to be;
10. is disrespectful to any person, other than a prisoner, who is at the prison;
11. intentionally fails to work properly or, on being required to work, refuses to do so;
12. disobeys any lawful order;
13. disobeys or fails to comply with any rule, direction or regulation applying to a prisoner;
14. intentionally obstructs any person, other than a prisoner, in the performance of that person's work at the prison;
15. detains any person against his or her will;
16. denies access to any part of the prison to any person other than a prisoner;
17. destroys or damages any part of a prison or any other property, other than his or her own;
18. intentionally or recklessly sets fire to any part of a prison or any other property, whether or not that property belongs to him or her;
19. takes improperly any article belonging to another person or to the prison;
20. has in his or her possession, or concealed about his or her body or in any body orifice, any article or substance which he or she is not authorised to have or a greater quantity of any article or substance than he or she is authorised to have;
21. has in his or her possession whilst in a particular part of the prison, any article or substance which he or she is not authorised to have when in that part of the prison;
22. has in his or her possession, or concealed about his or her body or in any body orifice, any prohibited article;
23. sells or delivers to any person any article which he or she is not authorised to have;
24. sells or, without permission, delivers to any person any article which he or she is allowed to have only for his or her own use;
25. consumes, takes, injects, ingests, conceals inside a body orifice, inhales or inhales the fumes of any substance which is—
  - (a) a prohibited article;

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- (b) unauthorised property; or
- (c) an article which he or she has been authorised to keep or possess but which he or she has not been specifically authorised to inhale or inhale the fumes thereof;
26. smokes in an area of a prison where smoking is not permitted by virtue of rule 36;
27. administers a controlled drug to himself or herself or fails to prevent the administration of a controlled drug to himself or herself by another person but subject to rule 117;
28. escapes or absconds from prison or from legal custody;
29. fails to return to prison when he or she should return after being temporarily released under Part 15;
30. fails to comply with any condition upon which he or she is temporarily released under Part 15; or
31. attempts to commit, incites another prisoner to commit, or assists another prisoner to commit or attempt to commit, any of the foregoing breaches.

## SCHEDULE 2

Rule 146

## CONSTITUTION OF VISITING COMMITTEES

(1) Name of Prison	(2) Name of Appointing Authorities	(3) Number of Members to be appointed	(4) Number of Members who are non-members of Appointing Authority
ABERDEEN	Aberdeen City Council	4	2
	Aberdeenshire Council	2	2
ADDIEWELL	West Lothian Council	5	2
	South Lanarkshire Council	5	2
	North Lanarkshire Council	5	2
BARLINNIE	West Dunbartonshire Council	2	1
	East Ayrshire Council	1	—
	Glasgow City Council	10	4
	Inverclyde Council	1	—
	North Ayrshire Council	2	1
	North Lanarkshire Council	4	2
	Renfrewshire Council	1	—
South Lanarkshire Council	4	2	

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
<b>Name of Prison</b>	<b>Name of Appointing Authorities</b>	<b>Number of Members to be appointed</b>	<b>Number of Members who are non-members of Appointing Authority</b>
	Dundee City Council	3	1
CORNTON VALE	Clackmannanshire Council	2	1
	Stirling Council	7	3
	Falkirk Council	6	2
DUMFRIES	Dumfries and Galloway Council	11	4
EDINBURGH	City of Edinburgh Council	10	4
	East Lothian Council	2	1
	West Lothian Council	2	1
	Midlothian Council	3	1
GLENOCHIL	Clackmannanshire Council	5	2
	Stirling Council	4	2
	Fife Council	5	2
GREENOCK	Inverclyde Council	5	2
	North Ayrshire Council	2	—
	Argyle and Bute Council	1	—
INVERNESS	Highland Council	10	4
KILMARNOCK	East Ayrshire Council	4	2
	South Ayrshire Council	4	2
	North Ayrshire Council	4	2
	East Renfrewshire Council	2	1
	South Lanarkshire Council	1	—
	North Lanarkshire Council	3	1
	East Dunbartonshire Council	4	2

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<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
<b>Name of Prison</b>	<b>Name of Appointing Authorities</b>	<b>Number of Members to be appointed</b>	<b>Number of Members who are non-members of Appointing Authority</b>
	Dundee City Council	3	1
OPEN ESTATE	Angus Council	5	2
	Dundee City Council	6	2
	Perth and Kinross Council	5	2
PERTH	Perth & Kinross Council	10	4
	Dundee City Council	9	3
PETERHEAD	Aberdeenshire Council	5	2
	Aberdeen City Council	3	1
SHOTTS	North Lanarkshire Council	9	3
	South Lanarkshire Council	8	3

SCHEDULE 3

Rule 155

CONSTITUTION OF VISITING COMMITTEES FOR LEGALISED POLICE CELLS

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>Legalised Police Cells</b>	<b>Names of Appointing Authorities</b>	<b>Number of Members to be appointed</b>
CAMPBELTOWN	Argyll and Bute Council	3
DUNOON	Inverclyde Council	1
	Argyll and Bute Council	2
HAWICK	Scottish Borders Council	3
KIRKWALL	Orkney Islands Council	3

<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>Legalised Police Cells</b>	<b>Names of Appointing Authorities</b>	<b>Number of Members to be appointed</b>
LERWICK	Shetland Islands Council	3
LOCHMADDY	Comhairle nan Eilean Sair	3
OBAN	Argyll and Bute Council	3
STORNOWAY	Comhairle nan Eilean Sair	3
THURSO	Highland Council	3

## SCHEDULE 4

Rule 157

## REVOCATIONS

<b>Revocations</b>	<b>S.S.I. Number</b>
The Prisons and Young Offenders Institutions (Scotland) Rules 2006	<a href="#">S.S.I. 2006/94</a>
The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2007	<a href="#">S.S.I. 2007/190</a>
The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2008	<a href="#">S.S.I. 2008/377</a>

## SCHEDULE 5

Rule 158

## SAVINGS AND TRANSITIONAL PROVISIONS

1. Where, immediately prior to 1st November 2011, any of the matters listed in paragraph 2 remain extant, in force, pending or outstanding under any provision of the 2006 Rules that matter must be treated in accordance with paragraphs 3 to 13.

2. The matters referred to in paragraph 1 are—

- (a) any privilege or certificate which has been granted;
- (b) any authority, direction, order or permission which has been given; or
- (c) any record or minute which has been made in respect of any matter.

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**3.** Subject to paragraphs 4 to 13, insofar as any matter listed in paragraph 2 could be granted, given or made under a corresponding provision of these Rules, that matter is to be treated as if it had been granted, given or made under the corresponding provision of these Rules.

**4.** Where, immediately prior to 1st November 2011—

(a) a prisoner had an entitlement to carry forward an accumulated period of unused allowance under rule 65(2) of the 2006 Rules; and

(b) some or all of that allowance had not been used,

the prisoner shall be deemed to have permission to accumulate visits under rule 65(2) of these Rules and the unused allowance under rule 65(2) of the 2006 Rules shall be treated as accumulated visits under rule 65 of these Rules.

**5.** Where, immediately prior to 1st November 2011, an order under rule 94(1) of the 2006 Rules is in force, that order shall be deemed to have been made under rule 95(1) of these Rules.

**6.** Where the Scottish Ministers have granted an authority under rule 94(5) of the 2006 Rules and that authority is in force immediately prior to 1st November 2011, that authority shall be deemed to constitute an extension granted under rule 95(11) of these Rules.

**7.** Where the Scottish Ministers have, under rule 94(6) of the 2006 Rules, renewed a previous authority granted by them under rule 94(5) of the 2006 Rules and that renewed authority is in force immediately prior to 1st November 2011, that renewed authority shall be deemed to constitute an extension granted under rule 95(12) of these Rules.

**8.** Where a report of a breach of discipline which was made in terms of rule 114 of the 2006 Rules, but in relation to which a charge has not been brought against the prisoner under rule 115 of the 2006 Rules before 1st November 2011, the report shall be deemed not to have been made, but without prejudice to the right of an officer, if appropriate, to make a report in terms of rule 111 of these Rules.

**9.** Part 11 and rules 130 and 131 of the 2006 Rules continue to apply as they did immediately prior to 1st November 2011 in respect of any breach of discipline, or alleged breach of discipline, in relation to which a charge was brought against a prisoner under rule 115 of the 2006 Rules before that date.

**10.** For the purposes of rule 120 of the 2006 Rules, references to a “breach of discipline” include a breach of discipline under these Rules.

**11.** Rules 123 to 128 of the 2006 Rules shall remain in force in relation to any complaint made by a prisoner under those Rules prior to the coming into force of these Rules.

**12.** Part 15 of the 2006 Rules shall remain in force in relation to any grant of temporary release to a prisoner under that Part which is in effect immediately prior to 1st November 2011 until the period of temporary release expires or the Governor recalls the prisoner under rule 146 of the 2006 Rules (whichever is the earlier).

**13.** The Scottish Prison Service Employee Code of Conduct and Standards of Conduct implemented on 1st August 1998 and revised on 1st September 2000 shall continue to apply as if it had been approved under rule 144.