

EXECUTIVE NOTE

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

2011 No. 356

The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2011 were made in exercise of the powers conferred by section 52 of the Court Martial Appeals Act 1968, sections 33A and 39 of the Prisons (Scotland) Act 1989 and sections 104(6) and 114(3) of the Criminal Justice and Public Order Act 1994 and various other powers. These Rules amend The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (“the Prison Rules”) and they are subject to negative procedure.

Prisoner Correspondence

Rule 2(8) of these Rules replaces rule 60 of the Prison Rules which obliges the Governor to take reasonable steps to prevent communication from a prisoner to a person where the person has requested the Governor to do so. This amendment is designed to ensure there is adequate balance between the rights of the person making the request and the rights of the prisoner. This amendment provides the Governor with the discretion to assess individual requests made under rule 60 and take appropriate action in light of that assessment.

Technical amendments

The Rules also make a number of technical amendments designed to clarify minor points in the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (the Prison Rules). These amendments are intended to assist the interpretation of the Prison Rules and to ensure that the Rules are sufficiently clear for end users.

Financial Effects

The Cabinet Secretary for Justice confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Prison Service

October 2011