

POLICY NOTE

THE PRISONS AND YOUNG OFFENDERS INSTITUTIONS (SCOTLAND) AMENDMENT RULES 2014

SSI 2014/65

1. The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2014 (“the Amendment Rules”) were made in the exercise of the powers conferred by sections 8 and 39 of the Prisons (Scotland) Act 1989. These Rules amend The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (“the Prison Rules”) and they are subject to negative procedure.

Policy Objective

2. The Cabinet Secretary announced in August 2007 that a new publicly operated prison was to be built in the Peterhead area to replace the existing facilities there and at HMP Aberdeen. HMP & YOI Grampian has been built on part of the HMP Peterhead site and is scheduled to open in March 2014 and will be fully operational by late April. HMPs Peterhead and Aberdeen have been closed and their status as prisons will be discontinued once the Discontinuance of Aberdeen and Peterhead Prisons (Scotland) Order 2014 comes into force.

3. The Prison Rules set out provisions relating to the regulation and management of Prisons and Young Offenders Institutions and various matters concerning those who are required to be detained in these institutions (such as their classification, treatment, discipline, employment and control).

4. In terms of section 8 of the 1989 Act, Rules made under section 39 must provide for the constitution of visiting committees. Schedule 2 to the Prison Rules details the number of VC members to be appointed for each prison and the name of the appointing Authority. This Schedule requires to be amended to reflect the opening of HMP & YOI Grampian and closure of HMPs Aberdeen and Peterhead.

Impact Assessment

5. The Equality and Diversity impact assessment was carried out and it was determined that the changes to Schedule 2 would have no impact on prisoners, staff or visitors to the prison.

Consultation

6. There has been consultation with operational managers and policy colleagues within the Scottish Prison Service, the relevant local authorities and the Association of Visiting Committees. The local authorities for the new prison, HMP & YOI Grampian have agreed the VC membership.

Financial Effect

7. 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.