
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 393

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 2017**

Amendment of the Prisons and Young Offenders Institutions (Scotland) Rules 2011

2.—(1) The Prisons and Young Offenders Institutions (Scotland) Rules 2011⁽¹⁾ are amended as follows.

(2) In rule 2 (Interpretation) for the definition of “smoke” substitute—

““smoke”—

- (a) in respect of tobacco or products containing or mixed with tobacco, has the meaning assigned to it in section 4(1) of the Smoking, Health and Social Care (Scotland) Act 2005⁽²⁾; and
- (b) in respect of a nicotine vapour product as defined in in section 35A of the Tobacco and Primary Medical Services (Scotland) Act 2010⁽³⁾ means inhaling vapour from a nicotine vapour product.”.

(3) In rule 36 (Smoking)—

- (a) in paragraph (1) for “Prisoners” substitute “Subject to paragraph (2A) prisoners”;
- (b) after paragraph (2) insert—

“(2A) Before commencing a check of a cell or a room to ensure that it is secure, safe and habitable, the Governor may instruct a prisoner, that for a period starting 30 minutes before the check is to proceed and ending when the check is complete, the prisoner must—

- (a) not smoke in the cell or room; and
- (b) open any windows or vents in the cell or room.”.

⁽¹⁾ S.S.I. 2011/331 as amended by S.S.I. 2011/356 and S.S.I. 2012/26.
⁽²⁾ 2005 asp 13.
⁽³⁾ 2010 asp 3.