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STATUTORY INSTRUMENTS

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**1994 No. 1931**

**The Prisons and Young Offenders  
Institutions (Scotland) Rules 1994**

**PART 14**

**TEMPORARY RELEASE**

**Short home leave, Christmas and summer leave and pre-Training for Freedom leave**

**120.**—(1) In this rule—

- (a) “short home leave” means temporary release from a prison of a prisoner for the purpose of enabling him to visit his home or other approved place for a period not exceeding 48 hours, excluding travelling time;
- (b) “Christmas and summer leave” means temporary release from a prison of a prisoner for the purpose of enabling him to visit his home or other approved place for a period of up to 5 days, excluding travelling time, at Christmas or during the summer; and
- (c) “pre-Training for Freedom leave” means temporary release from a prison of a prisoner who has been approved for transfer to a training for freedom hostel, for the purpose of enabling him to visit his home or other approved place for a period not exceeding 5 days, excluding travelling time, prior to transfer to such a hostel.

(2) On the application of an eligible prisoner and subject to rule 126, the Governor may grant the prisoner short home leave, Christmas and summer leave or pre-Training for Freedom leave if he is of the opinion that, having regard to the relevant criteria applicable to the granting of such leave, it is appropriate to do so.

(3) For the purposes of this rule, a prisoner is an eligible prisoner only if at the time of his application he

- (a) is confined at a prison or in a particular hall of a prison to which this rule applies;
- (b) is a life prisoner or is serving a sentence for a term of more than 1 year;
- (c) is assigned security category D and has been assigned that category for at least 6 weeks prior to his application; and
- (d) is not disqualified from consideration for any reason specified in rule 124.

**Long home leave**

**121.**—(1) In this rule, “long home leave” means the temporary release of a prisoner for the purpose of enabling him to visit his home or other approved place for a period not exceeding 5 days, excluding travelling time.

(2) On the application of an eligible prisoner and subject to rule 126, the Governor may grant the prisoner long home leave if he is of the opinion that, having regard to the relevant criteria applicable to the granting of such leave, it is appropriate to do so.

(3) For the purposes of this rule, a prisoner is an eligible prisoner only if at the time of his application he—

- (a) is confined at a prison or in a particular hall of a prison to which this rule applies;
- (b) is serving a sentence for a term of more than 1 year and has not less than 2 months to serve before his earliest date of release;
- (c) is assigned security category D and has been assigned that category for at least 6 weeks prior to his application; and
- (d) is not disqualified from consideration for any reason specified in rule 124.

### **Pre-parole/pre-life licence leave**

**122.**—(1) In this rule, “pre-parole/pre-life licence leave” means temporary release of an eligible prisoner for the purposes of enabling him to visit his home or other approved place for a period not exceeding 3 days prior to the date fixed for his release on licence.

(2) On the application of an eligible prisoner and subject to rule 126, the Governor may grant the prisoner pre-parole/pre-life licence leave if he is of the opinion that—

- (a) the period of leave will materially assist preparations for the prisoner’s release; and
- (b) having regard to the relevant criteria applicable to the granting of such leave, it is appropriate to do so.

(3) For the purposes of this rule, a prisoner is an eligible prisoner only if at the time of his application—

- (a) he is not disqualified from consideration for any reason specified in rule 124;
- (b) he is assigned security category D;
- (c) he has not previously been granted long home leave in terms of rule 121; and
- (d) he is—
  - (i) an “existing life prisoner” within the meaning of paragraph 1 of Schedule 6 to the 1993 Act and the Parole Board for Scotland has recommended his release on licence in terms of section 25 or 26(1) of the Act;
  - (ii) an “existing prisoner” or an “existing child detainee” within the meaning of paragraph 1 of Schedule 6 to the 1993 Act who is serving a sentence of imprisonment or detention for a period of 18 months or more and the Parole Board for Scotland has recommended his release on licence in terms of section 22 or 25 of the Act;
  - (iii) a life prisoner whose sentence was imposed on or after 1st October 1993 and the Parole Board for Scotland has recommended his release on licence in terms of section 1 of the 1993 Act;
  - (iv) a long-term prisoner and the Parole Board for Scotland has recommended his release on licence in terms of section 1, 6 or 7 of the 1993 Act, and the Secretary of State has on the basis of that recommendation decided that the prisoner should be released on licence; or
  - (v) a discretionary life prisoner within the meaning of section 2 of the 1993 Act and the Secretary of State has decided to refer the prisoner’s case to the Parole Board for Scotland.

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(1) Sections 22, 25 and 26 were repealed by the 1993 Act, Schedule 7, but saved for certain purposes by Schedule 6 of that Act.

### **Unescorted exceptional day release of prisoners in security category D**

**123.**—(1) In this rule “unescorted exceptional day release” means the temporary release for a period not exceeding 1 day of an eligible prisoner who is for the time being assigned security category D for the purpose of enabling him—

- (a) to visit a near relative who it appears to the Governor is dangerously ill;
- (b) to attend the funeral of a deceased near relative;
- (c) to visit a parent who is either too old or too ill to travel to the prison; or
- (d) to attend at any place for any other reason where the Governor is of the opinion there are exceptional circumstances.

(2) For the purposes of this rule, a prisoner is an eligible prisoner only if at the time of his application he is—

- (a) not an untried or a civil prisoner; and
- (b) not disqualified from consideration for any reason specified in rule 124.

(3) The Governor may grant unescorted exceptional day release on the written application of an eligible prisoner.

### **Circumstances where prisoners are disqualified from consideration for temporary release**

**124.** A prisoner shall be disqualified from being considered for temporary release in terms of rules 120 to 123 if he is for the time being—

- (a) an appellant;
- (b) subject to proceedings under the Extradition Act 1989;
- (c) in the opinion of the medical officer, suffering from mental disorder; or
- (d) in the opinion of the medical officer, otherwise unfit.

### **Recall of prisoners granted temporary release**

**125.** The Secretary of State may make an order recalling to prison any prisoner who has been granted temporary release, whether the conditions upon which he has been granted such release have been broken or not.

### **Direction with respect to temporary release**

**126.** For the purposes of temporary release consisting of any form of leave or release specified in rules 120 to 123, the Secretary of State may specify in a direction—

- (a) the prisons or any halls within particular prisons to which any of those rules applies;
- (b) the manner in which the Governor shall consider an application for any such form of temporary release;
- (c) the relevant criteria about which the Governor must be satisfied before he may grant any such form of temporary release;
- (d) the conditions which may be imposed in relation to any approval of such an application;
- (e) the timing and duration of any such form of temporary release and the frequency with which it may be granted to an eligible prisoner; and
- (f) the persons who are to be treated as a near relative of the prisoner.