

---

STATUTORY INSTRUMENTS

---

**1994 No. 1931**

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

**PART 16**

**VISITING COMMITTEES**

**Constitution of visiting committees**

**133.**—(1) On and after 1st January 1995 there shall be a visiting committee constituted in accordance with this rule for each prison specified in column 1 of Schedule 4 to these Rules.

(2) The members of a visiting committee for each prison specified in column 1 of Schedule 4 shall be appointed in accordance with this rule by the regional council and district council specified in column 2 of that Schedule in relation to that prison and each such council shall appoint the number of members of the committee specified in column 3 of that Schedule in relation to that council.

(3) Not less than one-third of the total number of members required to be appointed under paragraph (2) to a visiting committee shall be persons who are not members of the council which appoints them.

(4) Any person with a direct financial interest in any contract for the supply of goods or services to the prison or any other prison shall not be eligible for appointment to the visiting committee for that prison.

(5) The member or members of a visiting committee to be appointed by a council in terms of paragraph (2) shall be appointed with effect from 1st January 1995 at a meeting of the council held at any time prior to that date.

(6) A member of a visiting committee shall cease to hold office if—

- (a) he resigns;
- (b) either the council who appointed the member or the Secretary of State terminate the member's appointment if either is satisfied that—
  - (i) the member has failed satisfactorily to perform his duties;
  - (ii) the member is for any other reason incapable of carrying out his duties;
  - (iii) subsequent to his appointment, the member has been convicted of such a criminal offence, or his conduct has been such, that it is not fitting that he should remain a member; or
  - (iv) the member has a direct financial interest contrary to the terms of rule 140; or
- (c) having been appointed a member whilst also a member of the council, the council terminate his appointment by reason of his having ceased to be a member of the council.

(7) The chairman of a visiting committee shall report to the council responsible for appointing any member of the visiting committee any circumstances which he considers might reasonably give cause for termination in terms of paragraph (6) of the appointment of the member appointed by that council.

(8) If for any reason the requisite number of members of a visiting committee is not appointed at the proper time in terms of paragraph (5), or if for any cause a vacancy occurs in a visiting committee, the council responsible for the appointment may at any time and as soon as possible after the vacancy occurs appoint a person to fill the vacancy.

### **Proceedings of visiting committees**

**134.**—(1) At the first meeting of a visiting committee, the members shall—

- (a) elect from the membership, a chairman and a deputy chairman each for a period of 3 years, and thereafter shall fill any vacancy in that office promptly; and
- (b) appoint a person (not being an officer of the Secretary of State) to act as a clerk to the Committee.

(2) The chairman of the visiting committee shall report to the Secretary of State the names and addresses of the members of the committee immediately after the first meeting and, thereafter, whenever a change in these details or in the membership occurs.

(3) The visiting committee for a prison shall meet at the prison at least once in every period of 3 months.

(4) A visiting committee may appoint from its membership sub-committees and may delegate specific duties to any such sub-committee for the purpose of carrying out its functions.

(5) A visiting committee shall fix a quorum of not less than one-third of the total number of members required to be appointed to that committee for the purpose of its proceedings, and for the proceedings of any sub-committee appointed under paragraph (4).

(6) The proceedings of a visiting committee shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

(7) A visiting committee shall keep minutes of its proceedings and shall send a copy of such minutes to the Governor and to the Secretary of State.

### **General duties of visiting committees and members of committees**

**135.**—(1) A visiting committee shall co-operate with the Secretary of State and the Governor in promoting the efficiency of the prison and shall inquire into and report to the Secretary of State upon any matter into which he may ask it to inquire.

(2) The visiting committee shall—

- (a) immediately bring to the notice of the Governor any circumstances relating to the administration of the prison or the condition of any prisoner which appear to it to be expedient to report for his consideration; and
- (b) bring such circumstances to the notice of the Secretary of State if it appears to the committee that the Governor has not remedied any matter which he has been notified of within such period as appears to the committee to be reasonable.

(3) The visiting committee shall from time to time inquire into the state of the prison premises and shall—

- (a) inspect, in particular, the food and drink provided to prisoners; and
- (b) in relation to any such inquiry—
  - (i) record particulars of every visit made, together with any deficiencies found during such visits, in the committee's minute book; and
  - (ii) promptly send a copy of such particulars to the Secretary of State and to the Governor.

(4) The visiting committee shall also discharge such other duties as the Secretary of State may from time to time assign to it.

(5) No person who is or has been a member of a visiting committee shall disclose any information mentioned in paragraph (6) which he holds or has held as a member.

(6) The information referred to in paragraph (5) is any information obtained—

- (a) by any member of a visiting committee which relates to the prison, any officer of the prison or any prisoner; and
- (b) on terms or in circumstances requiring it to be held in confidence.

(7) Paragraph (5) does not apply to any disclosure of information mentioned in paragraph (6) made to any person, or for any purpose, permitted by the provisions of this Part.

### **Investigation of complaints**

**136.**—(1) The visiting committee and any member shall hear and investigate any complaint which a prisoner makes to it and him.

(2) Where a member of the committee wishes to see any prisoner in connection with a complaint, the Governor shall make arrangements for the member to do so, whether in the prisoner's room or cell or in some other part of the prison, but in any case outwith the sight and hearing of an officer unless either party requests otherwise.

(3) The visiting committee shall—

- (a) record particulars of its findings in relation to its investigation of a prisoner's complaint in its minute book;
- (b) promptly send a copy of such findings to the Secretary of State and to the Governor; and
- (c) orally inform the prisoner concerned of its findings.

### **Visits to prisons by members of visiting committees**

**137.** Not fewer than 2 members of a visiting committee shall visit the prison at least fortnightly and for this purpose the committee shall arrange a rota of attendance at the prison.

### **Inspection of prison records**

**138.**—(1) The visiting committee or any member of the committee may inspect prison records other than—

- (a) personnel records;
- (b) prisoners' records; and
- (c) security manuals or other papers which have implications for security.

(2) The visiting committee shall record particulars of any inspection of prison records in its minute book.

### **Annual report**

**139.**—(1) The visiting committee shall make an annual report for the period of 12 months ending on 31st March each year to the Secretary of State concerning the state of the prison and its administration and may include in it any advice and suggestions it considers appropriate.

(2) The said annual report shall be delivered as soon as possible after the last day of March in each year.

---

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

**Conflicts of interest**

**140.** A member of the visiting committee shall not have any direct financial interest in any contract for the supply of goods or services to the prison for which the committee is appointed or any other prison.