
STATUTORY INSTRUMENTS

1994 No. 1931

The Prisons and Young Offenders Institutions (Scotland) Rules 1994

PART 8

WORK, EDUCATION, EARNINGS AND RECREATION

Application of Part 8

- 66.**—(1) Rules 67 to 70, 72(3) and 73(2) shall not apply to untried and civil prisoners.
(2) Rules 67 to 70, 72(3), 73(2) and 74 shall not apply to young prisoners.

Arrangements for work, education etc.

- 67.**—(1) As soon as practicable after the reception into prison of a prisoner, the Governor shall obtain in respect of the prisoner reports about his particular needs and wishes concerning work, education etc.
(2) Following receipt of such reports, the Governor shall in consultation with the prisoner determine a programme of work, educational activities and counselling for the prisoner with the objective of improving the prospects for his successful resettlement in the community, and his morale, attitude and self respect.

Prisoners' work

- 68.**—(1) Subject to the following provisions of this Part, every prisoner shall be required to work in prison.
(2) No prisoner shall be required to work, or to do work which is of a particular class, at any time when he is excused from working, or from doing any particular class of work—
(a) by the medical officer on medical grounds; or
(b) by the Governor on any other ground.
(3) A prisoner shall be excused from the requirement to work at a time when he is undertaking an educational class arranged in terms of rule 72 or is undertaking counselling provided in terms of rule 73.
(4) Except with the authority of the Governor, no prisoner shall work in the service of another prisoner or of an officer.

Conditions of work or activities in lieu of work

- 69.**—(1) No prisoner shall be required to work, or take part in an educational class arranged in terms of rule 72 in lieu of work, for more than 40 hours a week (excluding meal breaks).
(2) Every prisoner shall be entitled to a minimum of one day each week as a rest day on which he shall not be required to work or take part in an educational class in lieu of work.

(3) Insofar as it may be reasonably practicable, having regard to the requirements of the prison regime, a prisoner who has declared himself to belong to a religious denomination shall—

- (a) be entitled to take his rest day on his recognised day of religious observance; and
- (b) not be required to work or take part in an educational class arranged in terms of rule 72 in lieu of work on such other days in a year as are recognised days of religious observance for his religious denomination and are specified in a direction made by the Secretary of State.

(4) Every prisoner shall be entitled to work in association with other prisoners except when the Governor otherwise orders in accordance with rule 80.

Work opportunities

70.—(1) The Governor shall provide a range of work which, so far as reasonably practicable, takes into account—

- (a) the interests and need of prisoners to obtain skills and experience which will be of use to them after their release; and
 - (b) the requirements of the operation and maintenance of the prison.
- (2) The range of work which the Governor may provide may include—
- (a) vocational training; and
 - (b) work placements outside the prison.

(3) The Secretary of State may, in relation to such work placements outside the prison, specify in a direction—

- (a) the groups or categories of prisoners who may be allowed to undertake such work;
- (b) the circumstances in which, and the conditions subject to which, such work may be provided to any eligible group or category of prisoners; and
- (c) the conditions which shall apply to any prisoner or group or category of prisoners undertaking such work.

Work undertaken by untried and civil prisoners

71.—(1) An untried prisoner or a civil prisoner shall not be required to work in prison but may undertake, if he so chooses and with the agreement of the Governor, such work or an educational class arranged in terms of rule 72.

(2) Where an untried prisoner or a civil prisoner undertakes work, he shall be entitled to be paid earnings in accordance with rule 74.

(3) Except with the authority of the Governor and with the consent of the prisoner, no untried prisoner or civil prisoner shall work in the service of another prisoner or of an officer.

Education

72.—(1) The Governor shall arrange a programme of educational classes to provide prisoners, so far as reasonably practicable, with an opportunity to pursue their interests and needs.

(2) In relation to young prisoners, the Governor shall arrange a programme of educational classes which meet their needs and can assist them to develop their potential.

(3) Where an educational class is undertaken by a prisoner in terms of this rule and for that purpose the prisoner is excused from the requirement to work in terms of rule 68, the educational class shall be treated as an activity which may be undertaken in lieu of work.

Counselling

73.—(1) The Governor may arrange provision of counselling appropriate to the needs of prisoners.

(2) Where counselling is provided to a prisoner in terms of this rule and for that purpose the prisoner is excused from the requirement to work in terms of rule 68, the counselling shall be treated as an activity in lieu of work.

Earnings

74. Where—

- (a) a prisoner undertakes work in terms of rule 68 or 71; or
- (b) a prisoner (other than an untried or civil prisoner) takes part in an educational class arranged in terms of rule 72 or any counselling provided in terms of rule 73,

he shall be entitled to be paid earnings at such rates and in accordance with such conditions as may be specified in a direction by the Secretary of State.

Exercise and time in the open air

75.—(1) Every prisoner shall be given the opportunity—

- (a) to take exercise for not less than one hour every day; and
- (b) to spend time in the open air at least once every day.

(2) Every prisoner shall be entitled to take exercise in terms of paragraph (1) in association with other prisoners except when the Governor otherwise orders in accordance with rule 80.

(3) Where the Secretary of State considers that it is not practicable to give prisoners the opportunity to take exercise or spend time in the open air due to exceptional circumstances pertaining in a prison, he may by direction provide that paragraph (1) shall not apply in relation to prisoners in that prison until such time as he considers that it is so practicable.

Recreation

76.—(1) The Governor shall provide reasonable facilities and opportunities to enable prisoners to participate in recreational activities outwith normal working hours.

(2) The Governor shall make arrangements for lending library services for the use of prisoners which take into account so far as reasonably practicable their educational, informational and recreational interests.

Prohibition on prisoners' carrying on any trade, profession or vocation from prison

77.—(1) Subject to paragraph (2), no prisoner shall be permitted to carry on any trade, profession or vocation from the prison.

(2) Paragraph (1) shall not be construed as preventing a prisoner—

- (a) from taking such steps, whether by means of correspondence, telephone calls or visits, as are necessary to protect the value of any interest he has in any property or business; or
- (b) from writing articles or books intended for publication, whether or not such articles or books are written by the prisoner in a professional or vocational capacity, but any such activity shall only be permissible insofar as it is compatible with these Rules or any direction made for the purpose of these Rules and the prison regime in general.