
STATUTORY INSTRUMENTS

1997 No. 2007

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 1997**

Amendment of rule 98 of the principal Rules

4.—(1) Rule 98 of the principal Rules (adjudication of charges) is amended in accordance with the following paragraphs of this rule.

(2) At the beginning of paragraph (2) there are inserted the words—

“Subject to paragraph (2A),”.

(3) After paragraph (2), there is inserted the following paragraph:—

“(2A) In any inquiry into a charge of a breach of discipline contrary to paragraph (x) of Schedule 3, the Governor may take into account written evidence of any person (other than an officer or employee) relating to an analysis of a sample required to be provided in accordance with rule 88A which was carried out by that person, without requiring the attendance of that person, if—

- (a) notwithstanding an objection by the prisoner, he has afforded the prisoner the opportunity to make representations why the person should give oral evidence; and
- (b) having heard the prisoner, he is satisfied that it is appropriate to admit the evidence and that there is no sufficient reason why the person need give oral evidence.”.