
STATUTORY INSTRUMENTS

1997 No. 2007

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

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 1997 and shall come into force on 10th September 1997.

(2) In these Rules, “the principal Rules” means the Prisons and Young Offenders Institutions (Scotland) Rules 1994(1).

Amendment of rule 3 of the principal Rules

2.—(1) Rule 3 of the principal Rules (interpretation) is amended in accordance with paragraph (2) of this rule.

(2) In paragraph (1), in the definition of “Governor”, in paragraph (a) of that definition, for the words “rules 102 and” there is substituted “rule”.

Amendment of rule 97 of the principal Rules

3.—(1) Rule 97 of the principal Rules (inquiry into disciplinary charges) is amended in accordance with the paragraph (2) of this rule.

(2) At the beginning of sub-paragraph (c) of rule 97(4) there are inserted the words—
“subject to rule 98(2A),”.

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.”.

Substitution of rule 102 of the principal Rules

5. For rule 102 of the principal Rules (requests to speak to an officer of the Secretary of State, a member of the visiting committee, a sheriff or a justice of the peace) there is substituted the following rule:–

“Requests to speak to an officer of the Secretary of State, a member of the visiting committee, a sheriff or a justice of the peace

102. Where a prisoner makes a request to speak to–

- (a) an officer of the Secretary of State;
- (b) a member of the visiting committee; or
- (c) a sheriff or a justice of the peace visiting the prison in terms of section 15 of the Act,

the officer to whom the request is made shall, without delay, record the request in writing and shall arrange for the request to be brought to the attention of the person with whom the prisoner wishes to speak.”.

St Andrew’s House,
Edinburgh
13th August 1997

Henry B McLeish
Minister of State, Scottish Office