
STATUTORY INSTRUMENTS

1994 No. 1931

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

PART 2

RECEPTION, RECORDS, CLASSIFICATION AND ALLOCATION

Production of warrant, order, direction or certificate

6. No person shall be received as a prisoner into prison unless there exists and is produced in respect of him a valid warrant, order, direction or certificate authorising his detention in custody.

Procedure on reception of prisoners

7.—(1) This rule applies in relation to every prisoner on his reception.

(2) Every prisoner shall be searched in accordance with rule 88.

(3) The Governor may deliver—

(a) subject to sub-paragraph (b), any prohibited article in the possession of the prisoner to the police; and

(b) any medicines in the possession of the prisoner to the medical officer.

(4) Subject to paragraph (5), every prisoner shall be required by an officer to take a hot bath or shower.

(5) The Governor or medical officer may direct that a prisoner shall not be required to take a hot bath or shower, in which event he shall explain the reasons why to the prisoner concerned.

Interview and medical examination of prisoners on reception

8.—(1) Every prisoner shall be interviewed by an officer at the time of his reception in order to identify any problems which may require immediate attention.

(2) Every prisoner shall be examined by the medical officer as soon as may be reasonably practicable following reception and, in any event, no later than 24 hours after reception.

Information to be given to prisoners on reception

9.—(1) Paragraphs (2) to (5), (6)(e) and (7) of this rule do not apply in relation to a prisoner who is received into prison on his transfer from any other prison.

(2) Every prisoner shall be informed by the Governor at the time of his reception how he may inform—

(a) up to two persons; and

(b) his legal adviser,

of his reception into prison, and the Governor shall make available reasonable facilities for that purpose.

(3) A prisoner who is a foreign national shall also be informed that he may contact, in addition to the persons mentioned in paragraph (2), a diplomatic representative of his choice.

(4) A prisoner who is a refugee or stateless person shall also be informed that he may contact, in addition to the persons mentioned in paragraph (2),—

- (a) a diplomatic representative of a state which he considers may look after his interests; and
- (b) subject to such limit as to numbers as the Governor may reasonably impose, national or international authorities and organisations whose principal purpose is to serve the interests of refugees or stateless persons or to protect the civil rights of such persons.

(5) A prisoner who is committed to prison on default of the payment of any sum of money due to be paid by him shall be informed by the Governor at the time of his reception of the facilities available to him in terms of rule 65 to arrange the making of such payment as will entitle him to be released from prison.

(6) On reception every prisoner shall be provided with information in writing by the Governor concerning the following matters:—

- (a) the rules, directions and standing orders which apply in that prison;
- (b) the prison routine and regime;
- (c) how the prisoner may make requests and complaints;
- (d) how he may maintain contact with relatives and friends; and
- (e) the rights of appeal against conviction or sentence, or against both conviction and sentence, which may be available to him in terms of—
 - (i) section 228 or 442 of the Criminal Procedure (Scotland) Act 1975(1); or
 - (ii) in the case of a prisoner convicted by a court-martial under the Army Act 1955(2), the Air Force Act 1955(3) or the Naval Discipline Act 1957(4), the Courts-Martial (Appeals) Act 1968(5).

(7) In the case of any prisoner whose date of release can be calculated at the time of his reception, the Governor shall inform him of that date as soon as may be reasonably practicable and normally within 48 hours.

(8) The information to be provided to any prisoner in terms of this rule shall be provided in a manner which enables him to understand it.

Registration and records of prisoners

10.—(1) As soon as may be reasonably practicable following his reception the following particulars of every prisoner shall be recorded by the Governor insofar as he considers they are relevant to the identification and management of that prisoner:—

- (a) the religious denomination to which the prisoner has declared himself to belong;
- (b) any distinctive marks on his body;
- (c) his physical measurements; and

(1) 1975 c. 21; sections 228 and 442 were substituted by the Criminal Justice (Scotland) Act 1980 (c. 62), Schedule 2, paragraph 1 and Schedule 3, paragraph 1 respectively; section 442 was amended by the 1993 Act, section 45 and Schedule 5, paragraph 1(33).

(2) 1955 c. 18.

(3) 1955 c. 19.

(4) 1957 c. 53.

(5) 1968 c. 20.

(d) any other personal particulars.

(2) Paragraph (1) does not apply in relation to a prisoner who is received into prison on his transfer from any other prison.

(3) Any information received for the purposes of paragraph (1) shall be updated as necessary during the prisoner's confinement in the prison.

(4) The Governor may at any time during the confinement of a prisoner (other than an untried or civil prisoner) in prison and shall at least once in every 3 years where a prisoner has been in legal custody for such a period—

- (a) photograph; and
- (b) take palm and fingerprints of,

the prisoner.

(5) The Governor may at any time during the period that an untried prisoner is remanded or detained in prison—

- (a) photograph an untried prisoner but only where he receives an application in writing signed by a procurator fiscal or by a Constable of not lower rank than Superintendent which states that photographs of such a prisoner are required for any purpose; and
- (b) take palm and fingerprints of an untried prisoner.

(6) Where an untried prisoner is released before trial or disposal of the proceedings against him, or he is acquitted after trial or, as the case may be, successfully defends any proceedings brought against him under the Extradition Act 1989 or the Immigration Act 1971—

- (a) any photographs of him taken under paragraph (5) together with negatives and copies; and
- (b) any palm and fingerprints taken of him,

shall be forthwith destroyed unless the procurator fiscal requests their retention in connection with any other proceedings.

(7) The Governor shall ensure that information recorded in terms of this rule is kept confidential.

Classification of prisoners

11. Every prisoner may be classified by the Governor according to—

- (a) age;
- (b) sex;
- (c) offence or matter in respect of which he is committed to prison;
- (d) period of sentence or committal; and
- (e) previous record.

Security categories of prisoners

12.—(1) The Governor shall assign in accordance with paragraph (2) or (4) a security category to each prisoner as soon as possible after his reception.

(2) For the purposes of paragraph (1) but subject to paragraph (4), a prisoner shall be assigned the lowest appropriate security category of the list of categories specified in column 1 of Schedule 2 having regard to the criteria specified in relation to each such category in column 2 of that Schedule.

(3) Subject to paragraph (5), the Governor shall keep under review, and shall formally review at least once in every period of 12 months, the security category assigned to each prisoner and may, if appropriate, assign another category in the list in Schedule 2 to the prisoner.

(4) For the purposes of paragraph (1), an untried prisoner shall be assigned either Category A or Category B in the list of categories specified in column 1 of Schedule 2, whichever is the lower appropriate having regard to the criteria specified in relation to those categories in column 2 of that Schedule.

(5) The Governor shall keep under review the security category assigned to an untried prisoner and where appropriate may assign Category A to such a prisoner who is Category B or assign Category B to such a prisoner who is Category A.

(6) Where the Governor assigns category A in the list in Schedule 2 to any prisoner, he shall within 72 hours obtain the approval of the Secretary of State for the continuation of that category in relation to the prisoner.

(7) The Governor shall obtain the prior approval of the Secretary of State if he intends to assign category D in the list in Schedule 2 to any life prisoner.

(8) Following the assignment of a security category, the Governor shall explain to the prisoner concerned, if he asks, why that category is the lowest appropriate and, subject to paragraph (9), shall inform him of the gist of any matter of fact or opinion to which he has had regard in reaching that determination.

(9) Where the Governor considers that any written information or document which he has taken into account in reaching his determination of the security category would, if disclosed to the prisoner, be likely to be damaging on one or more of the following grounds, namely:—

- (a) that it would be likely adversely to affect the health, welfare or safety of the prisoner or any other person;
- (b) that it would be likely to result in the commission of an offence;
- (c) that it would be likely to facilitate an escape from legal custody or the doing of any act prejudicial to the safe keeping of persons in legal custody;
- (d) that it would be likely to impede the prevention or detection of offences or the apprehension or prosecution of suspected offenders; or
- (e) that it would be likely otherwise to damage the public interest,

he shall inform the prisoner, but only so far as is practicable without prejudicing the purposes for which that information is not disclosed, of the gist of that information or document.

Allocation of prisoners

13.—(1) The Secretary of State may set aside particular prisons or parts of prisons for particular groups or categories of prisoners or particular purposes.

(2) Subject to paragraph (1), the Governor may, having regard to—

- (a) the classification of a prisoner;
- (b) the security category of a prisoner; and
- (c) any other matter affecting the management of a prisoner,

allocate within a prison a particular part of that prison in which a prisoner, or any particular group or category of prisoners, may be confined.

(3) At the request of the prisoner following his allocation within any part of the prison, the Governor shall give him an explanation of the reasons why he has been allocated to that part of the prison.

Separation of different categories of prisoners

14. The Governor shall, so far as reasonably practicable, keep civil prisoners, untried prisoners and young prisoners apart from other categories of prisoners.