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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

**The Prisons and Young Offenders  
Institutions (Scotland) Rules 2011**

**PART 10**

**SECURITY**

**SEIZURE AND CONTROL OF PROPERTY**

**Seizure and treatment of prohibited articles and unauthorised property**

**104.**—(1) Any item found—

- (a) in the possession of a prisoner or any other person in the prison; or
- (b) anywhere else in the prison,

may be seized by the Governor where the Governor has reasonable cause to believe that the item is a prohibited article or unauthorised property.

(2) Subject to the following paragraphs any item that is seized under paragraph (1) may be retained by the Governor for no longer than is necessary to establish whether the item is a prohibited article or unauthorised property.

(3) Where the Governor is satisfied that an item seized under paragraph (1) is not a prohibited article or unauthorised property, the Governor must—

- (a) return the item to its owner;
- (b) where nobody claims ownership of the item upon reasonable enquiries being made by the Governor, return the item to the person from whom it was seized; or
- (c) where nobody claims ownership of the item and the item was not found in the possession of any person in the prison, dispose of or destroy the item by any appropriate means.

(4) Where the Governor is satisfied that an item seized under paragraph (1) is a prohibited article the Governor may deal with the item as appropriate subject to—

- (a) any powers of seizure exercisable by the police; and
- (b) paragraph (5).

(5) Where the Governor is satisfied that an item seized under paragraph (1) is a personal communication device, the Governor may deal with that personal communication device as follows:

- (a) where the personal communication device is seized from a prisoner it may be retained in order to be returned to the prisoner upon his or her release;
- (b) where the personal communication device is seized from any other person in the prison it may be retained in order to be returned to that person upon his or her departure from the prison;

- (c) where the personal communication device is seized and nobody claims ownership of it, upon reasonable enquiries being made by the Governor, it may be disposed of or destroyed by any appropriate means.
- (6) Where the Governor is satisfied that an item seized under paragraph (1) comprises unauthorised property the Governor may deal with the item in any of the following ways—
  - (a) where the item is seized from a prisoner it may be retained in order to be returned to the prisoner upon his or her release;
  - (b) where the item is seized from any other person in the prison it may be retained in order to be returned to that person upon his or her departure from the prison;
  - (c) in any other circumstances the Governor may dispose of or destroy the item by any appropriate means.