
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

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

PART 8

COMMUNICATIONS

PRISONERS' CORRESPONDENCE AND OTHER COMMUNICATIONS

[^{F1}Confidential correspondence which cannot be clearly identified

57.—(1) This rule applies to a letter or package which—

- (a) cannot be clearly identified from the outer face of the envelope or packaging as containing or comprising confidential correspondence;
- (b) an officer or employee has opened, and removed the contents thereof, under rule 55(2);
- (c) the officer or employee proposes to read in accordance with rule 55(4); and
- (d) the officer or employee subsequently identifies as containing or comprising confidential correspondence.

(2) From the moment that an officer or employee identifies a letter or package to which this rule applies as containing or comprising confidential correspondence, that letter or package must be treated in accordance with paragraphs (3) and (4).

(3) The contents of a letter or package to which this rule applies must not be read by an officer or employee unless that officer or employee has—

- (a) been authorised by the Governor to do so under paragraph (4); and
- (b) informed the prisoner who wishes to send the letter or package or to whom the letter or package is addressed of the reason for reading the contents of the letter or package.

(4) The Governor may authorise an officer or employee to read the contents of a letter or package to which this rule applies where the Governor has reasonable cause to believe that the contents of the letter or package may—

- (a) endanger the security of the prison;
- (b) endanger the safety of any person; or
- (c) relate to a criminal activity.

(5) In this rule “confidential correspondence” has the meaning given by rule 56(7).]

Textual Amendments

F1 Rules 55-57 substituted for rules 55-59 (24.3.2016) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2016 \(S.S.I. 2016/131\)](#), rules 1, **2(9)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Prisons and Young Offenders Institutions (Scotland) Rules 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- rule 92(3A) inserted by [S.S.I. 2023/366 rule 2\(2\)\(b\)](#)
- rule 106(3A) inserted by [S.S.I. 2023/366 rule 2\(5\)\(b\)](#)
- rule 106(8A) inserted by [S.S.I. 2023/366 rule 2\(5\)\(d\)](#)
- rule 108(3A) inserted by [S.S.I. 2023/366 rule 2\(6\)\(b\)](#)
- rule 108(8A) inserted by [S.S.I. 2023/366 rule 2\(6\)\(d\)](#)
- rule 142(2A) inserted by [S.S.I. 2023/366 rule 2\(7\)\(b\)](#)
- rule 142(7A) inserted by [S.S.I. 2023/366 rule 2\(7\)\(d\)](#)