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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**

**Prohibited articles**

- 102.**—(1) A prisoner must not—
- (a) possess a prohibited article;
  - (b) conceal or deposit a prohibited article anywhere within a prison.
- (2) Subject to paragraph (3), it is prohibited for any person to—
- (a) convey a prohibited article to a prisoner whether inside or outside a prison;
  - (b) throw or otherwise convey a prohibited article into a prison;
  - (c) conceal or deposit a prohibited article in any place (whether inside or outside a prison) intending it to come into the possession of a prisoner.
- (3) A prisoner may be allowed to receive controlled drugs which are prescribed to him or her by written order of a healthcare professional in the course of his or her professional duties and where the written order specifies—
- (a) the name of the prisoner for whose use the drugs are intended; and
  - (b) the quantity and description of the drugs.
- (4) Any conduct which is in breach of this rule may—
- (a) where the conduct has been committed by a prisoner, lead to disciplinary proceedings being brought against the prisoner under Part 11; and
  - (b) where the conduct has been committed by a visitor, lead to that person being removed from the prison under rule 107.

**Unauthorised property**

- 103.**—(1) A prisoner must not—
- (a) possess; or
  - (b) conceal or deposit anywhere within a prison,  
any unauthorised property.
- (2) A prisoner may only possess tobacco within the prison where he or she has been authorised to possess tobacco as a privilege granted by virtue of rule 45.
- (3) Subject to paragraph (4), it is prohibited for any person to—

- (a) convey any item to a prisoner either inside or outside the prison;
  - (b) convey or throw any item into a prison;
  - (c) conceal or deposit any item in a prison; or
  - (d) conceal or deposit any item in any place intending it to come into the possession of a prisoner.
- (4) Paragraph (3) does not apply to any item which—
- (a) consists of a letter or package addressed to a prisoner and sent to the prison by means of the postal service or otherwise; or
  - (b) the Governor has granted permission for a person to—
    - (i) give to the prisoner either inside or outside the prison,
    - (ii) bring or convey into the prison, or
    - (iii) deposit in the prison.
- (5) Any conduct which is in breach of this rule may—
- (a) where the conduct has been committed by a prisoner, lead to disciplinary proceedings being brought against the prisoner under Part 11; and
  - (b) where the conduct has been committed by a visitor, lead to that person being removed from the prison under rule 107.

### **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.