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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 13**

**FEMALE PRISONERS**

**Separation of male and female prisoners**

**126.**—(1) Female prisoners must not share the same accommodation as male prisoners.

(2) The respective accommodation for male and female prisoners must, as far as reasonably practicable, be in separate parts of the prison.

**Pregnancy and confinement**

**127.**—(1) Where the Governor receives notification from a healthcare professional or prison officer that a prisoner is pregnant the Governor must where possible, ask the prisoner if any relative, friend or other person should be informed.

(2) Where the Governor receives notification from a healthcare professional or prison officer that a prisoner is likely to give birth prior to the expiration of her sentence or period of committal the Governor must, where possible, ask the prisoner if any relative or friend, or any other person, should be informed.

(3) Subject to paragraphs (4) and (5), where the prisoner wishes any relative, friend or other person to be informed of the prisoner's pregnancy the Governor must inform any such person accordingly.

(4) The Governor is not required to inform more than 2 persons.

(5) The Governor must not inform any friend or relative of the prisoner without her consent.

(6) A prisoner who is pregnant is required to undertake work throughout her pregnancy but may only undertake work which the Governor has deemed to be suitable for a pregnant woman to undertake.

(7) A prisoner who is pregnant must be provided with food and drink which take into account any dietary requirements during pregnancy.

(8) Where a prisoner who is pregnant requires to be contained in specified conditions in accordance with rule 41(1), as a result of her pregnancy or otherwise, she must be kept under supervision to such extent as is reasonably practicable or be required to share accommodation in a cell or room with a suitable prisoner where the Governor, on the advice of a healthcare professional, considers it appropriate.

(9) The Governor must arrange for the transfer of the prisoner to a hospital outwith the prison for the purposes of giving birth upon receiving the advice of a healthcare professional on this matter.

### **Accommodation of female prisoners' babies**

**128.**—(1) Subject to paragraphs (2), (3) and (4), the Governor may permit a female prisoner to have her baby with her in prison.

(2) Where a female prisoner is permitted to have her baby with her in prison—

- (a) the prisoner is responsible for the care of the baby; and
- (b) the Governor must provide any material items necessary for the baby's care.

(3) Subject to any direction made by the Scottish Ministers under this rule, the Governor may, in granting permission under paragraph (1), impose such conditions as the Governor thinks fit.

(4) A female prisoner who is permitted to have her baby with her in prison may, with the permission of the Governor, arrange, at her expense or at the expense of some other person, for the provision of additional articles or food for the baby.

(5) In granting permission under paragraphs (1) or (4), and in imposing conditions under paragraph (3), the Governor must take into consideration—

- (a) the best interests of the baby; and
- (b) the ability of the prisoner to care for her baby.