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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 2**

**RECEPTION, RECORDS, CATEGORISATION AND ALLOCATION**

**Production of warrant, order, direction or certificate**

**8.** A person may only be received into and detained in a prison where the Governor is satisfied that a valid warrant, order or direction exists which authorises that person to be detained in prison.

**Procedure on reception of prisoners**

- 9.**—(1) This rule applies to every prisoner on reception.
- (2) Every prisoner must be searched in accordance with rule 92.
- (3) The Governor may in the course of, or following, a search under paragraph (2)—
- (a) deal with any prohibited article in the possession of the prisoner in accordance with rule 104; and
  - (b) deliver any medicines and medical appliances in the possession of the prisoner to a healthcare professional.
- (4) An officer may—
- (a) order that a prisoner must take a shower or a bath; or
  - (b) on the advice of a healthcare professional, order that a prisoner must not take a shower or bath.

**Interview of prisoners on reception**

**10.** Every prisoner must be interviewed by an officer at the time of reception in order to identify any problems which may require immediate attention.

**Information to be given to prisoners on reception**

**11.**—(1) Paragraphs (2) to (5), and (7) do not apply in relation to a prisoner who is received into prison on transfer from any other prison.

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

- (a) up to two persons; and
- (b) a legal adviser,

of the prisoner's reception into prison, and the Governor must make available reasonable facilities for that purpose.

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(3) A prisoner who is a foreign national must be informed of his or her entitlement to contact, in addition to the persons mentioned in paragraph (2), a diplomatic representative of the prisoner's choice.

(4) A prisoner who is a refugee or stateless person must also be informed of his or her entitlement to contact, in addition to the persons mentioned in paragraph (2)—

- (a) a diplomatic representative of a state which the prisoner considers may look after his or her 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 payment of any sum of money due to be paid by the prisoner must be informed by the Governor at the time of reception of the facilities available in terms of rule 79 to arrange the making of such payment as will entitle the prisoner to be released from prison.

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

- (a) the rules and directions which apply in that prison;
- (b) the prison routine and regime;
- (c) how the prisoner may make requests and complaints; and
- (d) how the prisoner may maintain contact with relatives and friends.

(7) In the case of any prisoner whose date of release can be calculated at the time of reception, the Governor must inform the prisoner of that date as soon as may be reasonably practicable.

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

### **Registration and records of prisoners**

[<sup>F1</sup>12.—(1) For any of the purposes specified in paragraph (2), the Governor may take from a prisoner and record—

- (a) the prisoner's biometric data;
- (b) the prisoner's description including any distinctive marks on his or her body;
- (c) the prisoner's photograph;
- (d) details of the prisoner's next of kin or another emergency contact; and
- (e) any other personal particulars of the prisoner that are relevant.

(2) The purposes for which the Governor may take and record the particulars specified in paragraph (1) are—

- (a) the identification of a prisoner;
- (b) the management of a prisoner or prisoners in general;
- (c) the administration of the prison; and
- (d) the prevention, detection and prosecution of crime.

(3) Any photograph or biometric data must be destroyed—

- (a) in the case of an untried prisoner, if the prisoner is released before trial or disposal of proceedings or is acquitted after trial and is not further remanded; or

- (b) in the case of a prisoner who is the subject of extradition, removal or deportation proceedings, if the prisoner successfully defends those proceedings and is released from custody.
- (4) Any biometric data taken from a prisoner, other than a prisoner mentioned in paragraph (3) (a) or (b), must be destroyed no later than 24 months after the prisoner is released from prison.
- (5) The Scottish Ministers may specify in a direction the conditions under which information recorded in terms of this rule must be recorded, stored, updated, disclosed and destroyed.]

**Textual Amendments**

- F1** Rule 12 substituted (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(4)**

**[<sup>F2</sup>Recording data about a prisoner’s religion, belief or non-belief**

**13.** The Governor must maintain a record of any declaration made by a prisoner in accordance with rule 44A(2) or (3).]

**Textual Amendments**

- F2** Rule 13 substituted (24.3.2016) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2016 \(S.S.I. 2016/131\)](#), rules 1, **2(4)**

**Categorisation of prisoners**

- 14.** Every prisoner may be categorised by the Governor according to—
- (a) age;
  - (b) gender;
  - (c) offence or matter in respect of which the prisoner is committed to prison;
  - (d) period of sentence or committal;
  - (e) previous criminal record; and
  - (f) any other matter which the Governor considers appropriate.

**Allocation of prisoners**

**15.—(1)** The Scottish Ministers may set aside particular prisons or parts of prisons for particular categories of prisoners or particular purposes.

(2) Subject to paragraph (1), the Governor may allocate within a prison a particular part of the prison in which a prisoner, or any particular category of prisoners, may be confined having regard to—

- (a) the categorisation of a prisoner;
- (b) the supervision level of a prisoner; and
- (c) any other matter affecting the management of a prisoner.

(3) A prisoner may request reasons from the Governor as to why the prisoner has been allocated to a particular prison or part of the prison and the Governor must provide those reasons as soon as it is practicable to do so.

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### **Separation of different categories of prisoners**

16. The Governor must, so far as reasonably practicable, keep civil prisoners and untried prisoners apart from other categories of prisoners.

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**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\(7\)\(d\)](#)