

SCHEDULE 1

Rule 110

BREACHES OF DISCIPLINE

A prisoner is guilty of a breach of discipline if he or she—

1. commits any assault;
2. fights with any person;
3. uses threatening words or behaviour;
4. uses abusive or insulting words or behaviour;
5. commits any indecent or obscene act;
6. intentionally endangers the health or personal safety of others;
7. recklessly endangers the health or personal safety of others.
8. fails, without reasonable excuse, to open his or her mouth for the purpose of enabling a visual examination in terms of rule 92(2)(e);
9. is absent from a place where he or she is required to be or is present in a place he or she is not authorised to be;
10. is disrespectful to any person, other than a prisoner, who is at the prison;
11. intentionally fails to work properly or, on being required to work, refuses to do so;
12. disobeys any lawful order;
13. disobeys or fails to comply with any rule, direction or regulation applying to a prisoner;
14. intentionally obstructs any person, other than a prisoner, in the performance of that person's work at the prison;
15. detains any person against his or her will;
16. denies access to any part of the prison to any person other than a prisoner;
17. destroys or damages any part of a prison or any other property, other than his or her own;
18. intentionally or recklessly sets fire to any part of a prison or any other property, whether or not that property belongs to him or her;
19. takes improperly any article belonging to another person or to the prison;
20. has in his or her possession, or concealed about his or her body or in any body orifice, any article or substance which he or she is not authorised to have or a greater quantity of any article or substance than he or she is authorised to have;
21. has in his or her possession whilst in a particular part of the prison, any article or substance which he or she is not authorised to have when in that part of the prison;
22. has in his or her possession, or concealed about his or her body or in any body orifice, any prohibited article;
23. sells or delivers to any person any article which he or she is not authorised to have;
24. sells or, without permission, delivers to any person any article which he or she is allowed to have only for his or her own use;

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. (See end of Document for details) View outstanding changes

25. consumes, takes, injects, ingests, conceals inside a body orifice, inhales or inhales the fumes of any substance which is—

- (a) a prohibited article;
- (b) unauthorised property; or
- (c) an article which he or she has been authorised to keep or possess but which he or she has not been specifically authorised to inhale or inhale the fumes thereof;

[^{F1}**26.** uses a nicotine vapour product in an area of the prison where it is not permitted by virtue of rule 36 to use a nicotine vapour product;]

Textual Amendments

F1 Sch. 1 para. 26 substituted (30.11.2018) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2018 \(S.S.I. 2018/293\)](#), rules 1, **2(6)**

27. administers a controlled drug to himself or herself or fails to prevent the administration of a controlled drug to himself or herself by another person but subject to rule 117;

[^{F2}**27A.** has in his or her possession, or uses, an authorised personal communication device which was not provided to the prisoner by the Governor for use by that prisoner;]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

[^{F2}**27B.** has in his or her possession an authorised personal communication device in breach of the restrictions imposed by the Governor under rule 62A(3)(a);]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

[^{F2}**27C.** breaches the requirements of rule 62A(9) without reasonable excuse;]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

[^{F2}**27D.** fails without reasonable excuse to return an authorised personal communication device to an officer as ordered in accordance with rule 62A(10);]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

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[^{F2}27E. uses an authorised personal communication device in breach of the requirements of any direction made by the Scottish Ministers under rule 62A(11);]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

28. escapes or absconds from prison or from legal custody;

29. fails to return to prison when he or she should return after being temporarily released under Part 15;

30. fails to comply with any condition upon which he or she is temporarily released under [^{F3}rule 100 or] Part 15; or

Textual Amendments

F3 Words in sch. 1 para. 30 inserted (24.3.2016) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2016 \(S.S.I. 2016/131\)](#), rules 1, **2(21)**

31. attempts to commit, incites another prisoner to commit, or assists another prisoner to commit or attempt to commit, any of the foregoing breaches.

Changes to legislation:

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