
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prisons and Young Offenders Institutions (Scotland) Rules 2011.

Rule 2(2) extends the definition of “smoke” to include nicotine vapour products, as defined in the Tobacco and Primary Medical Services (Scotland) Act 2010. This will allow prisoners to use vaping products as well as smoke tobacco.

Rule 2(3) amends rule 36 to allow Governors to instruct prisoners, who would otherwise be able to smoke in their cells, to desist from doing so and to open all vents and windows in their cell before and whilst certain cell checks are being carried out in their cell. By stopping smoking and opening windows and vents it is hoped that officers carrying out the cell checks will be exposed to reduced or minimal second hand smoke.