
DIRECTIONS

Scottish Prison Rules (Telephones – HMP Open Estate) Direction 2011

Made - - - -

2nd November 2011

The Scottish Ministers make the following Direction in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989(a) and rules 62 and 156 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011(b) (“the Prison Rules”) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) This Direction may be cited as the Scottish Prison Rules (Telephones – HMP Open Estate) Direction 2011 and comes into force at 1205 hours on 2nd November 2011.

(2) This Direction applies only to HMP Open Estate.

(3) Any reference in this Direction to a rule is a reference to the rule in the Prison Rules bearing that number.

(4) References in this Direction to prisons and prisoners are to be construed as including young offenders institutions and young offenders respectively unless otherwise specified or the context otherwise requires.

Interpretation

2. In this Direction—

“prisoner” is to be interpreted in accordance with rule 2(4);

“prisoner telephone” means a telephone specifically allocated by the prison for use by prisoners;

“the Principal Direction” means the Scottish Prison Rules (Telephones) Direction 2011;

Availability of prisoner telephones at HMP Open Estate

3. Subject to the provisions of the Prison Rules and the Principal Direction, prisoner telephones must be made available for the use of prisoners in HMP Open Estate at all times on all days of the week.

(a) 1989 c.45; section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), section 24 and 25, Schedule 5, paragraph 6(6)(b) and Schedule 7, paragraph 1; by the Criminal Justice and Public Order Act 1994 (c.33), section 116(4); by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), Schedule 4, paragraph 75(4)(a); and by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 71 and Schedule 10, paragraph 1. Section 39 is to be read with the following sections of the 1989 Act: 19 (as amended by the 1993 Act, Schedule 5, paragraph 6(4)), 20A (which was added by the 1993 Act, section 23); 41(2B) (which was added by the 1994 Act section 153(3) and amended by the 2010 Act section 34(1)); 41B(1) (which was added by the 1994 Act, section 151(2) and amended by the 2005 Act, section 16); and 41C(1) (which was added by the Crime and Punishment (Scotland) Act 1997 (c.48), section 42). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2011/331

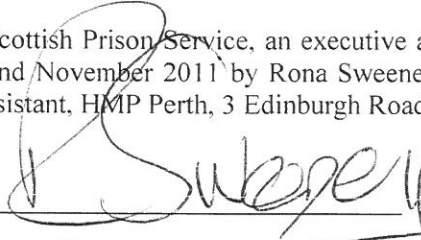
Revocation of previous directions

4. All directions made under rule 62 of the Prisons and Young Offenders Institutions (Scotland) Rules 2006(a) and rule 54 of the Prisons and Young Offenders Institutions (Scotland) Rules 1994(b) in relation to HMP Open Estate are revoked.

This direction consisting of this and the preceding page is subscribed as follows—

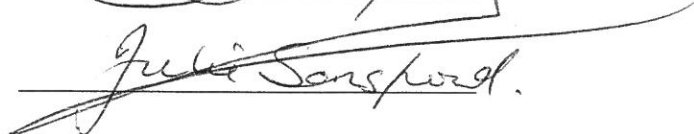
It is signed for and on behalf of the Scottish Prison Service, an executive agency of the Scottish Ministers at Perth at 1200 hours on 2nd November 2011 by Rona Sweeney before this witness, Julie Sansford, Governor's personal assistant, HMP Perth, 3 Edinburgh Road, Perth.

For the Scottish Prison Service:



A handwritten signature in black ink, appearing to read 'Rona Sweeney', written over a horizontal line.

Witness:



A handwritten signature in black ink, appearing to read 'Julie Sansford', written over a horizontal line.

(a) S.S.I. 2006/94
(b) S.I. 1994/1931