
DIRECTIONS

Scottish Prison Rules (Restrictions on Visits) Direction 2011

Made - - - -

17th 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 77 and 156 of the Prisons and Young Offenders Institutions (Scotland) Rules 2011(b) 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 (Restrictions on Visits) Direction 2011 and comes into force at 0905 hours on 17th November 2011.

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

(3) 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—

“closed visiting facilities” has the same meaning as in rule 78(5);

“Deputy Governor” has the same meaning as in rule 2(1);

“Governor” means—

(a) the Governor-in-Charge;

(b) the Deputy Governor;

(c) any authorised Unit Manager; or

(d) where there is no officer as mentioned in paragraphs (a) to (c) present for the time being in the prison, the most senior officer who is present in the prison at that time;

“Governor-in-Charge” has the same meaning as in rule 2(1);

“officer” has the same meaning as in rule 2(1);

“the Prison Rules” means the Prisons and Young Offenders Institutions (Scotland) Rules 2011;

“visits area” includes closed visiting facilities;

(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

“visitor” is to be interpreted in accordance with rule 105(9);

“visits” means any visits which a prisoner is entitled to receive under Part 8 of the Prison Rules.

Restrictions and conditions on the entitlement to visits

3. A prisoner is entitled to receive visits subject to the restrictions and conditions set out in paragraphs 4 and 5.

Monitoring of the visiting area

4.—(1) The Governor may arrange for the monitoring of the visits area by video cameras and sound recording equipment at any time when prisoners are receiving visits in the visits area.

(2) Any recordings made from video cameras or sound recording equipment used to monitor the visits area may only be retained for the following purposes:—

- (a) the identification of persons using the visits area;
- (b) the safety of persons using the visits area;
- (c) the security and good order of the prison; and
- (d) the prevention or detection of crime.

(3) Every prisoner and every visitor shall be deemed to have given his or her prior consent to the monitoring of the visits area under sub-paragraph (1).

(4) The Governor must display a notice in a prominent position in the visits area explaining the effect of this paragraph.

Possession of certain items in the visits area

5.—(1) Prisoners and visitors must not have in their possession within the visits area—

- (a) any photographic equipment;
- (b) any sound recording equipment; or
- (c) writing materials,

unless they have obtained the Governor’s prior written permission.

(2) Prisoners and visitors must not have in their possession or consume within the visits area any food or drink except that which has been purchased within the prison.

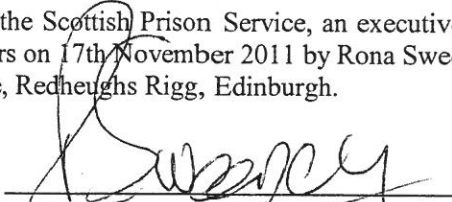
Revocation of previous directions

6. All directions made under rule 77(3) of the Prisons and Young Offenders Institutions (Scotland) Rules 2006(a) and rule 63(2) of the Prisons and Young Offenders Institutions (Scotland) Rules 1994(b) are revoked.

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

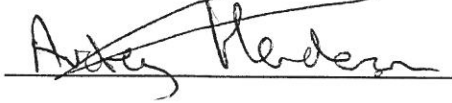
It is signed for and on behalf of the Scottish Prison Service, an executive agency of the Scottish Ministers at Polmont at 0900 hours on 17th November 2011 by Rona Sweeney before this witness, Audrey Henderson, Calton House, Redheughs Rigg, Edinburgh.

For the Scottish Prison Service:



A handwritten signature in cursive script, appearing to read 'Rona Sweeney', is written over a horizontal line.

Witness:



A handwritten signature in cursive script, appearing to read 'Audrey Henderson', is written over a horizontal line.

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

