
D I R E C T I O N S

Scottish Prison Rules (Cellular Confinement) Direction 2011

Made - - - -

21st 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 114 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 (Cellular Confinement) Direction 2011 and comes into force at 0805 hours on 21st 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—

“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);

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

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

(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

Conditions applicable to cellular confinement

3. A prisoner who is subject to cellular confinement must serve the period of cellular confinement in accordance with the following conditions:—

- (a) cellular confinement must be served in a cell identified by the Governor for this purpose;
- (b) the Governor may remove the bed and any bedding from the cell between 0700 hours and 1700 hours;
- (c) the prisoner may store in the cell such items as the prisoner would otherwise be entitled to store in his or her cell under rule 47 but the Governor may remove any items which the Governor considers to be incompatible with cellular confinement;
- (d) the prisoner may only be allowed to take exercise or spend time in the open air under rule 87 separately from other prisoners; and
- (e) young offenders subject to cellular confinement may only be allowed to take part in physical recreation, activities and pursuits under rule 87 separately from other prisoners.

Revocation of previous directions

4. All directions made under rule 119 of the Prisons and Young Offenders Institutions (Scotland) Rules 2006(a) and rule 100 of the Prisons and Young Offenders Institutions (Scotland) Rules 1994(b) 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 Edinburgh at 0800 hours on 21st November 2011 by Rona Sweeney before this witness, Ruth Sutherland, Calton House, Redheughs Rigg, Edinburgh.

For the Scottish Prison Service:



Witness:



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