
DIRECTIONS

Scottish Prison Rules (Special Security Measures) Direction 2011

Made - - - - 30th 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 23(1), 26 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 (Special Security Measures) Direction 2011 and comes into force at 0905 hours on 30th November 2011.

(2) Unless otherwise stated, 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, as amended by S.S.I. 2011/356

Forms of special security measures

3. Special security measures consist of any one, or any combination, of the following measures:—

- (a) the close monitoring of the location and movement of the prisoner at all times including the maintenance of a record of the prisoner's location and movement;
- (b) the assignment of an officer, designated by the Governor, to accompany the prisoner at all times when the prisoner is out of his or her cell;
- (c) the observation of a prisoner when the prisoner is in his or her cell at such regular intervals as the Governor considers appropriate;
- (d) the restriction or prevention of the prisoner's access to designated areas of the prison;
- (e) the use of handcuffs on the prisoner in designated areas of the prison provided that the prisoner is accompanied by an officer at all times while the handcuffs are in place;
- (f) the restriction of the prisoner's right to take exercise or spend time in the open air under rule 87 so that exercise or time in the open air is taken or spent only in designated areas of the prison or only at certain times of the day.

Procedure and time limits for providing notices under rules 23(3) and 25(2)

4. At least 48 hours prior to the imposition of special security measures under rule 23 or the continued imposition of those measures under rule 25, the Governor must ensure that the prisoner is provided with—

- (a) the written notice referred to in rule 23(3) or, as the case may be, rule 25(2); and
- (b) subject to rule 27, any document or information referred to in rule 23(4) or, as the case may be, rule 25(3).

Procedure and time limits for making representations under rules 23(5) and 25(4)

5.—(1) Every prisoner who receives a written notice under rule 23(3) or 25(2) must be allowed at least 48 hours from the time that the notice is received to make written representations to the Governor.

(2) The representations must be—

- (a) made in writing; and
- (b) attached to, or written on, a copy of the written notice received under rule 23(3) or 25(2).

(3) The representations shall be deemed to have been made once they have been given to an officer.

Time limit for written statement under rules 23(5) and 25(4)

6. Where the Governor imposes special security measures under rule 23 or continues the imposition of special security measures under rule 25, the written statement of the reasons for the Governor's decision referred to in rule 23(5) or, as the case may be, rule 25(4) must be provided to the prisoner within 7 days of the decision being made.

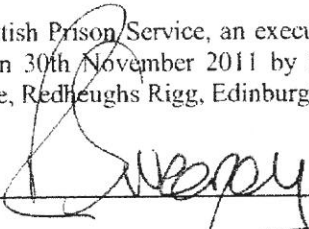
Revocation of previous directions

7. All Directions made under rule 21(5) of the Prisons and Young Offenders Institutions (Scotland) Rules 2006(a) and rule 14F(5) of the Prisons and Young Offenders Institutions (Scotland) Rules 1994(b) are revoked.

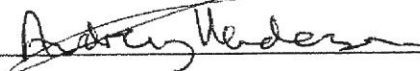
This direction consisting of this and the two preceding pages is subscribed as follows—

It is signed for and on behalf of the Scottish Prison Service, an executive agency of the Scottish Ministers at Edinburgh at 0900 hours on 30th November 2011 by Rona Sweeney, before this witness, Audrey Henderson, Calton House, Redheughs Rigg, Edinburgh.

For the Scottish Prison Service:



Witness:



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

