
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 289

PRISONS

**The Prisons and Young Offenders Institutions
(Coronavirus) (Scotland) Amendment (No. 2) Rules 2021**

Made - - - - 26th August 2021
*Laid before the Scottish
Parliament* - - - - 30th August 2021
Coming into force - - 29th September 2021

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989(1) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment (No. 2) Rules 2021 and come into force on 29 September 2021.

Amendment of the Prisons and Young Offenders Institutions (Scotland) Rules 2011

2. The Prisons and Young Offenders Institutions (Scotland) Rules 2011(2) are amended in accordance with rules 3 and 4.

3. In rule 2(1) (interpretation) in the definition of “for the duration of a coronavirus outbreak” for “30 September 2021” substitute “31 March 2022”.

4. The following rules are omitted—

- (a) rule 19A (assignment of supervision levels on review – coronavirus),
- (b) rule 20A (maintaining or lowering a supervision level on review – coronavirus),
- (c) rule 21A (assigning certain supervision levels on review – coronavirus),
- (d) rule 43A (prisoners’ welfare – coronavirus),

(1) 1989 c. 45. Section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), sections 24 and 25, schedule 5, paragraph 6(6)(b) and schedule 7, paragraph 1, the Criminal Justice and Public Order Act 1994 (c. 33), section 116(4), the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), schedule 4, paragraph 75(4) (a), the Crime and Disorder Act 1998 (c. 37), schedule 8, paragraph 71 and schedule 10, paragraph 1, and the Management of Offenders (Scotland) Act 2019 (asp 14), section 55(2). The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c. 46), section 53.

(2) S.S.I. 2011/331, as amended by S.S.I. 2011/356, S.S.I. 2012/26, S.S.I. 2013/119, S.S.I. 2014/26, S.S.I. 2015/39, S.S.I. 2016/131, S.S.I. 2017/393, S.S.I. 2018/293, S.S.I. 2020/122, S.S.I. 2020/175, S.S.I. 2020/264 and S.S.I. 2021/80.

- (e) rule 52A (supplies of books, newspapers, etc. to prisoners – coronavirus),
- (f) rule 81A (arrangements for work, education and counselling – coronavirus),
- (g) rule 111A (reporting breaches of discipline – coronavirus),
- (h) rule 116A (breaches of discipline committed in another prison or during transfer – coronavirus),
- (i) rule 118A (disciplinary appeals – coronavirus),
- (j) rule 120A (requests to speak to certain persons – coronavirus),
- (k) rule 122A (complaints to the residential first line manager – coronavirus),
- (l) rule 123A (referral of complaints to the Internal Complaints Committee – coronavirus),
and
- (m) rule 131A (healthcare assessment prior to transfer - coronavirus).

St Andrew's House,
Edinburgh
26th August 2021

ASH DENHAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (“the Prison Rules”) in response to the coronavirus outbreak.

Rule 2(1) of the Prison Rules is amended to extend the definition of “for the duration of a coronavirus outbreak” to mean the time period starting with the commencement of the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2020 and continuing until 31 March 2022.

The following rules are all omitted as they are no longer considered necessary for the management of the Scottish prison system - rule 19A (assignment of supervision levels on review – coronavirus), rule 20A (maintaining or lowering a supervision level on review – coronavirus), rule 21A (assigning certain supervision levels on review – coronavirus), rule 43A (prisoners’ welfare – coronavirus), rule 52A (supplies of books, newspapers, etc. to prisoners – coronavirus), rule 81A (arrangements for work, education and counselling – coronavirus), rule 111A (reporting breaches of discipline – coronavirus), rule 116A (breaches of discipline committed in another prison or during transfer – coronavirus), rule 118A (disciplinary appeals – coronavirus), rule 120A (requests to speak to certain persons – coronavirus), rule 122A (complaints to the residential first line manager – coronavirus), rule 123A (referral of complaints to the Internal Complaints Committee – coronavirus), and rule 131A (healthcare assessment prior to transfer - coronavirus).

No business and regulatory impact assessment has been prepared for these Rules as no impact upon business, charities or voluntary bodies is foreseen.