
DIRECTIONS

Scottish Prison Rules (Storage of Property) Direction 2023

Made - - - -

14 June 2023

The Scottish Ministers make the following Direction in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989(a) and rule 47(1) 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 interpretation

1.—(1) This Direction may be cited as the Scottish Prison Rules (Storage of Property) Direction 2023 and comes into force on 19 June 2023.

(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.

Property which may be kept in a prisoner’s cell or room

2.—(1) Subject to sub-paragraphs (2) and (3), every prisoner is entitled to keep in his or her cell or room the following items of property:—

- (a) a reasonable supply of toiletries;
- (b) a reasonable number of photographs;
- (c) a reasonable supply of pens, pencils and writing paper;
- (d) a reasonable quantity of any other item, including nicotine vapour products, which may be purchased by a prisoner from time to time from the prison canteen; and
- (e) a reasonable amount of reading material.

(a) 1989 c.45; section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9) (“the 1993 Act”), 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) (“the 1994 Act”), section 116(4); the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), schedule 4, paragraph 75(4)(a); and 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 Prisons (Scotland) Act 1989: 19 (as amended by S.S.I. 2015/39, article 2(8)), 20A (which was inserted by the 1993 Act, section 23); 41(2B) (which was inserted by the 1994 Act, section 153(3), and amended by the Criminal Justice and Licensing (Scotland) Act 2010, section 34(1)); 41B(1) (which was inserted by the 1994 Act, section 151(2), and amended by the Management of Offenders etc. (Scotland) Act 2005 (asp 14), section 16); and 41C(1) (which was inserted by the Crime and Punishment (Scotland) Act 1997 (c.48), section 42). 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.

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

(2) In relation to prisoners in Blair House in HM Young Offenders Institution Polmont and Myrtle House and Section A, Thistle House in HMP & YOI Stirling—

- (a) sub-paragraph (1)(d) does not apply; and
- (b) prisoners are entitled to keep in their cell a reasonable quantity of any other item which may be purchased by a prisoner from time to time from the prison canteen, except nicotine vapour products.

(3) The items of property mentioned in sub-paragraphs (1) and (2) do not include—

- (a) prohibited articles;
- (b) aerosol cans; or
- (c) scissors.

Revocation of previous directions

3. The Scottish Prison Rules (Storage of Property) Direction 2018 made on 28 November 2018 is 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 on 14 June 2023 by Jim Kerr, Deputy Chief Executive, before this witness Angela Archibald, Head of Chief Executive's Business Unit, at One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ.

For the Scottish Prison Service:



Witness:

