
DIRECTIONS

Scottish Prison Rules (Supervision Levels) 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 22 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 (Supervision Levels) 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);

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

“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

Procedure and time limits for providing notices under rule 21

3. At least 48 hours prior to the assignment of a supervision level to which rule 21 applies, the Governor must ensure that the prisoner is provided with—

- (a) the written notice referred to in rule 21(2); and
- (b) subject to rule 27, any document or information referred to in rule 21(3).

Procedure and time limits for making representations under rule 21

4.—(1) Every prisoner who receives a written notice under rule 21(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 21(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 rule 21(4)

5. Where the Governor assigns a supervision level in the circumstances mentioned in rule 21(1), the written statement of the reasons for the Governor's decision referred to in rule 21(4) must be provided to the prisoner within 7 days of the decision being made.

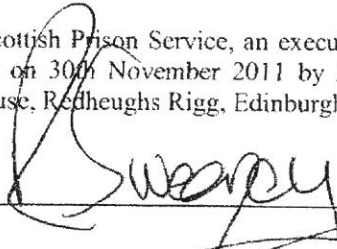
Revocation of previous directions

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

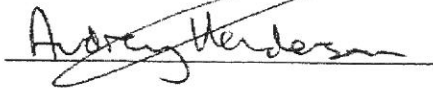
This direction consisting of this and the preceding page is subscribed as follows—

It is signed for and on behalf of the Scottish Prison Service, an executive agency of the Scottish Ministers at Edinburgh at 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