



HEADQUARTERS
One Lochside
1 Lochside Avenue
Edinburgh
EH12 9DJ

Our Ref: HQ24211

5 December 2024

Dear

Thank you for your request dated 7 November 2024 under the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

For reference, you requested:

RFI 1: "If someone is detained (remanded, convicted or an appellant) in a Scottish prison do they have a right to be given access to current criminal Law books whilst in custody?"

RFI 2: "Do all Scottish Prison Service Establishment Libraries provide up to date criminal Law books to allow prisoners to effectively research Scots Law with the potential to represent themselves in Court whether an untried prisoner, Appellant or a Judicial review case."

We have now completed our search for the information you requested.

RFI 1 Response: Rule 52 of The Prisons and Young Offenders Institutions (Scotland) Rules 2011 states:

Supplies of books, newspapers, etc to prisoners

52. Subject to rules 46 to 50, a prisoner is entitled to arrange, at his or her own expense, or at the expense of a person outwith the prison, the delivery to the prison of such books, newspapers, writing materials and other means of occupation as the prisoner may wish to use.

The Scottish Prison Service (SPS) is under no obligation to hold copies of law books in prisons. The only copies of the law SPS are legally required to provide prisoners with are copies of the Prison Rules and associated Directions. It is however good practice for SPS to try as far as possible to assist prisoners in getting access to law books or articles which would be available to them in the community, i.e. if a prisoner requests a book which is available from a local library, then they should be able to ask the library for access to the book or article.

Therefore, in terms of access to legal materials, prisoners can request legal texts through the library, purchase such materials through approved external suppliers at their own cost and the Governor has the discretion to allow family and friends to hand in such materials.

RFI 2 Response: Most prisons have up to date Legal books within their libraries whilst some establishments use external council run libraries where request can be made for specific books.

This concludes our response to your request.

If you are unhappy with this response to your request, you may ask us to conduct an internal review, by writing to The Chief Executive, One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ. Your request should explain why you wish a review to be conducted and should be made within forty working days of receipt of this letter, and we will reply within twenty working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Freedom of Information Manager