
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 187

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 2000**

Savings and transitional provisions

23.—(1) In this rule—

“existing visiting committees” means the visiting committees for Longriggend, Penninghame and Dungavel prisons;

“the discontinuance date” means 7th July 2000 in the cases of Longriggend and Penninghame prisons and 28th July 2000 in the case of Dungavel prison; and

“the relevant date” means 9th October 2000 in the case of Longriggend and Penninghame prisons and 30th October 2000 in the case of Dungavel prison.

(2) Notwithstanding the amendments made by rule 22 above, the provisions of rule 133(1) to (4) of, and Schedule 4 to, the principal Rules, as in force immediately before the discontinuance date, shall continue to have effect until the relevant date in relation to the existing visiting committees for the purposes set out in paragraphs (4) and (5) below and accordingly until the relevant date—

- (a) the existing visiting committees shall continue to exist;
- (b) each of the members of the existing visiting committees shall (unless he otherwise ceases to hold office) remain in office;
- (c) the chairman and deputy chairman of, and the clerk to, each of the existing visiting committees shall (unless he otherwise ceases to hold his appointment) continue to hold his appointment; and
- (d) so far as relating to any of the existing visiting committees and to a member thereof, references in Part 16 of the principal Rules to a visiting committee or a member of a visiting committee shall be construed as references to an existing visiting committee or a member thereof.

(3) Where before the discontinuance date—

- (a) any of the existing visiting committees has undertaken any inquiry in terms of rule 135(2) (a) of the principal Rules in relation to the condition of any prisoner and has not concluded that inquiry and made a report in relation to it by the discontinuance date;
- (b) any of the existing visiting committees has received a complaint by a prisoner in terms of rule 136(1) of the principal Rules and has not concluded its hearing and investigation of the complaint by the discontinuance date; or
- (c) a member of any of the existing visiting committees has received a complaint by a prisoner in terms of rule 136(1) of the principal Rules and has not concluded his hearing and investigation of the complaint by the discontinuance date,

the visiting committee for the prison that the prisoner is detained in on the discontinuance date shall deal with the inquiry, hearing or investigation, as the case may be, as if that committee had been asked to make the inquiry and report or had received the complaint from the prisoner and shall conclude that inquiry, hearing or investigation whether or not the prisoner is subsequently transferred to another prison.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The minute book and any other documents held by or on behalf of any of the existing visiting committees shall transfer to the Scottish Ministers on the discontinuance date and the chairman of the existing visiting committees shall make such arrangements as are necessary to ensure that the minute book and any such documents are delivered to the Scottish Ministers before the relevant date.

(5) Before the relevant date, each of the existing visiting committees shall—

- (a) so far as reasonably practicable, make, or conclude the making of the annual report for the relevant prison in respect of the period of 12 months ending on 31st March 2000 and shall deliver that report to the Scottish Ministers; and
- (b) in the case of the existing visiting committees for Longriggend and Dungavel, make a report to the Scottish Ministers on the matters specified in rule 139(1) and any other matters that appear to it to be relevant in respect of the period from 1st April 2000 until the date of discontinuance, and deliver that report to the Scottish Ministers.