
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

**The Prisons and Young Offenders
Institutions (Scotland) Rules 2006**

PART 14

TRANSFER AND DISCHARGE OF PRISONERS

Pre-release preparation

136. The Governor shall at the appropriate time discuss with every prisoner his or her immediate needs on release and may also arrange for any other person to see the prisoner to discuss such needs.

Medical assessment prior to transfer or release

137.—(1) A medical officer shall assess every prisoner within a period of 7 days before the time when they are due to be released from prison.

(2) The form of an assessment shall be a matter for the judgment of the medical officer and may include any physical examination as the medical officer considers appropriate.

(3) Without prejudice to paragraph (1), a medical officer shall—

- (a) examine the medical records of any prisoner who is receiving medical treatment or is for the time being under the medical officer's supervision; and
- (b) where the medical officer considers it necessary, or where a request for medical assistance has been made by a prisoner, examine the prisoner,

before that prisoner is taken from prison to any place or released from prison.

(4) No prisoner as mentioned in paragraph (3) shall be taken from prison to any place (other than a hospital in an emergency) unless a medical officer has certified that the prisoner is fit to travel.

(5) Subject to paragraph (6), no prisoner as mentioned in paragraph (3) who is due to be released shall be discharged from prison unless a medical officer has certified that the prisoner is fit to travel.

(6) Paragraph (5) shall not apply where the prisoner does not consent to remain in prison after the time the prisoner is due to be released.

Provision of clothing and return of property on release of prisoner

138.—(1) At the time of release, a prisoner shall be entitled to the return of all his or her clothing and other items of property which have been accepted into or purchased within prison and which have not been disposed of or destroyed pursuant to rule 51(2).

(2) Where at the time of release, a prisoner has insufficient clothing of his or her own, the Governor shall provide suitable clothing for his or her immediate needs following release.

Part payment of fines by fine defaulters

139.—(1) This rule applies to a prisoner who is committed to prison or otherwise detained in a prison for failure to pay a fine imposed by a court.

(2) A prisoner to whom this rule applies may be treated for the purposes of section 220 of the 1995 Act⁽¹⁾ as having paid to the Governor any sum in part satisfaction of the fine if the conditions specified in paragraph (3) or, as the case may be, paragraph (4) are fulfilled.

(3) The conditions specified are—

- (a) the sum is in cash and is deposited with the Governor; or
- (b) the sum is paid by means of a cheque and the Governor is satisfied that the further conditions in paragraph (4) are fulfilled.

(4) If the prisoner offers to pay the Governor by means of a cheque, the further conditions are—

- (a) except where a cheque is drawn on an account in the name of a firm of solicitors, the sum does not exceed £50; and
- (b) the cheque is drawn and signed and supported by such other form of identity or guarantee as may be specified in a direction made by the Scottish Ministers.

(1) 1995 c. 46; section 220 was amended by the Criminal Justice (Scotland) Act 2003, Schedule 4, paragraph 3.