

2008 No. 377

PRISONS

YOUNG OFFENDERS INSTITUTIONS

**The Prisons and Young Offenders Institutions (Scotland)
Amendment Rules 2008**

<i>Made</i>	- - - -	<i>18th November 2008</i>
<i>Laid before the Scottish Parliament</i>		<i>19th November 2008</i>
<i>Coming into force</i>		<i>11th December 2008</i>

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989(a) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2008 and come into force on 11th December 2008.

Amendment of the Prisons and Young Offenders Institutions (Scotland) Rules 2006

2.—(1) The Prisons and Young Offenders Institutions (Scotland) Rules 2006(b) are amended in accordance with this rule.

(2) In rule 5(1) (interpretation), in the definition of “prohibited article”–

(a) after sub-paragraph (d) omit “or”; and

(a) 1989 c.45; 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); 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) and Schedule 7, by the Criminal Justice and Public Order Act 1994 (c.33) (“the 1994 Act”), sections 116(4) and 130(4) and by the Crime and Disorder Act 1998 (c.37), Schedule 8, paragraph 71; section 39 is to be read with sections 3A(5), (6) and (7) (which was inserted by the Crime and Punishment (Scotland) Act 1997 (c.48) (“the 1997 Act”), section 43(2)), 8(1) and (2), 11(1), 12 (as amended by the 1993 Act, Schedule 5, paragraphs 6(2)), 14(1) (as amended by the 1993 Act, Schedule 5, paragraph 6(3)), 19(3) and (4) (as amended by the 1993 Act, Schedule 5, paragraph 6(4)), 24 (which was repealed by the 1993 Act, Schedule 7 but was saved by Schedule 6 to that Act in relation to any “existing prisoner” within the meaning specified in paragraph 1 of Schedule 6), 33A (which was inserted by the 1994 Act, section 116(3)), 41(2B) (which was inserted by the 1994 Act, section 153(3)), 41B(1) (which was inserted by the 1994 Act, section 151(2)) and 41C(1) (which was inserted by the 1997 Act, section 42); section 39 is also to be read with sections 107(4), 110(7) and 114(3) of the 1994 Act; section 39 was extended by the Courts-Martial (Appeals) Act 1968 (c.20), section 52 (as amended by the 1989 Act, Schedule 2, paragraph 10).

(b) S.S.I. 2006/94 as amended by S.S.I. 2007/190.

(b) after sub-paragraph (e) insert–

“or

(f) any personal communication device, including a mobile telephone or any component part of a mobile telephone;”.

(3) In Schedule 2 (constitution of visiting committees) at the appropriate place and in the appropriate columns insert–

“ADDIEWELL	West Lothian Council	5	2
	South Lanarkshire Council	5	2
	North Lanarkshire Council	5	2”.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
18th November 2008

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prisons and Young Offenders Institutions (Scotland) Rules 2006 (“the principal Rules”).

Rule 95 of the principal Rules provides that a prisoner must not have a prohibited article in their possession whilst in prison. Rule 2(2) of these Rules amends the definition of a prohibited article in rule 5(1) of the principal Rules to include personal communication devices, such as mobile telephones or component parts of mobile telephones.

Schedule 2 to the principal Rules makes provision for the constitution of visiting committees for prisons. Rule 2(3) of these Rules amends Schedule 2 to provide for the constitution of the visiting committee for Addiewell prison.

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