
STATUTORY INSTRUMENTS

1994 No. 1931

**The Prisons and Young Offenders
Institutions (Scotland) Rules 1994**

PART 6

PRIVILEGES AND PRISONERS' PROPERTY

Privileges

40.—(1) The Governor of each prison shall establish, subject to paragraph (3), such system of privileges as may be appropriate to the groups or categories of prisoners detained in the prison.

(2) A system of privileges may include privileges which apply to different classes of prisoners or in respect of different parts of the prison.

(3) A system of privileges established under this rule shall make provision at least in relation to—

- (a) the items of property which the Governor may, in terms of rule 44, allow a prisoner to have in his room or cell;
- (b) the arrangements whereby a prisoner may purchase items within, or outwith, the prison;
- (c) the facilities to which a prisoner may have access and the activities in which he may take part in terms of rule 76;
- (d) the arrangements whereby a prisoner may smoke or have any tobacco in his possession;
- (e) the circumstances in which privileges may be withdrawn from a prisoner; and
- (f) any other matter as may be specified in a direction made by the Secretary of State under and for the purposes of this rule.

(4) A system of privileges shall not make provision which prejudices or derogates from any entitlement or right of a prisoner which is specified in any provision of these Rules, or in any direction made for any purpose specified in these Rules, and any such entitlement or right shall not be regarded as a privilege granted by virtue of this rule and shall not be capable of being forfeited under rule 100(1)(b).

(5) The Governor shall ensure that every prisoner is provided with information, in a manner which enables him to understand it, in relation to—

- (a) the application to him of the system of privileges established under this rule; and
- (b) the circumstances in which privileges may be withdrawn.

(6) Where the Governor—

- (a) withdraws any privilege enjoyed by a prisoner; or
- (b) refuses to grant to any prisoner a privilege which is enjoyed by other prisoners,

he shall give reasons for his decision to the prisoner concerned.

Smoking and possession of tobacco by untried and civil prisoners

41. An untried prisoner or a civil prisoner shall be entitled to keep in his possession and to smoke tobacco subject to such conditions as the Governor may impose in accordance with a direction made by the Secretary of State for the purposes of this rule.

Reception of personal property of prisoners

42.—(1) The items of property belonging to any prisoner which are received into or purchased within prison shall be managed in accordance with this rule and rules 43 and 44.

(2) Subject to the other provisions of these Rules, the Governor may refuse to receive any item of property sent to the prison for a prisoner and, where appropriate, he may return it to the sender.

(3) All items of property belonging to a prisoner which are received into prison other than—

- (a) property purchased by the prisoner within the prison;
- (b) if the prisoner is not assigned security category A, letters or other written communications sent to the prisoner; or
- (c) any of his property which is perishable or edible,

shall be recorded by an officer in the prisoner's record.

(4) Where a record is prepared in terms of paragraph (3), the prisoner concerned shall—

- (a) be given the opportunity to check its accuracy; and
- (b) thereafter, be required to sign it.

Storage or disposal of personal property of prisoners

43.—(1) Subject to paragraph (2), the Governor shall make arrangements for the safe storage of all items of property belonging to a prisoner which have been received into prison, except for items which a prisoner is allowed to keep in his room or cell or on his person.

(2) Where the Governor is of the opinion that any item of property belonging to or which has been sent to a prisoner and which has been received into prison is prejudicial to health, safety, security or good order—

- (a) he shall notify the prisoner; and
- (b) except where it is reasonably practicable for the prisoner to arrange for disposal, he may make arrangements for the disposal or, in the case of anything perishable, the destruction of any such item.

Personal property of prisoners in rooms or cells

44.—(1) Every prisoner shall be entitled to keep in his room or cell such items of property as may be specified in a direction by the Secretary of State.

(2) Without prejudice to paragraph (1), the Governor may allow a prisoner to have in his possession or to keep in his room or cell such items of property as are compatible with—

- (a) the size and furnishings of the room or cell;
- (b) matters of health, safety, security and good order; and
- (c) any other matter which the Governor considers relevant.

Prisoners' money

45.—(1) The Governor may specify in relation to any prisoner or any category of prisoner—

- (a) whether such a prisoner, or such category of prisoner, may have cash in his possession; or
 - (b) if any such prisoner is permitted to have cash in his possession, the maximum amount of, or the denominations of, cash which he may possess.
- (2) Except for such cash as a prisoner is permitted in terms of paragraph (1) to have in his possession, the Governor shall hold on behalf of a prisoner any money belonging to him, whether accruing to him in terms of rule 74 or otherwise received into prison.
- (3) Subject to paragraph (4), a prisoner may withdraw money held on his behalf in terms of paragraph (2) by authorising the Governor to deduct such sums as are required for the purpose of making specific payments to persons outwith prison or for the purpose of purchasing any article in prison or any article to be delivered to prison.
- (4) The Governor may specify in relation to any prisoner, or any category of prisoner, the maximum amount which may be so withdrawn—
- (a) during any specified period; and
 - (b) for the purposes of purchasing any article in prison or any article to be delivered to prison.
- (5) The Governor shall, in respect of each prisoner, keep a record of all money deposited in an account held by him under paragraph (2) and of all money withdrawn therefrom under paragraph (3).
- (6) Nothing in this rule shall prevent a prisoner from opening, or continuing to maintain, an account with a bank or a building society but the use of such an account shall be subject to the other provisions of these Rules.

Supplies of books, newspapers, etc to prisoners

46. Subject to rules 42 to 44, a prisoner shall be entitled to arrange, at his 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 he may wish to use.