
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 94

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

PART 7

PRIVILEGES AND PRISONERS' PROPERTY

Privileges

49.—(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 52, allow a prisoner to have in their room or cell;
- (b) the arrangements whereby a prisoner may purchase items within, or outwith, the prison;
- (c) the use of recreational and library facilities provided, or the participation in recreational activities organised, by virtue of rule 90;
- (d) the arrangements whereby a prisoner may have tobacco in his or her 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- (e) the circumstances in which privileges may be withdrawn from a prisoner; and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 Scottish Ministers 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 119(1)(b).

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

- (a) the application to the prisoner 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- (b) the circumstances in which privileges may be withdrawn.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,

the Governor shall give reasons for that decision to the prisoner concerned.