
STATUTORY INSTRUMENTS

1996 No. 32

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 1996**

Insertion of rule 101A into the principal Rules

27. After rule 101 of the principal Rules (suspended punishments) there is inserted the following rule:—

“Review of punishments following transfer of a prisoner to hospital

101A.—(1) This rule applies in respect of any prisoner who is transferred to hospital by virtue of a direction made under section 71 of the Mental Health (Scotland) Act 1984⁽¹⁾.

(2) In the case of a prisoner to whom this rule applies, the Governor shall, as soon as reasonably practicable after the direction is made, review any award of additional days or, as the case may be, forfeiture of remission of sentence which has effect in relation to the prisoner.

(3) In carrying out such a review as is mentioned in paragraph (2), the Governor shall consult the medical practitioner having responsibility for the treatment of the prisoner at the hospital to which he has been transferred for the purpose of assessing whether the breach of discipline in respect of which any such punishment as is mentioned in paragraph (2) has been imposed may have been committed at a time when the prisoner was suffering from mental disorder.

(4) Having regard to any opinion of the medical practitioner referred to in paragraph (3), the Governor may—

- (a) remit or mitigate any award of additional days; or
- (b) restore, or partially restore, any remission of sentence which has been forfeited.

(5) If the Governor exercises the powers conferred on him by paragraph (4) he shall forthwith notify in writing the prisoner and the managers of the hospital in which he is detained.”.

(1) 1984 c. 36; section 71 was amended by the 1993 Act, section 4 and Schedule 7.