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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 94**

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

**PART 8**

**COMMUNICATIONS**

**Opening and reading of correspondence from and to legal advisers**

**58.**—(1) This rule applies only to letters and packages which—

- (a) are addressed to a legal adviser and which a prisoner gives to an officer for the purpose of posting to that legal adviser; or
- (b) are sent to a prisoner at the prison by a legal adviser.

(2) A prisoner who wishes to send a letter or package to a legal adviser shall mark prominently on the outer face of the envelope or packaging the words “Legal Correspondence” as well as their own name.

(3) Any letter or package to which this rule applies shall not be opened by an officer except where paragraph (5) applies.

(4) The contents of any letter or package to which this rule applies shall not be read by an officer except where paragraph (6) applies.

(5) Any letter or package to which this rule applies may only be opened by an officer where—

- (a) the officer has cause to believe that it contains a prohibited article;
- (b) the officer has explained to the prisoner concerned the reason for that belief; and
- (c) the prisoner concerned is present.

(6) The contents of any letter or package to which this rule applies may only be read by an officer in exceptional circumstances where the Governor has reasonable cause to believe that the contents of the letter endanger the security of the prison or the safety of any person, or relate to a criminal activity.

(7) Where the Governor is of the opinion that the contents of any letter or package to which this rule applies may be read in terms of paragraph (6)—

- (a) the prisoner shall be informed that the letter or written material shall be read and the reasons why; and
- (b) the letter or written material shall be read by the Governor or an officer specially authorised by the Governor for the purpose.

(8) Where a letter or package to which this rule applies is found to contain a prohibited article or any article which the prisoner is not authorised to possess or keep in terms of these Rules, the Governor shall deal with the article in terms of rule 95 or 96, whichever is appropriate.