
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

**The Prisons and Young Offenders
Institutions (Scotland) Rules 2011**

PART 10

SECURITY

SUPERVISION AND CONTROL OF VISITORS

Admission of visitors

105.—(1) Any person seeking access to the prison as a visitor for any purpose must, on the request of an officer—

- (a) state his or her name and address and the purpose of his or her visit;
- (b) produce a valid form of identification if so required by an officer;
- (c) deposit for the duration of the visit any article in the visitor's possession which the officer considers may be prejudicial to the security and good order of the prison or to the safety of any person.

(2) Where a person seeks access to the prison as a visitor for any purpose, an officer may request the visitor's consent—

- (a) to have the visitor's photo taken; and
- (b) to have that photo retained on a database under the control of the Governor.

(3) Where a visitor consents to have their photo taken and retained in accordance with paragraph (2), that photo shall be retained by the Governor—

- (a) only for the purposes of prison order and security, the prevention and detection of crime and the safety of any person within the prison;
- (b) in accordance with such conditions as may be prescribed in a direction by the Scottish Ministers;
- (c) where the visitor is visiting a prisoner, until the prisoner whom the visitor is seeking to visit has been released from prison whereupon it must be destroyed; and
- (d) where the visitor is not visiting a prisoner, for a maximum period of six months, upon the expiry of which it must be destroyed.

(4) An officer may refuse access to the prison to any person seeking access as a visitor where the officer is satisfied that—

- (a) the person has failed to comply with paragraph (1);
- (b) the person does not satisfy the officer as to his or her identity;
- (c) the person refuses to consent to have his or her photo taken and retained under paragraph (2);

- (d) the person refuses to consent to a search for the purposes of rule 106 or is obstructive in the course of such a search;
 - (e) the person has possession of a prohibited article or any unauthorised property relative to the prisoner being visited;
 - (f) the officer has reasonable grounds for suspecting that the person may attempt to breach rule 102 or 103; or
 - (g) it is necessary to refuse the person access to the prison in the interests of the security and order of the prison or the safety of any person within the prison.
- (5) Where an officer refuses access to the prison to any person under [^{F1}paragraph (4)], the officer must keep a written record of the particulars of that decision including the reasons for taking the decision.
- (6) A person to whom rule 73 applies who seeks to enter the prison for the purposes of a visit as mentioned in that rule must, immediately on arrival, inform an officer of that fact.
- (7) [^{F2}The Governor must ensure that visitors are made aware of the effect of]—
- (a) this rule and rules 106 and 107;
 - (b) section 41 of the Act; and
 - (c) any direction made under rule 77.
- (8) A visitor must not smoke on any part of the prison premises.
- (9) In this rule, and in rules 106 and 107, “ visitor” does not include—
- (a) an officer or employee;
 - (b) a healthcare professional; or
 - (c) a person providing contracted out services to the prison.

Textual Amendments

- F1** Words in rule 105(5) substituted (1.11.2011) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2011 \(S.S.I. 2011/356\)](#), rules 1, **2(11)**
- F2** Words in rule 105(7) substituted (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(13)**

Changes to legislation:

There are currently no known outstanding effects for the The Prisons and Young Offenders Institutions (Scotland) Rules 2011, Section 105.