
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

The Prisons and Young Offenders
Institutions (Scotland) Rules 2011

PART 11

DISCIPLINE

Charging breaches of discipline

- 112.**—(1) A prisoner may be charged with a breach of discipline by an officer where—
- (a) the officer becomes aware, or suspects, that the prisoner has committed a breach of discipline; and
 - (b) the officer has complied with rule 111.
- (2) Where an officer decides to charge a prisoner with a breach of discipline—
- (a) the charge must be brought by the officer serving a written notice of the charge on the prisoner;
 - (b) the charge must be brought within 48 hours of the discovery of the act or omission giving rise to the charge but, where this is not possible because of any delay in notifying the Governor under rule 111 due to exceptional circumstances, the charge must be brought within 48 hours after the Governor has been notified; and
 - (c) written notice of the charge must be served on the prisoner at least 2 hours before the Governor commences a disciplinary hearing under rule 113.
- (3) Where an untried prisoner is reported by an officer under rule 111 at any time between the day before the start of the prisoner's trial and the conclusion of the trial—
- (a) the officer may delay bringing a charge under paragraph (1) until the relevant criminal proceedings are concluded; and
 - (b) where the officer delays bringing the charge and the prisoner is subsequently sentenced to imprisonment, the officer may only bring the charge if it is brought no later than 48 hours after the prisoner returns to custody at any prison.
- (4) A charge under paragraph (1) may be brought against a prisoner for an alleged breach of discipline committed in another prison but only in accordance with rule 116.