
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

The Prisons and Young Offenders
Institutions (Scotland) Rules 2011

PART 13

FEMALE PRISONERS

Accommodation of female prisoners' babies

128.—(1) Subject to paragraphs (2), (3) and (4), the Governor may permit a female prisoner to have her baby with her in prison.

(2) Where a female prisoner is permitted to have her baby with her in prison—

- (a) the prisoner is responsible for the care of the baby; and
- (b) the Governor must provide any material items necessary for the baby's care.

(3) Subject to any direction made by the Scottish Ministers under this rule, the Governor may, in granting permission under paragraph (1), impose such conditions as the Governor thinks fit.

(4) A female prisoner who is permitted to have her baby with her in prison may, with the permission of the Governor, arrange, at her expense or at the expense of some other person, for the provision of additional articles or food for the baby.

(5) In granting permission under paragraphs (1) or (4), and in imposing conditions under paragraph (3), the Governor must take into consideration—

- (a) the best interests of the baby; and
- (b) the ability of the prisoner to care for her baby.