
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

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

PART 7

PRIVILEGES AND PRISONERS' PERSONAL PROPERTY

Privileges

45.—(1) The Governor must establish, a system of privileges for the prisoners detained in the prison.

(2) The system of privileges may contain different provision for—

- (a) different categories of prisoners; and
- (b) prisoners detained in specific parts of the prison.

(3) A system of privileges established under paragraph (1) may include provision in relation to—

- (a) the items of property which the Governor may, in terms of rule 47, allow a prisoner to have in the prisoner's cell or room;
- (b) the arrangements whereby a prisoner may purchase items within, or outwith, the prison;
- (c) the use of recreational and library facilities, or the participation in recreational activities organised by virtue of rule 88;
- (d) the arrangements whereby a prisoner may have [^{F1}a nicotine vapour product] in his or her possession;
- (e) the circumstances in which privileges may be withdrawn from a prisoner other than as a punishment imposed under rule 114(1)(b) for a breach of discipline; and
- (f) any other matter as may be specified in a direction made by the Scottish Ministers under this rule.

(4) A system of privileges established under paragraph (1) cannot—

- (a) prejudice or derogate from any entitlement or right of a prisoner which is specified in any provision of these Rules, or in any direction made under these Rules,
- (b) provide that any entitlement or right of a prisoner under these Rules or under a direction made under these Rules, is to be regarded as a privilege granted by virtue of this rule; or
- (c) provide that any entitlement or right of a prisoner under these Rules or under a direction made under these Rules, is capable of being forfeited under rule 114(1)(b).

(5) The Governor must ensure that every prisoner is provided with information, in a manner which enables the prisoner to understand it, in relation to—

- (a) the application to the prisoner of the system of privileges established under this rule; and
- (b) the circumstances in which privileges may be withdrawn.

(6) The Governor must give reasons to a prisoner where the Governor takes a decision to—

Changes to legislation: *There are currently no known outstanding effects for the The Prisons and Young Offenders Institutions (Scotland) Rules 2011, Section 45. (See end of Document for details)*

- (a) withdraw any privilege enjoyed by the prisoner; or
- (b) refuse to grant to the prisoner a privilege which is enjoyed by any other prisoner.

Textual Amendments

- F1** Words in rule 45(3)(d) substituted (30.11.2018) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2018 \(S.S.I. 2018/293\)](#), rules 1, **2(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Prisons and Young Offenders Institutions (Scotland) Rules 2011, Section 45.