
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 331

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

PART 8

COMMUNICATIONS

PRISON VISITS

Visits by persons of a prisoner's choice

63.—(1) This rule applies to visits to a prisoner (other than an untried prisoner or a civil prisoner) by any person with whom the prisoner wishes to communicate.

(2) Subject to paragraph (3) and rules 77 and 78, the Governor must allow a prisoner, at such times as the Governor considers reasonable, either—

- (a) not less than 30 minutes in any period of 7 consecutive days; or
- (b) not less than 2 hours in any period of 28 consecutive days,

for the purposes of receiving visits in terms of this rule.

(3) Any prisoner who does not use the full allowance of visits calculated in accordance with paragraph (2) within any period of 28 consecutive days shall lose the right to receive the visits that have not been used within that period unless that prisoner has obtained the permission of the Governor to accumulate visits under rule 65.

(4) The number of persons who may be allowed to visit a prisoner at any time is at the discretion of the Governor.

(5) Where a prisoner receives a visit in terms of this rule the visit must take place—

- (a) within the sight of an officer; and
- (b) within the hearing of an officer unless the Governor has otherwise authorised.

(6) Where the Scottish Ministers consider that it is not practicable to allow prisoners the minimum periods for visits specified in paragraph (2) due to the circumstances pertaining in, or the facilities available at, any prison, they may by direction provide that paragraph (2) will apply in relation to prisoners of that prison subject to such reduced minimum periods as may be specified in the direction.

(7) A direction made by the Scottish Ministers in terms of paragraph (6) will only have effect for a period of one month, at the end of which period the circumstances pertaining in, and the facilities available at, the prison in question must be reconsidered by the Scottish Ministers before any further direction is made under paragraph (6).

(8) A prisoner is entitled to receive a visit from a person who is—

- (a) a prisoner detained at, or on temporary release from, another prison; or
- (b) a prisoner on temporary release from the same prison,

only in exceptional circumstances and where the Governor of the prison, or the Governors of the prisons involved give consent and, in the event that any Governor refuses consent, the prisoners concerned must be informed of the reasons for the refusal.

(9) This rule does not apply to visits which a prisoner may receive from a member of the chaplaincy team or by virtue of rules 66 to 76, and the entitlement of a prisoner to receive visits in terms of this rule is separate from any entitlement under those rules.