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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 10**

**SECURITY**

**SUPERVISION AND CONTROL OF PRISONERS**

**Searching of prisoners**

**92.**—(1) Every prisoner and his or her property and accommodation may be searched in accordance with this rule.

(2) An officer may conduct a search of a prisoner at any time and this search may involve any number of the following processes—

- (a) a search of the prisoner's person including the prisoner's clothing prior to removal of the clothing under sub-paragraph (c);
  - (b) a search of the prisoner's clothing after removal of the clothing under sub-paragraph (c);
  - (c) the removal of the prisoner's clothing;
  - (d) a visual examination of the external parts of the prisoner's body after the removal of the prisoner's clothing;
  - (e) a visual examination of the prisoner's open mouth but no equipment or force may be used;
  - (f) a search of any items of property in the prisoner's possession;
  - (g) a search of the prisoner's cell or room including any items of property found in the cell or room.
- (3) <sup>F1</sup>Subject to paragraph (3A), where] a search is conducted under paragraph (2)—
- (a) in the case of a search under paragraph (2)(a), the officer carrying out the search must be of the same gender as the prisoner <sup>F2</sup>unless the search is carried out by the use of—
    - (i) a stationary body scanner under paragraph (5)(c); or
    - (ii) trained sniffer dogs under paragraph (5)(d)];
  - (b) in the case of a search under paragraph (2)(c) or (d), the officer carrying out the search must be of the same gender as the prisoner and at least one other officer of the same gender <sup>F3</sup>as the officer carrying out the search] must be present during the search;
  - (c) in the case of a search under paragraph (2)(c) or (d), the search must be conducted outwith the sight of any other person who is not an officer of the same gender <sup>F4</sup>as the officer carrying out the search];
  - (d) except in the case of a search under paragraph (2)(e), the use of force is permitted where it is necessary and such force must be reasonable and proportionate to the threat or resistance posed by the prisoner; and

(e) the search must be carried out as quickly and decently as possible.

[<sup>F5</sup>(3A) Where a search is conducted under paragraph (2)(a), (c) or (d), the Governor may require that the officer carrying out the search must be of a different gender to the prisoner where the Governor considers that it is necessary to do so for the purpose of protecting the health, welfare or safety of any person, or the security or good order of the prison.]

(4) A search conducted under paragraph (2), other than a search carried out under paragraph (2)(d) or (e), may be carried out by hand.

(5) A search conducted under paragraph (2), other than a search carried out under paragraph (2)(c), (d) or (e), may be carried out by—

(a) the use of equipment involving the application of a suction device or a swab on or to the prisoner's clothing, any items of property mentioned in paragraph (2)(f) or (g) or any part of the prisoner's cell in order to collect substances from their surface;

(b) the use of equipment involving the analysis of substances collected under subparagraph (a) for the purpose of ascertaining whether any of them consists of a controlled drug or an explosive substance;

(c) the use of equipment designed to detect the existence of metal objects or any prohibited article; or

(d) the use of trained sniffer dogs under the control of a trained officer.

(6) Where a search conducted under paragraph (2) involves the use of equipment under paragraph (5)(a), (b) or (c), that equipment must be used in accordance with the manufacturer's instructions.

(7) Where an officer finds any prohibited article in the course of a search conducted under this rule, he or she may seize that article and deal with it in accordance with rule 104.

(8) Nothing in this rule permits the physical examination of the prisoner's body orifices.

(9) For the purposes of this rule, any power to search includes the power to examine.

#### **Textual Amendments**

- F1** Words in rule 92(3) substituted (26.2.2024) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2023 \(S.S.I. 2023/366\)](#), rules 1, **2(2)(a)(i)**
- F2** Words in rule 92(3)(a) inserted (24.3.2016) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2016 \(S.S.I. 2016/131\)](#), rules 1, **2(13)**
- F3** Words in rule 92(3)(b) inserted (26.2.2024) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2023 \(S.S.I. 2023/366\)](#), rules 1, **2(2)(a)(ii)**
- F4** Words in rule 92(3)(c) substituted (26.2.2024) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2023 \(S.S.I. 2023/366\)](#), rules 1, **2(2)(a)(iii)**
- F5** [Rule 92\(3A\) inserted \(26.2.2024\) by The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2023 \(S.S.I. 2023/366\)](#), rules 1, **2(2)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Prisons and Young Offenders Institutions (Scotland) Rules 2011, Section 92.