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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 331**

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

**PART 4**

**ACCOMMODATION, CLOTHING, HYGIENE AND FOOD**

**Accommodation of prisoners**

**28.**—(1) The Governor may require a prisoner to be accommodated in single accommodation or shared accommodation with other prisoners, subject to paragraphs (2) to (4).

(2) The Governor may require two or more prisoners to share accommodation where—

- (a) the nature of the accommodation in the prison, or the circumstances pertaining in that or any other prison to which these Rules apply, make such sharing necessary; or
- (b) the Governor receives advice from a healthcare professional that shared accommodation is appropriate in order to protect the health of the relevant prisoners or any of them.

(3) The Governor must not require a prisoner to share accommodation if the Governor receives a recommendation from a healthcare professional that, in order to protect the health of any prisoner, the prisoner should not share accommodation with another prisoner.

(4) Before two or more prisoners are required to share accommodation the Governor must consider whether the prisoners are suitable to associate with each other in that accommodation.

(5) Any consideration by the Governor in terms of paragraph (4) must include a risk assessment as to whether, if the prisoners were required to share the accommodation they would be likely to—

- (a) cause injury or harm to each other;
- (b) cause damage to property; or
- (c) otherwise prejudice the good order and running of the prison.

**Standard of accommodation**

**29.**—(1) Each cell or room used to accommodate prisoners must be of an adequate size and fitted with means of communication with an officer.

(2) Each cell or room used to accommodate prisoners or any other part of a prison to which prisoners are permitted to have access must be adequately—

- (a) lit by natural or artificial light;
- (b) heated and ventilated; and
- (c) furnished as is necessary and appropriate for the type of accommodation or area of the prison,

all as necessary for the health and safety of prisoners.

(3) Every prisoner must keep the cell or room in which that prisoner is accommodated in a clean and tidy condition except when excused from doing so by the Governor.

### **Provision of bedding**

**30.**—(1) The Governor must—

- (a) provide every prisoner with a separate bed or sleeping plinth;
- (b) provide sufficient bedding as necessary for the prisoner's warmth and health; and
- (c) make provision for the bedding to be changed or cleaned as frequently as required to ensure good hygiene.

(2) A prisoner may request to have only a mattress instead of a bed and the Governor may agree to this.

(3) A prisoner may only have bedding which the Governor has provided under this rule or which the Governor has consented to the prisoner having.

### **Convicted prisoners wearing their own clothing**

**31.**—(1) Where the Governor has granted permission, a convicted prisoner may wear his or her own clothing.

(2) The Governor—

- (a) may only grant permission after considering the terms of any direction under paragraph (5), and being satisfied that none of the conditions specified in paragraph (4) apply; and
- (b) must detail any times or circumstances in which the permission does or does not apply.

(3) The Governor may withdraw permission at any time if the Governor considers it appropriate to do so.

(4) For the purposes of paragraph (2) the conditions are that—

- (a) the Governor considers that the prisoner's clothing—
  - (i) is in poor condition or too unsanitary to clean;
  - (ii) may be prejudicial to security, good order or discipline within the prison; or
  - (iii) is incompatible with the facilities at, or management of, the prison;
- (b) the Governor receives advice from a healthcare professional that—
  - (i) the prisoner's clothing is prejudicial to the prisoner's health; or
  - (ii) special clothing is required on health grounds;
- (c) special or protective clothing is required for particular work or activities being undertaken by the prisoner; or
- (d) particular clothing is or may be required for the purposes of legal proceedings.

(5) The Scottish Ministers may make a direction for the purposes of specifying—

- (a) the types of clothes that a prisoner may or may not wear;
- (b) whether it is appropriate to allow prisoners to wear or be prohibited from wearing their own clothing;
- (c) that the matters in sub-paragraphs (a) and (b) apply to specific prisoners, categories or classes of prisoner; and
- (d) that the matters in sub-paragraphs (a) and (b) apply to parts of a prison, within a particular prison or across a class of prisons.

### Untried and civil prisoners wearing their own clothing

- 32.—(1) An untried or civil prisoner may wear his or her own clothing.
- (2) Paragraph (1) does not apply if—
- (a) the prisoner has received a punishment under rule 114(1)(e); <sup>F1</sup>...
  - (b) the Governor has ordered the prisoner to wear other appropriate clothing for any of the reasons specified in paragraph (4) [<sup>F2</sup>or]
  - <sup>F3</sup>(c) the Governor has ordered the prisoner to wear other appropriate clothing so as to comply with the terms of a direction made under paragraph (5).]
- (3) The Governor may revoke any order under paragraph 2(b) when it is appropriate to do so.
- (4) For the purposes of paragraph (2)(b) the reasons are that—
- (a) the Governor considers that the prisoner's clothing—
    - (i) is in poor condition or too unsanitary to clean;
    - (ii) may be prejudicial to security, good order or discipline within the prison; or
    - (iii) is incompatible with the facilities at, or management of, the prison;
  - (b) the Governor receives advice from a healthcare professional that—
    - (i) the prisoner's clothing is prejudicial to the prisoner's health; or
    - (ii) special clothing is required on health grounds;
  - (c) special or protective clothing is required for particular work or activities being undertaken by the prisoner [<sup>F4</sup>or];
  - (d) particular clothing is or may be required for the purposes of legal [<sup>F5</sup>proceedings.]
  - <sup>F6</sup>(e) .....
- (5) The Scottish Ministers may make a direction for the purposes of specifying—
- (a) the types of clothes that a prisoner may or may not wear;
  - (b) whether it is appropriate to allow prisoners to wear or be prohibited from wearing their own clothing;
  - (c) that the matters in sub-paragraphs (a) and (b) apply to specific prisoners, categories or classes of prisoner; and
  - (d) that the matters in sub-paragraphs (a) and (b) apply to parts of a prison, within a particular prison or across a class of prisons.

#### Textual Amendments

- F1** Word in rule 32(2)(a) omitted (19.3.2012) by virtue of [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(7)(a)**
- F2** Word in rule 32(2)(b) inserted (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(7)(b)**
- F3** Rule 32(2)(c) inserted (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(7)(c)**
- F4** Word in rule 32(4)(c) inserted (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(7)(d)**
- F5** Word in rule 32(4)(d) substituted (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(7)(e)**
- F6** Rule 32(4)(e) revoked (19.3.2012) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2012 \(S.S.I. 2012/26\)](#), rules 1, **2(7)(f)**

Status: Point in time view as at 29/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Prisons and Young Offenders Institutions (Scotland) Rules 2011, PART 4. (See end of Document for details)

**Provision of clothing to prisoners**

- 33.—(1) The Governor must provide suitable clothing for every prisoner who—
  - (a) is not permitted to wear their own clothes under these Rules; or
  - (b) does not possess or have access to any or enough of their own clothes.
- (2) Any clothing provided in terms of paragraph (1) must—
  - (a) so far as reasonably practicable, be issued by the Governor for use only by the prisoner concerned;
  - (b) where required to be worn by the prisoner on occasions when outwith the prison, not give any obvious indication that the prisoner is such a person;
  - (c) be fit for purpose and, having regard to the circumstances, be suitable for the health and safety of the prisoner; and
  - (d) be maintained in good repair in accordance with arrangements made by the Governor.
- (3) The Governor must ensure that every prisoner has sufficient clothing (whether their own or provided by the Governor) to enable a prisoner—
  - (a) to have a clean change of socks and underwear everyday; and
  - (b) to have a clean change of other clothing as often as is necessary for the purposes of health and hygiene.
- (4) If the Governor receives advice from a healthcare professional that any article of clothing belonging to, or provided to, a prisoner is unsanitary, the Governor—
  - (a) may require the prisoner to change out of the article, if applicable;
  - (b) must provide the prisoner with alternative clean clothing to change into; and
  - (c) must arrange for the decontamination or disinfection of the relevant article by such process as is necessary unless the article is too unsanitary to clean in which case the article may be disposed of appropriately.
- (5) If it is impractical for the Governor to comply with paragraph (3) due to exceptional circumstances pertaining in the prison, or a temporary lack of facilities at the prison, then—
  - (a) subject to sub-paragraph (b) the Governor must seek to comply with paragraph (3) so far as reasonably practicable; and
  - (b) where the exceptional circumstances or temporary lack of facilities persist for more than 48 hours, the Scottish Ministers may by direction provide that paragraph (3) applies in relation to prisoners (or categories of prisoners) in that prison subject to such restrictions as the Scottish Ministers consider appropriate but only for a period not exceeding one month.

**Provision of clothing to prisoners – coronavirus**

<sup>F7</sup>33A. ....

<p><b>Textual Amendments</b></p> <p><b>F7</b> Rule 33A omitted (29.9.2020) by virtue of <a href="#">The Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment (No. 2) Rules 2020 (S.S.I. 2020/264)</a>, rules 1, 2(3)</p>
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## Personal hygiene

34.—(1) The Governor must provide every prisoner with the opportunity to keep clean by providing access at reasonable times to such facilities for washing, bathing and showering as are necessary for health and hygiene in order that a prisoner can bathe or shower—

- (a) on a daily basis where adequate arrangements can be made; or
- (b) where adequate arrangements cannot be made under sub-paragraph (a), at least every other day.

(2) The Governor must provide suitable towels and toiletries as are necessary for the prisoner's health and hygiene, including—

- (a) soap and shampoo;
- (b) shaving materials if required; and
- (c) in the case of female prisoners, sanitary protection.

(3) An officer may—

- (a) order that a prisoner must take a shower or a bath; or
- (b) on the advice of a healthcare professional, order that a prisoner must not take a shower or bath for such period as the officer, on the advice of a healthcare professional, considers appropriate.

(4) A prisoner's hair must not be cut without the consent of the prisoner.

## Personal hygiene - coronavirus

<sup>F8</sup>34A. ....

### Textual Amendments

**F8** Rule 34A omitted (29.9.2020) by virtue of [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment \(No. 2\) Rules 2020 \(S.S.I. 2020/264\)](#), rules 1, 2(4)

## Prisoners' food and drink

35.—(1) The Governor must—

- (a) ensure that every prisoner is provided with wholesome and nutritious food and drink on a daily basis;
- (b) ensure that the quantity of food and drink provided to each prisoner is adequate for health and nutrition and is well prepared and well presented;
- (c) taste and otherwise check samples of the food and drink prepared for prisoners on a daily basis to ensure its quality and condition; and
- (d) ensure that the facilities and conditions under which such food and drink are stored, prepared and served are inspected on a regular basis.

(2) If an officer finds any deficiency as a result of any sampling or inspection, the Governor must remedy that deficiency as soon as reasonably practicable.

(3) The Governor must ensure that every prisoner is provided with food which takes into account, so far as practicable, the prisoner's age, health and religious, cultural, dietary or other requirements.

(4) A prisoner must not receive or possess any food or drink unless—

- (a) it has been provided to the prisoner in terms of this rule;

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*Changes to legislation: There are currently no known outstanding effects for the The Prisons and Young Offenders Institutions (Scotland) Rules 2011, PART 4. (See end of Document for details)*

- (b) the prisoner was permitted to purchase it within the prison and purchased it in the prison; or
  - (c) the Governor has otherwise given permission.
- (5) If it is impractical for the Governor to comply with paragraphs (1) or (3) due to exceptional circumstances pertaining in the prison, or a temporary lack of facilities at the prison, then—
- (a) subject to sub-paragraph (b) the Governor must seek to comply with paragraphs (1) and (3) so far as reasonably practicable; and
  - (b) where the exceptional circumstances or temporary lack of facilities persist for more than 48 hours, the Scottish Ministers may by direction provide that paragraphs (1) and (3) apply in relation to prisoners (or categories of prisoners) in that prison subject to such restrictions as the Scottish Ministers consider appropriate but only for a period not exceeding one month.

**Prisoners’ food and drink – coronavirus**

<sup>F9</sup>35A. ....

<p>.....</p> <p><b>Textual Amendments</b></p> <p><b>F9</b> <a href="#">Rule 35A</a> omitted (29.9.2020) by virtue of <a href="#">The Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment (No. 2) Rules 2020 (S.S.I. 2020/264)</a>, rules 1, <b>2(5)</b></p>
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