

SCHEDULE 1

Rule 110

BREACHES OF DISCIPLINE

A prisoner is guilty of a breach of discipline if he or she—

1. commits any assault;
2. fights with any person;
3. uses threatening words or behaviour;
4. uses abusive or insulting words or behaviour;
5. commits any indecent or obscene act;
6. intentionally endangers the health or personal safety of others;
7. recklessly endangers the health or personal safety of others.
8. fails, without reasonable excuse, to open his or her mouth for the purpose of enabling a visual examination in terms of rule 92(2)(e);
9. is absent from a place where he or she is required to be or is present in a place he or she is not authorised to be;
10. is disrespectful to any person, other than a prisoner, who is at the prison;
11. intentionally fails to work properly or, on being required to work, refuses to do so;
12. disobeys any lawful order;
13. disobeys or fails to comply with any rule, direction or regulation applying to a prisoner;
14. intentionally obstructs any person, other than a prisoner, in the performance of that person's work at the prison;
15. detains any person against his or her will;
16. denies access to any part of the prison to any person other than a prisoner;
17. destroys or damages any part of a prison or any other property, other than his or her own;
18. intentionally or recklessly sets fire to any part of a prison or any other property, whether or not that property belongs to him or her;
19. takes improperly any article belonging to another person or to the prison;
20. has in his or her possession, or concealed about his or her body or in any body orifice, any article or substance which he or she is not authorised to have or a greater quantity of any article or substance than he or she is authorised to have;
21. has in his or her possession whilst in a particular part of the prison, any article or substance which he or she is not authorised to have when in that part of the prison;
22. has in his or her possession, or concealed about his or her body or in any body orifice, any prohibited article;
23. sells or delivers to any person any article which he or she is not authorised to have;
24. sells or, without permission, delivers to any person any article which he or she is allowed to have only for his or her own use;

Status: Point in time view as at 04/07/2022.

Changes to legislation: The Prisons and Young Offenders Institutions (Scotland) Rules 2011 is up to date with all changes known to be in force on or before 11 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

25. consumes, takes, injects, ingests, conceals inside a body orifice, inhales or inhales the fumes of any substance which is—

- (a) a prohibited article;
- (b) unauthorised property; or
- (c) an article which he or she has been authorised to keep or possess but which he or she has not been specifically authorised to inhale or inhale the fumes thereof;

[^{F1}**26.** uses a nicotine vapour product in an area of the prison where it is not permitted by virtue of rule 36 to use a nicotine vapour product;]

Textual Amendments

F1 Sch. 1 para. 26 substituted (30.11.2018) by [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2018 \(S.S.I. 2018/293\)](#), rules 1, **2(6)**

27. administers a controlled drug to himself or herself or fails to prevent the administration of a controlled drug to himself or herself by another person but subject to rule 117;

[^{F2}**27A.** has in his or her possession, or uses, an authorised personal communication device which was not provided to the prisoner by the Governor for use by that prisoner;]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

[^{F2}**27B.** has in his or her possession an authorised personal communication device in breach of the restrictions imposed by the Governor under rule 62A(3)(a);]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

[^{F2}**27C.** breaches the requirements of rule 62A(9) without reasonable excuse;]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

[^{F2}**27D.** fails without reasonable excuse to return an authorised personal communication device to an officer as ordered in accordance with rule 62A(10);]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by [The Prisons and Young Offenders Institutions \(Coronavirus\) \(Scotland\) Amendment Rules 2020 \(S.S.I. 2020/175\)](#), rules 1, **2(8)**

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[^{F2}27E. uses an authorised personal communication device in breach of the requirements of any direction made by the Scottish Ministers under rule 62A(11);]

Textual Amendments

F2 Sch. 1 paras. 27A-27E inserted (15.6.2020 at 2.00 p.m.) by The Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment Rules 2020 (S.S.I. 2020/175), rules 1, **2(8)**

- 28. escapes or absconds from prison or from legal custody;
- 29. fails to return to prison when he or she should return after being temporarily released under Part 15;
- 30. fails to comply with any condition upon which he or she is temporarily released under [^{F3}rule 100 or] Part 15; or

Textual Amendments

F3 Words in sch. 1 para. 30 inserted (24.3.2016) by The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2016 (S.S.I. 2016/131), rules 1, **2(21)**

- 31. attempts to commit, incites another prisoner to commit, or assists another prisoner to commit or attempt to commit, any of the foregoing breaches.

^{F4}SCHEDULE 2

Rule 146

CONSTITUTION OF VISITING COMMITTEES

Textual Amendments

F4 Sch. 2 revoked (31.8.2015) by The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 (S.S.I. 2015/39), arts. 1, **4(8)** (with art. 5)

^{F5}SCHEDULE 3

Rule 155

CONSTITUTION OF VISITING COMMITTEES FOR LEGALISED POLICE CELLS

Textual Amendments

F5 Sch. 3 revoked (31.8.2015) by The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 (S.S.I. 2015/39), arts. 1, **4(9)** (with art. 5)

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SCHEDULE 4

Rule 157

REVOCATIONS

Revocations	S.S.I. Number
The Prisons and Young Offenders Institutions (Scotland) Rules 2006	S.S.I. 2006/94
The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2007	S.S.I. 2007/190
The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2008	S.S.I. 2008/377

SCHEDULE 5

Rule 158

SAVINGS AND TRANSITIONAL PROVISIONS

1. Where, immediately prior to 1st November 2011, any of the matters listed in paragraph 2 remain extant, in force, pending or outstanding under any provision of the 2006 Rules that matter must be treated in accordance with paragraphs 3 to 13.

2. The matters referred to in paragraph 1 are—

- (a) any privilege or certificate which has been granted;
- (b) any authority, direction, order or permission which has been given; or
- (c) any record or minute which has been made in respect of any matter.

3. Subject to paragraphs 4 to 13, insofar as any matter listed in paragraph 2 could be granted, given or made under a corresponding provision of these Rules, that matter is to be treated as if it had been granted, given or made under the corresponding provision of these Rules.

4. Where, immediately prior to 1st November 2011—

- (a) a prisoner had an entitlement to carry forward an accumulated period of unused allowance under rule 65(2) of the 2006 Rules; and
- (b) some or all of that allowance had not been used,

the prisoner shall be deemed to have permission to accumulate visits under rule 65(2) of these Rules and the unused allowance under rule 65(2) of the 2006 Rules shall be treated as accumulated visits under rule 65 of these Rules.

5. Where, immediately prior to 1st November 2011, an order under rule 94(1) of the 2006 Rules is in force, that order shall be deemed to have been made under rule 95(1) of these Rules.

6. Where the Scottish Ministers have granted an authority under rule 94(5) of the 2006 Rules and that authority is in force immediately prior to 1st November 2011, that authority shall be deemed to constitute an extension granted under rule 95(11) of these Rules.

7. Where the Scottish Ministers have, under rule 94(6) of the 2006 Rules, renewed a previous authority granted by them under rule 94(5) of the 2006 Rules and that renewed authority is in force immediately prior to 1st November 2011, that renewed authority shall be deemed to constitute an extension granted under rule 95(12) of these Rules.

Status: Point in time view as at 04/07/2022.

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8. Where a report of a breach of discipline which was made in terms of rule 114 of the 2006 Rules, but in relation to which a charge has not been brought against the prisoner under rule 115 of the 2006 Rules before 1st November 2011, the report shall be deemed not to have been made, but without prejudice to the right of an officer, if appropriate, to make a report in terms of rule 111 of these Rules.

9. Part 11 and rules 130 and 131 of the 2006 Rules continue to apply as they did immediately prior to 1st November 2011 in respect of any breach of discipline, or alleged breach of discipline, in relation to which a charge was brought against a prisoner under rule 115 of the 2006 Rules before that date.

10. For the purposes of rule 120 of the 2006 Rules, references to a “breach of discipline” include a breach of discipline under these Rules.

11. Rules 123 to 128 of the 2006 Rules shall remain in force in relation to any complaint made by a prisoner under those Rules prior to the coming into force of these Rules.

12. Part 15 of the 2006 Rules shall remain in force in relation to any grant of temporary release to a prisoner under that Part which is in effect immediately prior to 1st November 2011 until the period of temporary release expires or the Governor recalls the prisoner under rule 146 of the 2006 Rules (whichever is the earlier).

13. The Scottish Prison Service Employee Code of Conduct and Standards of Conduct implemented on 1st August 1998 and revised on 1st September 2000 shall continue to apply as if it had been approved under rule 144.

Status:

Point in time view as at 04/07/2022.

Changes to legislation:

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