

POLICY NOTE

THE PRISONS AND YOUNG OFFENDERS INSTITUTIONS (SCOTLAND) AMENDMENT RULES 2017

SSI 2017/393

1. The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2017 (“the Amendment Rules”) were made in the exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989. These Rules amend The Prisons and Young Offenders Institutions (Scotland) Rules 2011 (“the Prison Rules”) and they are subject to negative procedure.

Policy Objective

2. The Prison Rules set out provisions relating to the regulation and management of Prisons and Young Offenders Institutions and various matters concerning those who are required to be detained in these institutions (such as their classification, treatment, discipline, employment and control).

3. The amendments are designed to support the move to smoke free prisons in November 2018.

4. The definition of ‘smoke’ in Rule 2 is being extended to include nicotine vapour products, as defined in the Tobacco and Primary Medical Services (Scotland) Act 2010.

5. Rule 36 is being amended to enable a prison officer to instruct a prisoner to stop smoking and open the windows and vents in their cell for a period of 30 minutes before the prison officer begins a cell certification check, and to refrain from smoking until the process is completed. A cell certification check is undertaken to ensure the security and safety of the cells available for use.

Impact Assessment

6. An Equality and Human Rights Impact Assessment was carried out and no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.

Consultation

7. There has been consultation with operational managers and policy colleagues within the Scottish Prison Service, Scottish Government Health Directorate, NHS, TUS colleagues.

Financial Effect

8. The Cabinet Secretary for Justice confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Prison Service