
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 194

**The Prisons and Young Offenders Institutions
(Scotland) Amendment Rules 2022**

Amendment of the Prisons and Young Offenders Institutions (Scotland) Rules 2011

2.—(1) The Prisons and Young Offenders Institutions (Scotland) Rules 2011(1) are amended in accordance with paragraphs (2) to (7).

(2) In rule 35 (prisoners' food and drink), after paragraph (5) insert—

“(6) This rule does not apply to prisons, categories of prisons or parts of prisons specified by the Scottish Ministers in a direction under rule 35B(1) (prisoners' food and drink: preparation of meals by prisoner for own consumption).”

(3) After rule 35 insert—

“35B. Prisoners' food and drink: preparation of meals by prisoner for own consumption

(1) The Scottish Ministers may specify in a direction the prisons, categories of prisons or parts of prisons to which this rule applies in place of rule 35.

(2) Where this rule applies to a prison or part of a prison by virtue of a direction under paragraph (1), the Governor must—

(a) ensure that every prisoner has access to the facilities reasonably required to—

- (i) safely prepare and consume food and drink for their own consumption, and
- (ii) safely store the food and drink to be used for their own consumption,

(b) ensure that the facilities referred to in paragraph (2)(a) are inspected on a regular basis, and

(c) ensure that food and drink purchased by prisoners is monitored to check that every prisoner makes purchases that will allow them to consume wholesome and nutritious food and drink on a daily basis.

(3) The Governor may arrange for an allowance to be paid to a prisoner for the sole purpose of making purchases of food and drink to enable that prisoner to prepare wholesome and nutritious food for their own consumption on a daily basis.

(4) If, as a result of monitoring under paragraph (2)(c), it is concluded that a prisoner is not making purchases that will allow them to consume wholesome and nutritious food and drink on a daily basis, an officer will provide the prisoner with information on consuming a healthy diet.

(5) Where an officer has provided a prisoner with information on consuming a healthy diet under paragraph (4), but as a result of further monitoring under paragraph (2)(c) it is concluded that the prisoner continues not to make purchases that will allow them to consume wholesome and nutritious food and drink on a daily basis, an officer may—

(a) prevent the prisoner purchasing any food and drink, and

- (b) provide the food and drink needed for the prisoner to prepare wholesome and nutritious food and drink for their own consumption.
- (6) The Governor must ensure that every prisoner has access to and can safely prepare and store food and drink which take into account, so far as practicable, the prisoner’s age, health and religious, cultural, dietary or other requirements.
- (7) The Governor must ensure that a prisoner who is pregnant is able to purchase, prepare and consume food and drink which take into account any dietary requirements during pregnancy.
- (8) If it is impractical for the Governor to comply with paragraphs (2), (3), (6) or (7) due to circumstances pertaining in the prison, or a temporary lack of available facilities, then—
- (a) subject to sub-paragraph (b) the Governor must seek to comply with paragraphs (2), (3), (6) and (7) so far as reasonably practicable, and
 - (b) where the circumstances or temporary lack of available facilities persist for more than 48 hours, the Scottish Ministers may by direction provide that paragraphs (2), (3), (6) and (7) 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.”.
- (4) In rule 99 (custody outside prison), after paragraph (2) insert—
- “(3) For the purposes of special escorted leave, paragraph (1)(b) does not apply in the circumstances specified by the Scottish Ministers in a direction made under rule 100(5).”.
- (5) In rule 100 (special escorted leave)—
- (a) in paragraph (2), for “he or she”, substitute “the Governor”,
 - (b) for paragraph (4), substitute—
 - “(4) For the purposes of this rule, “eligible prisoner” means—
 - (a) a person who is serving a sentence of imprisonment,
 - (b) is confined in a prison, or a category of prison, or a particular part of a prison, to which this rule applies, and
 - (c) is and has been for at least 3 months assigned low supervision level.”, and
 - (c) in paragraph (5)—
 - (i) in sub-paragraph (c), for “he or she may grant”, substitute “granting”, and
 - (ii) after sub-paragraph (e) insert—
 - “(f) the circumstances in which rule 99(1)(b) does not apply to special escorted leave.”.
- (6) In rule 127 (pregnancy and confinement), after paragraph (9) insert—
- “(10) Paragraph (7) does not apply to prisons, categories of prisons or parts of prisons specified by the Scottish Ministers in a direction under rule 35B(1) (prisoners’ food and drink: preparation of meals by prisoner for own consumption).”.
- (7) In rule 136 (forms of temporary release), after the definition of “unescorted release for health reasons”, insert—
- ““regular unescorted day release” means the unescorted temporary release from prison of an eligible prisoner for a period not exceeding one day on each occasion for the purposes of enabling the prisoner, in preparation for eventual release—
- (a) to develop further, or to re-establish, links with their family or community,
 - (b) to develop educational or employment opportunities in the local community,

- (c) to attend an appointment in the local community,
- (d) to make purchases of food and drink in the local community in accordance with rule 35B, or
- (e) to undertake wellbeing activities in the local community.”.