
STATUTORY INSTRUMENTS

1998 No. 2504

**The Prisons and Young Offenders Institutions
(Scotland) Amendment (No.2) Rules 1998**

Substitution of rule 100 of the principal Rules

3. For rule 100 of the principal Rules (Governor's punishments)(1) there are substituted the following rules:—

“Governor's punishments

100.—(1) If he finds a prisoner guilty of a breach of discipline, the Governor may impose one or more of the following punishments:—

- (a) a caution;
- (b) forfeiture of any privileges granted under the system of privileges applicable to a prisoner for a period not exceeding 14 days;
- (c) stoppage of or deduction from earnings for a period not exceeding 56 days and of an amount not exceeding one half of the prisoner's earnings in any week (or part thereof) falling within the period specified;
- (d) except in the case of a young prisoner, cellular confinement for a period not exceeding 3 days;
- (e) subject to rule 100A, an award of additional days not exceeding 14 days;
- (f) in the case of a prisoner who is an existing prisoner within the meaning of paragraph 1 of Schedule 6 to the 1993 Act who is serving a sentence of imprisonment for a term of more than 5 days, forfeiture of remission of sentence for a period not exceeding 14 days;
- (g) in the case of a prisoner guilty of escaping or attempting to escape, forfeiture of the entitlement to wear his own clothing under rule 18 for any period as may be specified;
- (h) in the case of an untried prisoner or a civil prisoner, forfeiture of either or both of the entitlements referred to in rules 41 and 46 for any period as may be specified;
or
- (i) forfeiture of the entitlement to withdraw money in terms of rule 45(3) for any period not exceeding 14 days.

(2) Subject to rule 100A, if a prisoner is found guilty of more than one breach of discipline arising out of an incident, punishments under this rule (except for cellular confinement imposed under paragraph (1)(d)) may be ordered to run consecutively.

(3) Where cellular confinement is imposed on a prisoner under paragraph (1)(d)–

- (a) the Governor shall inform a medical officer as soon as possible;

- (b) any entitlement of the prisoner in terms of these Rules shall not, by reason only of the imposition of such confinement, be affected except insofar as expressly provided in a direction made for the purposes of sub-paragraph (c); and
- (c) the prisoner shall serve the period of confinement in accordance with the provisions of, and subject to any conditions imposed by, a direction made by the Secretary of State.

Awards of additional days

100A.—(1) The exercise of the power conferred by rule 100(1)(e) to impose an award of additional days shall be subject to the provisions of this rule.

- (2) An award of additional days may be made under rule 100(1)(e) in relation to—
 - (a) a short-term prisoner or a long-term prisoner; or
 - (b) an untried prisoner who is committed to prison for examination or trial on any criminal charge.
- (3) In relation to a short-term prisoner or a long-term prisoner who has been sentenced—
 - (a) to one term of imprisonment; or
 - (b) to two or more terms of imprisonment which fall to be treated as a single term by virtue of section 27(5) of the 1993 Act⁽²⁾,

no award of additional days may be made in respect of his sentence or, as the case may be, the single term if he has at any time been released on licence, in relation to his sentence, under Part I of the 1993 Act.

(4) In relation to any short-term prisoner or long-term prisoner who is serving an extended sentence within the meaning of section 210A of the Criminal Procedure (Scotland) Act 1995⁽³⁾, an award of additional days may only be made in relation to the custodial term of his extended sentence.

- (5) An award of additional days shall not exceed one-sixth of the sentence of a short-term prisoner or a long-term prisoner, either—
 - (a) in respect of a breach of discipline of which the prisoner has been found guilty; or
 - (b) when aggregated with the total of any award or awards of additional days which the prisoner may have been or is awarded under rule 100(1)(e) in respect of that sentence.

(6) Subject to paragraph (5), if any person in respect of whom an award of additional days may be made is found guilty of more than one breach of discipline arising out of an incident, awards of additional days under rule 100(1)(e) may be ordered to run consecutively but the total awarded shall not exceed 28 days.

- (7) No award of additional days may be made in respect of a sentence of a short-term prisoner or a long-term prisoner if—
 - (a) the breach of discipline was committed before the date on which he was sentenced to imprisonment; and
 - (b) his sentence did not commence, by virtue of section 210(1) of the Criminal Procedure (Scotland) Act 1995⁽⁴⁾, on or before the date on which the breach was committed.

(2) Section 27(5) was substituted by the Crime and Disorder Act 1998 (c. 37), section 111(3), but the substitution only applies where one or more of the sentences concerned was passed after the commencement of section 111 of the said Act of 1998.

(3) 1995 c. 46; section 210A was inserted by the Crime and Disorder Act 1998, section 86(1).

(4) 1995 c. 46; section 210 was amended by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 12.

(8) In the case of an untried prisoner who is committed to prison for examination or trial on any criminal charge, an award of additional days under rule 100(1)(e) shall have effect only if he subsequently becomes a short-term prisoner or a long-term prisoner or a person sentenced to detention under section 208 of the Criminal Procedure (Scotland) Act 1995 (the detention not being without limit of time) whose sentence commences, by virtue of section 210(1) of the said Act of 1995, on a date earlier than the date on which the sentence is passed.”