PRISON, SCOTLAND

The Borstal (Scotland) Rules, 1950

1950 No. 1944 (S. 131)

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* In accordance with the provisions of section 74 (2) of the Criminal Justice (Scotland) Act, 1949, as read with section 6 of the Statutory Instruments Act, 1946, a draft of these Rules has lain before both Houses of Parliament for a period of forty days before they were made.

In exercise of the powers conferred upon me by section fifty-three of the Criminal Justice (Scotland) Act, 1949(a), and of all other powers enabling me in that behalf, I hereby make the following Rules:—

PRELIMINARY

Application and interpretation

1.—(1) These Rules apply to Borstal institutions in Scotland, hereinafter referred to as " institutions " and to persons required to be detained therein, hereinafter referred to as " inmates ".

(2) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" After Care Council " means the Council appointed under section fifty-eight of the Criminal Justice (Scotland) Act, 1949;

" appellant " means an appellant within the meaning of the Criminal Appeal (Scotland) Act, 1926(b), whose appeal has not yet been determined;

" Chaplain " means the person, being a minister or licentiate of the Church of Scotland, appointed by the Secretary of State to minister to the religious welfare of the inmates;

" Governor " means the officer appointed by the Secretary of State to govern an institution subject to the control and direction of the Secretary of State;

" Housemaster " means an officer appointed by the Secretary of State to be responsible to the Governor for the administration of a house and for the training of the inmates therein;

" legal adviser " means, in relation to an inmate, an advocate, or a solicitor within the meaning of the Solicitors (Scotland) Act, 1933(c), or the authorised clerk of an advocate or solicitor;

" Matron " means a female officer appointed by the Secretary of State to assist the Housemaster in the administration of a house and the training of the inmates therein;

" Medical Officer " means the officer, being a registered medical practitioner, appointed by the Secretary of State to perform the medical services of an institution;

" officer " means a person appointed by the Secretary of State to assist in the control of an institution;

" prohibited article " means such article as may from time to time be declared by the Secretary of State to be a prohibited article for the purpose of these Rules;

" Visiting Clergyman " means a person, being a minister of any religious denomination other than the Church of Scotland, appointed by the Secretary of State to minister to the religious welfare of inmates of that denomination;

" Visiting Committee " means a Committee appointed under subsection (3) of section fifty-four of the Criminal Justice (Scotland) Act, 1949.

(3) Any direction or authorisation implied in any of these Rules shall be given by the Secretary of State unless the Rules otherwise provides.

(4) The Interpretation Act, 1889(d), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(a) 12, 13 & 14 Geo. 6. c. 94.
(b) 16 & 17 Geo. 5. c. 15.
(c) 23 & 24 Geo. 5. c. 21.
(d) 52 & 53 Vict. c. 63.

Citation and Commencement

2. These Rules may be cited as the Borstal (Scotland) Rules, 1950, and shall come into operation on the eleventh day of December, 1950.

Revocation

3. The Borstal (Scotland) Regulations dated 24th August, 1911(a), and 2nd February, 1937(b), are hereby revoked.

TRAINING

Purposes and methods

4.—(1) The objects of training shall be to bring to bear influences which may establish in an inmate the will to lead a good and useful life and to abstain from crime and to fit him to do so by the fullest possible development of his character, ability and sense of personal responsibility.

(2) Methods of training may vary as between one institution and another according to the needs of the different types of inmate allocated to each.

Reception centres

5.—(1) A person sentenced to Borstal training shall be removed at the earliest possible date to an institution, or to part of an institution, set aside as a reception centre, and until such arrangements can be carried out he will be specially treated in the prison where he is detained, in accordance with such instructions as the Secretary of State may give.

(2) To assist classification arrangements shall be made at reception centres for careful examination of the character and ability of each inmate.

Classification

6.—(1) With a view to facilitating the training of inmates and to minimising the danger of contamination inmates shall be classified, having regard to their character, ability, previous history and other relevant circumstances in accordance with such instructions as the Secretary of State may give from time to time.

(2) The Secretary of State may at any time order the transfer of an inmate from one institution to another if in his opinion it is necessary for the inmate's training or for any other reason.

Houses

7.—(1) To facilitate training, inmates may be grouped into houses.

(2) A Housemaster with the assistance of a Matron and such other staff as may be appointed shall be responsible to the Governor for the administration of each house, and for the personal training of the inmates of it.

Grading

8.—(1) To facilitate training and assessment of fitness for release, inmates may be placed in such grades as the Secretary of State approves.

(2) Promotions from grade to grade, or reduction in grade otherwise than as an award for an offence against discipline, shall be decided by the Governor with the advice of an institution board composed of such officers as the Secretary of State may decide.

(3) The institution board shall keep under review the progress of each inmate throughout the period of his training.

(a) S.R. & O. 1911 (No. 840) p. 373. (b) S.R. & O. 1937 (No 55) p. 251.

Privileges

9.—(1) There shall be established at every institution such system of privileges as the Secretary of State approves in the interests of good conduct and training.

(2) Every such system shall include arrangements under which sums paid to inmates under these Rules may be spent subject to such conditions as the Secretary of State may determine.

ACCOMMODATION

Sleeping accommodation

10.—(1) A room or dormitory shall not be used for the accommodation of inmates unless it is of adequate size for the number of inmates to be accommodated therein ; is lighted, warmed, ventilated and fitted up in such a manner as may be requisite for health ; and is approved by the Secretary of State. In each room or dormitory means of communication with an officer of the institution shall be provided:

Provided that this Rule shall not apply when with the authority of the Secretary of State inmates are temporarily accommodated under camp conditions.

(2) Not fewer than three inmates may be accommodated in a dormitory.

Beds and bedding

11. Every inmate shall be provided with a separate bed and with bedding adequate for warmth and health in accordance with a scale approved by the Secretary of State or authorised in special circumstances by the Medical Officer.

ADMISSION AND TRANSFER

(i) Admission

Search

12.—(1) Each inmate shall be searched on admission and subsequently at such times as may be directed by the Governor, and all prohibited articles shall be taken from him.

(2) The searching shall be conducted in as seemly a manner as possible and no inmate shall be stripped in the sight of another inmate: an inmate shall be searched only by officers of his own sex.

Retention of property

13. The Governor shall take charge of any money, clothing, and other articles which an inmate is not allowed to retain, and shall keep an inventory thereof, which shall be signed by the inmate.

Recording of particulars, and photographing

14.—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Secretary of State may direct.

(2) Every inmate shall be photographed on reception and may be photographed at other times but no copy of any such photograph shall be given to any person not authorised to receive it.

Interview by Governor

15. Without prejudice to his duties under Rules 25 and 40 the Governor shall interview all inmates as soon as possible after their admission and he shall again interview them prior to release.

Medical examination

16. Without prejudice to his duties under Rules 21, 82 and 93 the Medical Officer shall separately examine each inmate as soon as possible after his admission and record the state of his health and such other particulars as may be directed:

Provided that when an inmate is admitted too late to be examined on the day of admission he shall be examined as soon as possible on the next day, and in any case within 24 hours of admission.

Babies

17. Subject to such conditions as may be prescribed by the Secretary of State, the infant child of a female inmate may be received into the institution with its mother and may be supplied with clothing and necessaries at the public expense.

(ii) Information to inmates

Providing and explaining information

18.—(1) The Governor shall ensure that every inmate receives a careful explanation of these Rules and any other instructions of which he should have knowledge, including those relating to earnings and privileges, to the proper methods of submitting petitions to the Secretary of State and of making complaints and to the disciplinary requirements of the institution.

(2) A copy of these Rules shall be shown to any inmate on request.

(iii) Transfer

Custody during transfer, etc.

19. Any inmate for whose production at any place a lawful order is issued shall, while outside the institution, be kept in the custody of the officers directed by the Governor to convey him to that place.

Protection from public view

20. Inmates under escort to or from an institution shall be exposed to public view as little as possible.

Final interview with Medical Officer

21. Every inmate shall be examined by the Medical Officer before transfer to another institution. No inmate shall be transferred to any other institution until the Medical Officer certifies that he is fit for transfer.

(iv) Parole

Release on parole

22.—(1) The Secretary of State may authorise the release on parole of an inmate for a stated length of time and under conditions and for reasons approved by him.

(2) If an inmate absent on parole breaks any of the said conditions, he shall, notwithstanding that the stated length of time has not elapsed, be liable to be recalled to the institution, in like manner as a person released in accordance with the Fourth Schedule to the Criminal Justice (Scotland) Act, 1949, is liable to be recalled by reason of failure to comply with any requirement specified in the notice given to him under paragraph 2 of that Schedule.

(v) Deaths of inmates

Record of death and report to procurator-fiscal

23. The Medical Officer shall record the death of any inmate, together with particulars of the time at which the inmate was taken ill, the time at which the illness was first notified to the Medical Officer, the nature of the illness, the time at which the inmate died, the results of any post-mortem examination, and any other circumstances which he considers it desirable to bring to notice.

The Medical Officer shall also submit to the Governor, for transmission to the procurator-fiscal, a full statement of every circumstance known to him connected with the health of the inmate on and after his admission to the institution.

Notice to registrar of births, etc.

24.—(1) Upon the death of an inmate within the institution the Governor shall give immediate notice thereof to the registrar of births, deaths and marriages and to the procurator-fiscal for the district within which the institution is situated, and also to the Visiting Committee and the Secretary of State. The Governor shall at the same time forward to the procurator-fiscal the statement about the health of the inmate referred to in Rule 23, together with an account of his conduct and treatment in the institution and, if known, the names and addresses of his nearest relatives.

(2) The Governor shall intimate to the procurator-fiscal the name of any inmate wishing to give evidence at a public inquiry into the death of an inmate.

(3) After any public inquiry into the death of an inmate the Governor shall report to the Secretary of State the finding of the Sheriff and any circumstances of importance that may have arisen at the inquiry.

DISCIPLINE AND CONTROL

(i) General

Supervision by Governor

25.—(1) The Governor shall exercise close and constant personal supervision over the whole institution, and shall visit and inspect daily all parts of the institution where inmates are employed or accommodated. He shall give special attention to every inmate who is sick, under restraint or under punishment.

(2) Subject to the provisions of Rule 28 the Governor shall from time to time visit the institution during the night and satisfy himself as to the state of the institution. Such visits shall be made not less often than twice a fortnight at varying intervals and at varying hours.

Performance of Governor's duties by other persons

26.—(1) In the absence of the Governor the institution shall be in the charge of an officer approved by the Secretary of State, and the officer so approved shall, during the Governor's absence, be competent to perform, and shall perform, any duty required to be performed by the Governor.

(2) The Governor may delegate to a Housemaster, or other officer approved by the Secretary of State, such duties as the Secretary of State may from time to time approve.

Supervision, etc. of girls

27. Girls shall be attended only by female officers and if working under a male instructor shall be supervised by a female officer.

Duties of female officer in charge of institution for girls

28.—(1) Where a prison occupied by both males and females has been set aside in part as an institution for girls that part shall be in charge of a female officer appointed for the purpose by the Secretary of State and the keys of all the locks of the institution shall be in her custody.

(2) She shall exercise a close and constant personal supervision over the whole of the institution; she shall visit and inspect daily all parts of the institution where the girls are working or accommodated, and she shall give special attention to any girl who is sick or under restraint or confined to her room.

(3) She shall take care that no male officer or visitor enters any part of the institution allotted to female inmates unless accompanied by herself or some other female officer.

(4) At least twice a fortnight she shall visit the institution during the night and satisfy herself that all is in order.

(5) When she is absent her duties shall be performed by a female officer approved by the Secretary of State and that officer shall have all the powers and perform all the duties of the officer in charge.

(ii) Offences against discipline

Governor to deal with reports

29.—(1) Except as provided in paragraph (2) of this Rule all reports against an inmate shall be dealt with by the Governor, or an officer authorised under the provisions of Rule 26 (1).

(2) A Housemaster may be authorised to deal with such classes of report as the Secretary of State may determine.

Separation of inmates on report

30. When an inmate has been reported for an offence the Governor may order him to be kept apart from other inmates pending adjudication.

Information to inmate on report

31.—(1) Before a report is dealt with the inmate concerned shall be informed of the offence for which he has been reported and shall be given an opportunity of hearing the allegations against him and of being heard in his defence.

(2) If an inmate commits an offence against discipline immediately before or during his transfer from one institution to another he may be dealt with as if he had committed the offence in the latter institution.

Prohibited articles

32. No inmate shall have in his possession any prohibited article and any such article which may be found in the possession of an inmate may be confiscated by the Governor.

Offences

33. An inmate shall be guilty of an offence against discipline if he :—

(1) Disobeys any lawful order, or refuses or neglects to conform to these Rules.

(2) Treats with disrespect any officer or any person visiting the institution.

(3) Is idle, careless or negligent at work, or refuses to work.

(4) Uses any abusive, insolent, threatening or other improper language.

(5) Is indecent in language, act or gesture.

(6) Commits any assault.

(7) Leaves without permission any place in which he is required to be.

(8) Takes improperly, or is in unauthorised possession of, any article.

(9) Loses by neglect institution property.

(10) Wilfully disfigures or damages any part of the institution or any property which is not his own.

(11) Commits any nuisance.

(12) Gives to or receives from any person or has in his room or possession any prohibited article.

(13) Makes repeated and groundless complaints.

(14) Escapes from the institution or from legal custody.

(15) Mutinies or incites other inmates to mutiny.

(16) Commits any act prejudicial to the good order and discipline of the institution.

(17) Attempts to do any of the foregoing things.

Investigation of offences, and awards by Governor

34.—(1) Every offence against discipline shall be reported forthwith by the officer to whose notice it has come, and the Governor shall investigate every such report not later than the following day, unless that day be a Sunday or a public holiday.

(2) Save as provided by Rule 35, the Governor or the officer appointed to act for him in terms of Rule 26 (1) shall adjudicate upon any report of an offence against discipline, and, if he finds the inmate guilty, he may award one or more of the following punishments:—

(*a*) Removal of an inmate from his house for a period not exceeding 28 days.

(*b*) Deprivation of association, either in whole or in part, for a period not exceeding 28 days.

(*c*) Deprivation of the following privileges for a period not exceeding 14 days:—

(i) Payment in whole or in part for work,

(ii) Smoking:

Provided that an inmate who is found guilty of losing by neglect or wilfully damaging institution property may, in addition to or in lieu of deprivation of the privilege of receiving payment for work, be required to pay out of any earnings thereafter made by him under Rule 45 (4) a sum in accordance with such rates as may from time to time be authorised by the Secretary of State.

(*d*) Postponement of letters and visits subject to the provisions of Rule 60 (2).

(*e*) Reduction in grade or delay in promotion to a higher grade for a period not exceeding three months.

(3) A Housemaster authorised to deal with reports under Rule 29 (2) may award such punishments as the Secretary of State may determine.

Investigation and awards by Visiting Committee or Secretary of State

35.—(1) Where an inmate is reported for an offence for which, in the Governor's opinion it may be desirable to award a more severe punishment than is provided for in Rule 34 the Governor may, with the approval of the Secretary of State, report the offence to the Visiting Committee, who shall inquire into the report (on oath if they so decide) and may, if they find the inmate guilty, award one or more of the following punishments:—

(*a*) Any award under Rule 34.

(*b*) Removal of an inmate from his house for a period not exceeding three months.

(*c*) Deprivation of the following privileges for a period not exceeding 28 days—

(i) Payment in whole or in part for work,

(ii) Smoking:

Provided that an inmate who is found guilty of losing by neglect or wilfully damaging institution property may, in addition to or in lieu of deprivation of the privilege of receiving payment for work, be required to pay out of any earnings thereafter made by him under Rule 45 (4) a sum in accordance with such rates as may from time to time be authorised by the Secretary of State.

(*d*) Reduction in grade or delay in promotion to a higher grade.

(2) When an inmate who has been granted by the Visiting Committee any permission under these Rules is guilty of misconduct such permission may be suspended or withdrawn by the Visiting Committee.

(3) Offences may also be reported by the Governor to the Secretary of State, who may inquire into the report and deal with it in the same manner as the Visiting Committee.

Deprival of privileges—work in lieu

36. An inmate deprived of the privilege of association shall during the periods he would have been eligible for this privilege perform such domestic duties of the institution as the Governor may determine.

Remission and mitigation of awards

37.—(1) Any disciplinary award may be remitted or mitigated by the Secretary of State.

(2) A punishment awarded under Rules 34 or 35 may be terminated at any time during its currency by the Governor or Visiting Committee who made the award.

(iii) Restraints

Mechanical restraints

38.—(1) No inmate shall be put under mechanical restraint except on medical grounds by direction of the Medical Officer and in the circumstances and under the conditions stated in the following paragraphs of this Rule.

(2) When the Medical Officer directs that an inmate shall be put under mechanical restraint he shall forthwith in writing notify to the Governor the reason for the restraint and the time during which it is to continue, which notification shall be retained by the Governor as his warrant.

(3) Where the Medical Officer is not immediately available and it appears urgently necessary in order to prevent an inmate from injuring himself or others, the Governor may order the inmate to be put under mechanical restraint and notice thereof shall be given as soon as possible to the Medical Officer.

(4) Immediately on receipt of a notice as aforesaid the Medical Officer shall say whether he concurs in the order. If he does not concur, the Governor shall immediately remove the restraint.

(5) Every inmate who is under mechanical restraint, shall be visited at least once a day by the Governor and the Medical Officer, and shall be observed at least once in every fifteen minutes, during the night as well as during the day, by an officer detailed by the Governor for the purpose.

(6) Particulars of every use of mechanical restraint shall be forthwith recorded by the Governor and notified to the Secretary of State and to the Visiting Committee.

(7) Any mechanical means of restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner, and under such conditions as he may direct.

Temporary confinement

39.—(1) The Governor may order a refractory or violent inmate to be temporarily confined in a special room approved for the purpose under Rule 10; but no inmate shall be confined in such a room as a punishment, or longer than is necessary.

(2) No inmate shall be confined to such a room unless the Medical Officer has certified that he is in a fit condition of health to be so confined.

(3) Every inmate confined to such a room shall be visited as least once a day by the Governor and the Medical Officer and shall be observed at least once in every fifteen minutes during the night as well as during the day, by an officer detailed by the Governor for that purpose.

(iv) Complaints by inmates

Complaints to be recorded and put forward

40.—(1) Any request by an inmate to see the Governor, or an officer of the Secretary of State visiting the institution, or a member of the Visiting Committee, or a Sheriff or Justice of the Peace visiting the institution under the provisions of section sixteen of the Prisons (Scotland) Act, 1877(a), shall be recorded by the officer to whom it is made and conveyed without delay to the Governor.

(2) The Governor shall, at a fixed time every day other than Sundays and public holidays, see all inmates who have requested to see him.

(3) On the occasion of each visit to the institution by an officer of the Secretary of State, or member of the Visiting Committee, or Sheriff or Justice of the Peace visiting under the provisions of section sixteen of the Prisons (Scotland) Act, 1877, the Governor shall, as the case may require, inform him of all outstanding requests by inmates to see such officer or member or Sheriff or Justice of the Peace.

(4) Every inmate intimating to an officer his desire to write to the Secretary of State or the Visiting Committee shall be supplied with paper for the purpose, and the Governor shall see that every such letter is transmitted to the Secretary of State or the Committee without delay. If the inmate has elected to close the envelope it shall not be opened by the Governor.

(a) 40 & 41 Vict. c. 53.

(v) Prohibited articles

Prohibited articles generally

41. No person shall without authority convey or throw into, or deposit in the institution, or convey or throw out of the institution or convey to any inmate, whether inside or outside the institution, or deposit with a view to its coming into the possession of any such inmate any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever. Anything so conveyed, deposited or thrown without authority may be confiscated by the Governor.

Drink and tobacco

42.—(1) No inmate shall be given any exciseable liquor except for medical reasons in pursuance of a written order of the Medical Officer specifying the quantity to be given and the name of the inmate for whose use it is intended.

(2) No inmate shall be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Governor with the approval of the Secretary of State.

(vi) Control of admission

General restrictions

43.—(1) Any person suspected of bringing any prohibited article into the institution may be refused admission unless he is prepared to be examined and searched by an officer. Where the person submitting to be searched is a female the searching will be done by a female officer, and no search will be made in the presence of any inmate or of another visitor.

(2) The Governor may cause to be removed from the institution any visitor to the institution or to an inmate whose conduct is prejudicial to good order.

Visitors viewing institutions

44.—(1) The Governor shall not, except as provided by statute or by these Rules, or as authorised by the Secretary of State, allow any person to view the institution.

(2) The Governor shall see that no person viewing the institution makes any sketch, or takes any photograph, or holds communication with any inmate, unless authorised to do so by the Secretary of State.

WORK

General requirements

45.—(1) Unless excused by the Medical Officer on medical grounds every inmate shall be employed on useful work, and shall be instructed as far as possible in occupations which may fit him to earn his livelihood on release.

(2) No inmate shall be employed on any class of work unless he has been certified by the Medical Officer as fit for that class of work.

(3) Inmates who have not been excused by the Medical Officer shall normally be required to work 44 hours a week.

(4) Inmates may receive payment for work in accordance with directions by the Secretary of State.

Unauthorised work

46.—(1) No inmate shall be employed except on work authorised by the Secretary of State.

(2) Except with the authority of the Secretary of State no inmate shall be employed in the service of any other inmate or of any officer or servant of the institution, or for the private benefit of any person.

RELIGION, EDUCATION AND WELFARE

(i) Religion

Recording of denomination

47. On admission each inmate shall be required to state his religious denomination, and shall be treated as a member of that denomination unless and until he satisfies a member of the Visiting Committee or the Secretary of State that he has good grounds for desiring to be treated as a member of another denomination.

Visits by special ministers

48. The Governor shall arrange, as far as practicable, that each inmate of a denomination for which no Visiting Clergyman has been appointed, shall be visited, if he so requests, by a minister of his denomination.

Holding of services, etc.

49.—(1) Divine Service for inmates belonging to the Church of Scotland shall be held at least once on each Sunday, and may be held also on other occasions.

(2) Divine Service for inmates of other denominations shall be held at such times as may be arranged by the Governor.

(3) Where Sunday religious services have been arranged any inmate of the appropriate denomination may be required to attend.

Religious books

50. Every inmate shall be furnished with such religious books of the denomination to which he belongs, as are approved by the Secretary of State.

Interviews, visits to sick, etc.

51.—(1) The Chaplain shall interview as soon as possible after admission and, if practicable, once in each week thereafter, and also shortly before release, each inmate belonging to the Church of Scotland, and any other inmate who is not visited by a Visiting Clergyman; and he shall frequently visit every such inmate who is sick, or under restraint, or confined to a room. A Visiting Clergyman shall perform these duties in the case of inmates of his denomination.

(2) The Chaplain shall conduct the services prescribed by these Rules for inmates belonging to the Church of Scotland and such other services as may be arranged, and a Visiting Clergyman shall conduct such services as may be arranged for inmates of his denomination.

(3) If other provision has not been made, the Chaplain shall conduct the burial service at the funeral of an inmate belonging to the Church of Scotland (or other denomination for which no Visiting Clergyman has been appointed) who may die in the institution, and in similar circumstances a Visiting Clergyman shall conduct the service at the funeral of an inmate belonging to his denomination.

Sunday work, etc.

52. Arrangements shall be made by the Governor for the avoidance of all unnecessary work by inmates of the Christian religion on Sunday and Christmas Day, and by inmates of other religions on their recognised days of religious observance. On Good Friday Episcopalian and Roman Catholic inmates shall be treated as on Sundays.

Substitute for chaplain or minister

53. A minister of religion nominated by a Chaplain or Visiting Clergyman and approved by the Secretary of State may officiate in the absence of the Chaplain or Visiting Clergyman.

(ii) Education and libraries

Class teaching, etc.

54.—(1) Provision shall be made at every institution for the continued education of inmates by class teaching and individual study and for activities such as hobbies and handcrafts which may help to develop interest in cultural pursuits and in the good use of leisure.

(2) As far as practicable facilities shall be provided to enable every inmate to take part in such educational activities outside the normal working hours ; but where it would be in the educational interests of any inmate, particularly if under eighteen years of age, or if backward or illiterate, provision may be made for education within the normal working hours.

Library

55. A library shall be provided in every institution and, subject to such conditions as may be laid down by the Secretary of State, every inmate shall be allowed to borrow one or more library books at a time and to exchange them at frequent intervals.

Books, etc., from outside

56. Inmates may receive books or periodicals from outside the institution under such conditions as the Secretary of State may determine.

(iii) Social relations and after-care

Family relationships, etc.

57.—(1) Special attention shall be paid to the maintenance of such relations between an inmate and his family as are desirable in the best interests of both.

(2) So far as is practicable and, in the opinion of the Governor, desirable, an inmate shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and himself.

(3) The Governor may at any time communicate to an inmate, or to his family or friends, any matter of importance to the inmate.

After-care, etc.

58.—(1) From the beginning of his training consideration shall be given, in consultation with the After Care Council, to the future of each inmate and the assistance to be given to him on and after release, and for this purpose the Council or their representatives shall be given all necessary information and assistance.

(2) Facilities shall be afforded to the representatives of the Council to visit every inmate from time to time during the period of institutional training.

(3) The Council shall report to the Visiting Committee as to the possibility of employment of each inmate referred to the Committee as fit for release.

Information to family of death, etc.

59. Upon the death or serious illness, or certification as insane or mentally defective, of an inmate, or the sustaining by an inmate of a serious accident, the Governor, if the inmate is married to a person whose address is known, shall at once inform the wife or husband as the case may be, and otherwise shall at once inform the nearest relative whose address is known, and shall in any event inform any other person whom the inmate has requested may be so informed.

(iv) Letters and visits

Letters and visits generally

60.—(1) Communications between inmates and their relatives and friends shall be allowed in accordance with the following provisions subject to such restrictions as may be laid down by the Secretary of State with a view to the maintenance of discipline and order and the prevention of crime, and no other person shall be allowed to communicate with an inmate without the authority of the Secretary of State.

(2) Every inmate shall be allowed to write and to receive one letter on arrival at any institution and shall thereafter be allowed to write to and to receive letters from approved correspondents and to receive visits from approved visitors at intervals laid down by the Secretary of State. The intervals so prescribed may be extended as a punishment for misconduct but shall not be extended so as to preclude an inmate from writing and receiving a letter every four weeks and receiving a visit every eight weeks.

(3) Subject to the provisions of Rule 40(4) every letter to or from an inmate shall be read by the Governor or by an officer deputed by him for the purpose, and it shall be within the discretion of the Governor to stop any letter if he considers the contents are objectionable.

(4) Not more than two relatives or friends shall be allowed to visit an inmate at one time.

(5) The degree of supervision to be exercised during visits to inmates shall, subject to any express provision in these Rules, be in the discretion of the Governor.

Letter instead of visit and discretionary letter or visit

61. The Governor may allow an inmate to write a letter and receive a reply in lieu of a visit, and if he considers that the circumstances justify such a concession may allow an inmate to write a special letter and receive a reply, or receive a special visit, or prolong the period of a visit.

Information of transfer

62. An inmate shall be allowed to inform his family of his transfer.

(v) Visits for special purposes

Visits by procurator-fiscal or police

63.—(1) A procurator-fiscal or his authorised depute shall be permitted in the discharge of his public duty, to visit and examine any inmate in the sight but not in the hearing of an officer.

(2) On production of written authority from a procurator-fiscal or Chief Constable an officer of police shall be permitted

(*a*) to interview, in the sight and hearing of an officer, any inmate who is willing to be so interviewed, or

(*b*) to see any inmate for purposes of identification, or

(*c*) formally to charge any inmate with committing an offence but not to examine him in respect thereto.

Visits by legal adviser

64. The legal adviser of an inmate will be given reasonable facilities to consult him on any legal business. The interview shall take place in the sight but not in the hearing of an officer of the institution.

Special purpose visits not to be forfeited

65. The visits to which the last foregoing Rule refers shall be additional to the visits allowed under any other of the foregoing Rules and shall not be liable to forfeiture under Rules 34 and 35.

PHYSICAL WELFARE

(i) Medical Services

Medical Officer; general duties

66.—(1) The Medical Officer shall have the general care of the health of the inmates and shall every day visit every sick inmate, every inmate who complains of illness and every other inmate to whom his attention is specially directed.

(2) In the absence of the Medical Officer his duties shall be performed by a registered medical practitioner approved by the Secretary of State.

Inmates under restraint, etc.

67. The Medical Officer shall once every day, or oftener, visit every inmate who is under restraint or temporary confinement.

Immediate attendance and consultations

68.—(1) The Medical Officer shall attend at once on receiving information of the illness of an inmate.

(2) The Medical Officer may at his discretion call into consultation another medical practitioner, and shall do so before a serious operation is performed upon an inmate, unless in his opinion it is essential for the operation to be performed immediately.

(3) The Medical Officer shall keep a record of occasions on which in accordance with this Rule he consults another medical practitioner, and of the circumstances in which serious operations are performed without such consultation.

Duty to report

69. The Medical Officer shall report to the Secretary of State through the Governor any circumstances connected with the institution or the treatment of the inmates which at any time appear to him to require consideration on medical grounds.

Report on danger to health, etc.

70.—(1) Whenever the Medical Officer has reason to believe that an inmate's physical or mental condition is likely to be injuriously affected by treatment authorised under these Rules, he shall report the case, together with his recommendations, in writing to the Governor, who shall either give effect to the recommendations or refer to the Secretary of State for instructions, as the circumstances may demand.

(2) Whenever the Medical Officer is of opinion that the life of any inmate will be endangered by further detention in an institution, or that any sick inmate will not survive his sentence, or is totally and permanently unfit for institutional discipline, he shall report his opinion and the grounds thereof in writing, through the Governor, to the Secretary of State.

Recommendations on separation

71. The Medical Officer shall submit to the Governor in writing a recommendation for separating from other inmates any inmate suffering or suspected to be suffering from any infectious or contagious disease or to be in a verminous condition, and steps shall at once be taken to treat the condition and prevent it from spreading to other inmates. Any necessary intimation to the Medical Officer of Health for the district shall be made by the Medical Officer through the Governor.

Suicidal inmates

72. The Medical Officer shall draw the attention of the Governor to any inmate who he may have reason to think has suicidal intentions in order that special observation may be kept on such inmate and the Governor shall, without delay, direct that such inmate be observed at frequent intervals.

Mental illness

73. The Medical Officer shall keep under his special observation any inmates whose mental condition appears to require attention and shall report to the Governor those who appear to be of unsound mind and in need of treatment in a mental hospital under the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871(**a**), and those who are, in his opinion, mentally defective within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913(**b**).

Serious illness

74. The Medical Officer shall give notice to the Governor and the Chaplain when any inmate appears to him to be seriously ill.

Inmates requiring specialist treatment

75. The Medical Officer shall report to the Governor in writing the case of any inmate whose condition, in his opinion, calls for attention by a specialist, and shall without delay arrange for such attention to be given.

Inmates requiring dental treatment

76. The Medical Officer shall report to the Governor in writing the case of any inmate whose condition, in his opinion, calls for attention by a dentist, and the Governor shall thereupon arrange for such attention to be given in accordance with procedure authorised by the Secretary of State.

(a) 34 & 35 Vict. c. 55. (b) 3 & 4 Geo. 5. c. 38.

Examination of candidates for employment

77. When requested to do so by the Secretary of State or by the Governor, the Medical Officer shall examine any officer or any candidate for employment as an officer and report as to the state of his health.

Additional duties

78. The Medical Officer shall also discharge such other duties as are assigned to him in these Rules.

(ii) Hygiene

Supervision of hygiene

79. The Medical Officer shall oversee and shall advise the Governor upon the hygiene of the institution and the inmates, including arrangements for cleanliness, sanitation, heating, lighting and ventilation and the Governor shall as far as practicable put such advice into effect.

Washing, shaving and hair cutting

80. Arrangements shall be made for every inmate to wash at all proper times and, unless excused or prohibited on medical or other grounds, to have a hot bath on admission and at least once a week thereafter and for male inmates, unless excused on medical or other grounds, to shave or be shaved and have their hair cut as required. The hair of a male inmate may be cut as short as is necessary for good appearance, but the hair of a female inmate shall not be cut without her consent unless the Medical Officer certifies in writing that cutting is essential for the eradication of vermin, dirt or disease.

Toilet articles

81. Every inmate shall be provided on admission with such toilet articles as are necessary for health and cleanliness and arrangements shall be made for the replacement of those articles when necessary.

(iii) Exercise

Exercise to be regular

82.—(1) Inmates shall regularly be given such physical recreation, training and exercise as are required to promote health and physical well-being.

(2) The Medical Officer shall examine every inmate to decide the extent of his participation in physical recreation, training and exercise.

(iv) Food

Quality of food

83. The diet shall at all times be wholesome and appetising, reasonably varied and adequate for the maintenance of health, and in accordance with a scale authorised by the Secretary of State.

Inspection of food

84. The Medical Officer shall frequently inspect the food, cooked and uncooked, and shall report to the Governor as to its condition and quality. He shall report any deficiency in the quantity or defect in the quality of the water.

No private food

85. Except as approved by the Secretary of State, or authorised by the Medical Officer on medical grounds, no inmate shall be allowed to have any food other than the normal diet.

Quantity of food

86. The diet of any inmate unable to consume the normal quantity of food may, upon the written recommendation of the Medical Officer and in order to prevent waste of food, be reduced to suit his individual needs.

(v) Clothing

Clothing to be adequate

87. Every inmate shall be provided with clothing adequate for warmth and health in accordance with a scale approved by the Secretary of State or recommended in special circumstances by the Medical Officer. The clothing provided shall, where necessary, include suitable protective clothing for use at work.

RELEASE

Eligibility

88. An inmate shall become eligible for release in accordance with the provisions of the Fourth Schedule to the Criminal Justice (Scotland) Act, 1949.

Review of progress

89. The institution board shall keep under review the progress of each inmate throughout the period of his training.

Reference by Governor

90. When the Governor, having taken into account the recommendation of the institution board, is satisfied that a submission for release can properly be made to the Secretary of State he shall bring the case to the notice of the Visiting Committee.

Consideration by Visiting Committee

91. The Visiting Committee shall examine periodically the character, conduct and prospects of each inmate and shall consider the case of any inmate referred to them by the Governor. If they consider that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life they may, after consultation with the After Care Council as to employment, recommend to the Secretary of State that he be released.

Arrangements with After Care Council

92. Arrangements for release shall be made in consultation with the After Care Council.

Medical examination

93. As short a time as is practicable before release every inmate shall be examined by the Medical Officer and no inmate who is suffering from any acute or dangerous illness shall be released until, in the opinion of the Medical Officer, it is safe for him to leave, unless his sentence having expired he refuses to stay; in which case the inmate will sign a statement to the effect that he leaves at his own risk.

Outfit on release

94. Every inmate shall receive an outfit of suitable clothing on release.

STAFF

General obligations

95.—(1) Every officer shall conform to these Rules, and to orders issued by the Secretary of State.

(2) Every officer shall obey the lawful instructions of the Governor.

(3) Every officer shall at once report to the Governor any breach of these Rules or any abuse or impropriety which may come to his knowledge.

Absence

96. No officer shall be absent from the institution without leave from the Governor.

Sick inmates

97. Every officer shall direct the attention of the Governor to any inmate (whether he complains or not) who appears to be unwell or whose state of mind appears to require special care, and the Governor shall without delay bring such cases to the notice of the Medical Officer.

Use of force

98.—(1) No officer in dealing with inmates shall use force unless its use is unavoidable, and no more force than is necessary shall be used.

(2) An officer shall not strike an inmate unless compelled to do so in self-defence.

(3) No officer shall deliberately act in a manner calculated to provoke an inmate.

Business transactions

99.—(1) No officer shall carry out any pecuniary or business transaction with or on behalf of any inmate except with the authority of the Secretary of State.

(2) No officer shall without authority bring in or carry out or knowingly allow to be brought in or carried out, to or for any inmate, or deposit in any place with intent that it shall come into possession of an inmate, any article whatsoever ; neither shall he attempt to do any of these things.

Gratuities

100. No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his duty.

Ex-inmates, etc.

101. Except with the permission of the Governor, no officer shall knowingly communicate with any ex-inmate, or with the friends or relatives of any inmate or ex-inmate.

Contracts

102. No officer shall, directly or indirectly, have any interest in any contract in connection with the institution or receive any fee, gratuity or other consideration from any contractor or from any person tendering or any other person whatever in connection with any such contract or tender.

Communications to press, etc.

103. No officer shall, directly or indirectly, make any unauthorised communication to representatives of the press or any other persons in reference to matters which have become known to him in the course of his duty.

Quarters

104.—(1) Every officer shall occupy such quarters as may be assigned to him and shall at any time vacate them if required to do so.

(2) On the termination of an officer's service he shall give up the quarters he has occupied as soon as he is required to do so and on the death of an officer his family shall give up the quarters when required to do so.

Code of discipline

105. The code of discipline for the time being in force under Rule 122 of the Prison (Scotland) Rules, 1947(**a**), or any such code formulated in terms of Rules made under section fifty-three of the Criminal Justice (Scotland) Act, 1949, shall apply to officers of an institution in the same manner as it applies to prison officers.

APPELLANTS

Appellants absent from an institution

106.—(1) Any appellant who, when in custody, is to be brought to any place at which he is entitled to be present for the purposes of the Criminal Appeal (Scotland) Act, 1926, or to any place to which the High Court of Justiciary or any Judge thereof may order him to be taken for the purposes of the proceedings of that Court, shall, while absent from the institution, be kept in the custody of the officer directed by the Governor to convey him to that place.

(2) An appellant when absent from an institution under this Rule shall wear his own clothing or, if his own clothing cannot be used, clothing different from institution dress.

Private medical adviser and other visitors

107.—(1) An appellant may for the purposes of his appeal receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

(2) An appellant may for the purposes of his appeal receive a visit from any other person.

Letters and other facilities

108.—(1) Writing materials to such extent as may appear reasonable to the Governor shall be furnished to any appellant who requires them for the purposes of preparing his appeal.

(2) An appellant shall be permitted to write such letters to his legal adviser or other person as may be necessary for the prosecution of his appeal.

(3) Any confidential written communication prepared as instructions for his legal adviser may be delivered personally to the latter without being examined by an officer unless the Governor has reason to suppose that it contains matter not relating to such instructions; but all other written communications shall be treated as letters and, subject to the provisions of Rule 40 (4), shall not be sent out without being previously inspected by the Governor.

VISITING COMMITTEE

Constitution and term of office

109.—(1) Of the total membership of the Visiting Committee for each institution appointed by the Secretary of State under subsection (3) of section fifty-four of the Criminal Justice (Scotland) Act, 1949, not less than one-third, with a minimum of two, shall be women.

(2) The members of the Visiting Committee shall hold office for such a period, not exceeding three years, as the Secretary of State may fix.

(**a**) S.R. & O. 1947 (No. 1062) I, p. 1850.

Chairman

110. When a Visiting Committee is initially constituted one of the members shall be appointed by the Secretary of State to be chairman. Thereafter the Committee shall appoint a chairman and fill any casual vacancy in the office of chairman.

Meetings and visits

111.—(1) The Visiting Committee shall meet at the institution at least once a quarter to discharge their functions under these Rules.

(2) Members of the Visiting Committee shall frequently visit and inspect the institution and for this purpose the Visiting Committee shall at their first meeting each year arrange a rota of attendance at the institution.

Quorum; appointment of sub-committees, vice-chairman and clerk

112.—(1) The Visiting Committee shall at their first meeting, which shall take place within one month of the appointment of the members thereof, fix a quorum of not less than three for the purpose of carrying out their duties, which shall also be the quorum for any sub-committee appointed under paragraph (2) of this Rule, and may at that or a later meeting appoint a vice-chairman.

(2) To assist them to carry out their duties under these Rules the Visiting Committee may appoint sub-committees from among its members and shall delegate specific responsibilities to any sub-committee so appointed.

(3) Subject to the approval of the Secretary of State the Visiting Committee may appoint a clerk, who shall be paid such remuneration as the Secretary of State may, with the consent of the Treasury, determine.

Vacancies

113. The powers of the Visiting Committee shall not be affected by vacancies so long as the number of members is sufficient to form a quorum.

Minutes

114. The Visiting Committee shall keep minutes of their proceedings.

Inquiries, etc.

115. The Visiting Committee shall co-operate with the Secretary of State and the Governor in promoting the efficiency of the institution and shall make inquiry into and report on any matter specifically referred to them by the Secretary of State.

Duties in relation to administration of institution

116. The Visiting Committee shall bring to the notice of the Secretary of State immediately any circumstances connected with the administration of the institution which appear to them to require his consideration.

Adjudication, report, etc.

117.—(1) The Visiting Committee shall hear and adjudicate on such offences against discipline as may be referred to them under these Rules.

(2) The Visiting Committee shall furnish such information with respect to the offences reported to them, and their awards, as may from time to time be required by the Secretary of State.

Incorrigible inmates

118. The Visiting Committee shall report to the Secretary of State the case of any inmate whom they consider to be incorrigible or to be exercising a bad influence on the other inmates of the institution.

Investigation of inmates' requests or complaints

119.—(1) The Visiting Committee shall hear and investigate any request or complaint which any inmate may desire to make to them and, if necessary, report the same, with their opinion, to the Secretary of State. The Visiting Committee and any member thereof may at any time enter the institution and shall have free access to every part thereof and to every inmate, and may see any such inmates either in their rooms or in a room out of sight and hearing of officers.

(2) The Visiting Committee shall record in the minute book of the Committee their findings on all requests or complaints investigated by them, and the results of all visits to, and inspections of, the institution.

Sick inmates

120. Whenever the Visiting Committee have reason to believe that an inmate's physical or mental condition is likely to be adversely affected by the conditions of his training they shall report to the Secretary of State. In any urgent case they shall give such directions as they deem expedient, communicating the same to the Secretary of State.

Food

121. The Visiting Committee shall from time to time inspect the food of the inmates, and if at any time they find it unsatisfactory they shall report the circumstances to the Secretary of State, and note the same in their minute book, and the Governor shall immediately take steps to remedy the defect.

Books

122. The Visiting Committee may inspect any of the books of the institution and a note of any such inspection shall be made in their minute book.

Additional visits or letters

123. The Visiting Committee may, in case of special importance or urgency, allow an inmate an additional visit or letter or prolong the period of a visit.

Requests for change of religion

124. The Visiting Committee shall investigate and decide on any request from an inmate to change his religious denomination. Before granting such a request they must satisfy themselves that it is made from conscientious motives, and not from caprice or a desire to evade any of these Rules.

Buildings

125. The Visiting Committee shall from time to time inquire into the state of the institution buildings, and if any repairs or additions appear to them to be necessary shall report, with their advice and suggestions, to the Secretary of State.

Annual and other reports

126. The Visiting Committee shall make an annual report as soon as may be after the end of each year to the Secretary of State with regard to all or any of the matters referred to in these Rules, and to such other matters appertaining to the institution as they may deem expedient with their advice and suggestions upon any such matter; and they may make such other reports to the Secretary of State as they consider necessary concerning any matter to which, in their opinion, attention should be called.

Conditions on which permissions are to be granted

127. The Visiting Committee shall, before granting any permission under these Rules satisfy themselves by consultation with the Governor that it can be granted without interfering with the security, good order and government of the institution and its inmates, and if after permission has been granted its continuance seems likely to cause any such interference, or if the inmate has abused the permission, they may suspend or withdraw the permission.

Other duties

128. The Visiting Committee shall also discharge such other duties as are assigned to them in these Rules or may be required of them by the Secretary of State.

Contracts

129. A member of the Visiting Committee of an institution shall not have any interest in any contract made in respect of that institution.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th November, 1950.

The Detention of Prisoners (Scotland) Rules, 1949

1950 No. 690 (S. 50)

Made - - - -	*28th December,* 1949
Laid before Parliament	*8th March,* 1950
Coming into Operation	*28th April,* 1950*

In exercise of the powers conferred on me by section twenty-seven of the Prisons (Scotland) Act, 1877(**a**) and of all other powers enabling me in that behalf I hereby make the following Rules:

1. These Rules may be cited as the Detention of Prisoners (Scotland) Rules, 1949.

2. The Interpretation Act, 1889(**b**) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. Persons charged with or convicted of any crime or any offence committed within the County of Fife may be committed for trial, safe custody, punishment or otherwise to the Legalised Police Cells at Kirkcaldy which have been declared to be a legal Prison by Rules made under section thirty of the Prisons (Scotland) Act, 1877(**c**).

Dated this 28th day of December, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

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* In accordance with the provisions of section 58 of the Prisons (Scotland) Act, 1877, as read with sections 5 and 7 of the Statutory Instruments Act, 1946, these Rules have lain before both Houses of Parliament for a period of forty days before coming into operation.

(**a**) 40 & 41 Vict. c. 53. (**b**) 52 & 53 Vict. c. 63. (**c**) S.R. & O. 1911 No. 759.