DETENTION CENTRES

1960 No. 870 (S. 41)

The Detention Centre (Scotland) Rules, 1960

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In exercise of the powers conferred upon me by section thirty-five of the Prisons (Scotland) Act, 1952(a), and of all other powers enabling me in that behalf I hereby make the following Rules, a draft whereof has been laid before Parliament in accordance with sub-section (2) of section 40 of the Prisons (Scotland) Act, 1952, as read with sub-section (1) of section 6 of the Statutory Instruments Act, 1946(b).

PRELIMINARY

Application and interpretation

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

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

"appellant" means an appellant within the meaning of the Criminal Appeal (Scotland) Act, 1926(c), 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;

"junior centre" and "senior centre" have the meanings assigned to them by Rule 3;

"legal adviser" means, in relation to an inmate, an advocate, or a solicitor within the meaning of the Solicitors (Scotland) Acts, 1933 to 1958, or the authorised clerk of an advocate or solicitor;

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

"offence" has the meaning assigned to it by Rule 29;

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

"restricted diet" has the meaning assigned to it by sub-paragraph (*h*) of paragraph (2) of Rule 30;

"school age" has the meaning assigned to it by section 32 of the Education (Scotland) Act, 1946(d);

"Visiting Clergyman" means a person, being a minister of any religous 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 31 of the Prisons (Scotland) Act, 1952;

"Warden" means an officer appointed by the Secretary of State to take charge of a centre.

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

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

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
(b) 9 & 10 Geo. 6. c. 36.
(c) 16 & 17 Geo. 5. c. 15.
(d) 9 & 10 Geo. 6. c. 72.
(e) 52 & 53 Vict. c. 63.

Citation and commencement

2. These Rules may be cited as the Detention Centre (Scotland) Rules, 1960 and shall come into operation on the sixteenth day of May, 1960.

Classification and Grading

Classification

3.—(1) An inmate shall be detained in that one of the four following types of centre appropriate to his or her age and sex, namely—

(*a*) junior centre for males under the age of seventeen;

(*b*) junior centre for females under the age of seventeen;

(*c*) senior centre for males aged seventeen or over;

(*d*) senior centre for females aged seventeen or over.

Provided that a person under the age of seventeen may be detained in a senior centre and a person aged seventeen or over may be detained in a junior centre if in either case the Secretary of State, having regard to the person's mental or physical development, so directs.

(2) A senior and a junior centre for persons of the same sex may be in the same building.

Grading

4.—(1) On arrival at a centre an inmate shall be placed in Grade I.

(2) Subject to any general directions by the Secretary of State an inmate may be promoted from Grade I to Grade II—

(*a*) after being not less than four weeks in Grade I or, in the case of an inmate ordered to be detained for a term of one month, such less period in Grade I as the Warden may determine, and

(*b*) if in the opinion of the Warden his conduct justifies the promotion.

(3) Inmates promoted to Grade II shall be given such privileges as the Secretary of State from time to time determines.

Accommodation

Sleeping Accommodation

5.—(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 centre shall be provided.

(2) The number of inmates accommodated in any dormitory shall be not less than three.

Detention rooms

6. No room shall be used as a detention room for the confinement of an inmate in pursuance of a disciplinary award under Rule 30 or Rule 31 or for the confinement of a refractory or violent inmate under Rule 34, unless it is approved by the Secretary of State for the purpose and is furnished with the means of enabling the inmate so confined to communicate at any time with an officer.

Beds and bedding

7. 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.

Reception and Removal

(i) Reception

Search

8.—(1) Each inmate shall be searched by an officer on reception and subsequently at such times as may be directed by the Warden, 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

9. The Warden 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 at the time the articles are removed from him.

Recording of particulars, and photographing

10.—(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 may be photographed on reception and at other times but no copy of any such photograph shall be given to any person not authorised by the Secretary of State to receive it.

Interview by Warden

11. Every inmate shall as soon as possible after his reception be separately interviewed by the Warden.

Medical examination

12. The Medical Officer shall separately examine each inmate as soon as possible after his reception 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

13. 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 centre with its mother and may be supplied with clothing and necessaries at the public expense.

(ii) Information to inmates

Providing and explaining information

14.—(1) The Warden shall ensure that every inmate receives a careful explanation of so much of these Rules and of any other instructions of which he should have knowledge, including those relating to payments, to activities of the centre, to the proper methods of submitting petitions to the Secretary of State and of making complaints, and to the disciplinary requirements of the centre.

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

(iii) Removal and release

Custody during removal, etc.

15. An inmate whom the Secretary of State has directed to be taken to any place shall while outside the centre be kept in the custody of officers of a centre directed by the Warden to convey him to that place, or of prison officers.

Protection from public view

16. Inmates under escort to or from a centre shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult or curiosity.

Final interview with Warden and with Medical Officer

17. An inmate shall before release or removal to any other place be interviewed by the Warden, and shall, as short a time as is practicable before release or removal to any other place, be examined by the Medical Officer, and shall not be so removed unless the Medical Officer certifies that he is fit for removal.

Return of clothes and other property

18. On the release of an inmate, his own clothes and other property shall be returned to him unless it has been found necessary to destroy or otherwise dispose of his clothes, in which case suitable clothing shall be provided for him.

(iv) Deaths of Inmates

Record of death and report to procurator-fiscal

19. 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 Warden, 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 centre.

Notice to registrar of births, etc.

20.—(1) Upon the death of an inmate within the centre the Warden shall give immediate notice thereof to the registrar of births, deaths and marriages and to the procurator-fiscal for the district within which the centre is situated, and also to the nearest relative of the inmate, the Visiting Committee and the Secretary of State. The Warden shall at the same time forward to the procurator-fiscal the statement about the health of the inmate referred to in Rule 19 together with an account of his conduct and treatment in the centre and, if known, the names and addresses of his nearest relatives.

(2) The Warden 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 Warden 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 Warden

21.—(1) The Warden shall exercise close and constant personal supervision over the whole centre, and shall visit and inspect daily all parts of the centre where inmates are employed or accommodated. He shall give special attention to every inmate who is sick, under restraint or under punishment, and shall arrange that every inmate undergoing confinement in a detention room or subject to restricted diet under Rule 30 or Rule 31 shall be visited at frequent intervals each day by an officer appointed for that purpose.

(2) The Warden shall from time to time visit the centre during the night and satisfy himself as to the state of the centre. Such visits shall be made not less often than twice a fortnight at varying intervals and at varying hours.

Performance of Warden's duties by other persons

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

(2) The Warden may delegate to an officer approved by the Secretary of State such duties as the Secretary of State may from time to time approve.

Supervision, etc. of girls

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

(ii) Remission

Conditions of remitting sentence

24. Arrangements shall be made by which an inmate ordered to be detained for a period exceeding one month may by good conduct and industry become eligible for release when a portion of his term of detention not exceeding one-sixth of the whole term of detention has yet to run.

(iii) Offences against discipline

Warden to deal with reports

25. All reports against an inmate shall be dealt with by the Warden, or an officer authorised under the provisions of Rule 22.

Separation of inmates on report

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

Information to inmate on report

27.—(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 centre to another he may be dealt with as if he had committed the offence in the latter centre.

Prohibited articles

28. 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 Warden.

Offences

29. An inmate whose behaviour is such as to offend against the good order and discipline of the centre may be punished by the Warden or the Visiting Committee in the manner provided by these Rules.

Investigation of offences, and awards by Warden

30.—(1) Every offence shall be reported forthwith, and the Warden shall investigate the report not later than the following day, unless that day is a Sunday or a public holiday.

(2) If upon investigation the Warden or the officer appointed to act for him in terms of Rule 22 considers that the offence is proved, he shall (subject to the provisions of Rule 31) make one or more of the following awards :—

(*a*) caution ;

(*b*) removal for a period not exceeding fourteen days from such activity or activities of the centre, other than work, as are specified in the award ;

(*c*) extra work or fatigues outside normal working hours, for not more than two hours on any one day and for a period not exceeding fourteen days ;

(*d*) stoppage of payments in whole or in part under paragraph (2) of Rule 43 for a period not exceeding fourteen days ;

(*e*) reduction to Grade I ;

(*f*) removal to a detention room for a period not exceeding fourteen days under such restrictions of activities of the centre (including work) and with such stoppage of payments under paragraph (2) of Rule 43 as the Secretary of State shall have determined ;

(*g*) confinement to a detention room for a period not exceeding twenty-four hours in a junior centre and three days in a senior centre ;

(*h*) restricted diet upon a scale approved by the Secretary of State for a period not exceeding three days in a junior centre and seven days in a senior centre, provided that the said scale shall not be such as to reduce the offender's diet below a nutritional standard adequate for his health and strength at normal work ;

(*i*) forfeiture of remission of the term of detention for a period not exceeding seven days.

(3) Confinement to a detention room or restricted diet shall in no case be awarded under this or the following rule unless the Medical Officer has certified that the inmate is in a fit condition of health to sustain it.

Investigation and awards by Visiting Committee or Secretary of State

31.—(1) Where an inmate is reported for an offence upon which the Warden, having regard to the circumstances of the case, thinks it expedient that the Visiting Committee should adjudicate, the Warden may after investigation refer the case to the Visiting Committee.

(2) The Visiting Committee shall inquire into every case referred to them under the foregoing paragraph and, if they find the offence proved, shall make one or more awards authorised under paragraph (2) of Rule 30:

Provided that—

(*a*) an award lettered (*b*), (*c*), (*d*) or (*f*) in the said paragraph (2) may be for a period not exceeding twenty-eight days;

(*b*) an award of confinement to a detention room may be for a period not exceeding three days in a junior centre and seven days in a senior centre;

(*c*) an award of forfeiture of remission of the term of detention may be for a period exceeding seven days.

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

Remission and mitigation of awards

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

(2) A punishment other than a punishment lettered (*a*) or (*i*) in paragraph (2) of Rule 30 may be terminated at any time during its currency by the Warden or Visiting Committee who made the award.

(iv) Restraints

Mechanical restraints

33.—(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 Warden the reason for the restraint and the time during which it is to continue, which notification shall be retained by the Warden 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 Warden 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 Warden shall immediately remove the restraint.

(5) Every inmate who is under mechanical restraint shall be visited at least once a day by the Warden 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 Warden for the purpose.

(6) Particulars of every use of mechanical restraint shall be forthwith recorded by the Warden 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

34.—(1) The Warden may order a refractory or violent inmate to be temporarily confined in a special room approved for the purpose under Rule 6; 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 at least once a day by the Warden 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 Warden for that purpose.

(v) Complaints by inmates

Complaints to be recorded and put forward

35.—(1) Any request by an inmate to see the Warden, or an officer of the Secretary of State visiting the centre, or a member of the Visiting Committee, or a Sheriff or Justice of the Peace visiting the centre under the provisions of Section 15 of the Prisons (Scotland) Act, 1952 shall be recorded by the officer to whom it is made and conveyed without delay to the Warden.

(2) The Warden shall, at a convenient hour 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 centre 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 15 of the Prisons (Scotland) Act, 1952, the Warden 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 Warden 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 Warden.

(vi) Prohibited articles

Prohibited articles generally

36. Except with the authority of the Warden no person may bring into the centre any money, clothing, food, drink, tobacco, letter, paper, book, or tool of any description, intended for the use of an inmate, or on behalf of an inmate take out of a centre any such article. Any such article taken without authority into or attempted to be taken out of the centre may be confiscated by the Warden.

Drink and tobacco

37.—(1) No inmate shall be given any excisable 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 of a junior centre and, except in accordance with such orders as may be given by the Warden with the approval of the Secretary of State, no inmate of a senior centre shall be allowed to smoke or to have in his possession any tobacco.

(vii) Control of admission

General restrictions

38.—(1) Any person suspected of bringing any prohibited article into the centre 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 shall be done by a female officer, and no search shall be made in the presence of any inmate or of another visitor.

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

Visitors viewing centres

39.—(1) The Warden 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 centre.

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

Employment, Education and Recreation of Inmates

Normal working week

40. The normal working week shall be one of forty-four hours.

Education

41.—(1) In the case of inmates of school age, arrangements shall be made for their full-time education within the normal working week.

(2) In the case of inmates not of school age, arrangements shall be made for their part-time education either within the normal working week or outside it.

Recreation

42. At least one hour a day shall be devoted to physical training or to organised games and such period shall be deemed to form part of the normal working week.

General requirements

43.—(1) The Medical Officer may excuse an inmate from work or from physical training or organised games on medical grounds, and no inmate shall be employed on any work or participate in physical training or organised games unless he has been certified as fit for that work or exercise by the Medical Officer.

(2) Inmates may receive payments related to their industry in accordance with rates approved by the Secretary of State and may spend money so received on such articles and subject to such conditions as the Secretary of State determines.

(3) No inmate shall be set to any type of work not authorised by the Secretary of State.

(4) Except with the authority of the Secretary of State no inmate shall work in the service of another inmate or of an officer or for the private benefit of any person.

RELIGION AND WELFARE

(i) Religion

Recording of denomination

44. On admission each inmate shall be required to state his religious denomination, if any, 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

45. The Warden 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. Each such inmate shall on reception be informed of this Rule.

Holding of services, etc.

46.—(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 Warden.

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

Religious books

47. There shall so far as practicable be available for the personal use of every inmate such religious books of the denomination to which he belongs as are accepted by the Secretary of State for use in centre.

Interviews, visits to sick, etc.

48.—(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 while an inmate of the centre, and in similar circumstances a Visiting Clergyman shall conduct the service at the funeral of an inmate belonging to his denomination.

Sunday work, etc.

49. Arrangements shall be made by the Warden 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

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

(ii) Libraries

51. A library shall be provided in every centre and, subject to such conditions as may be laid down by the Secretary of State, every inmate shall be allowed to borrow books and to exchange them at intervals.

(iii) Social relations and after-care

Family relationships, etc.

52.—(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 the inmate.

(2) So far as is practicable and, in the opinion of the Warden, desirable, an inmate shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the centre as may promote his social rehabilitation.

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

After-care

53.—(1) It shall be the duty of the Visiting Committee to make such arrangements as are practicable for the after-care of inmates of the centre who are willing to accept after-care.

(2) In discharging the said duty the Visiting Committee shall act in consultation with the Warden.

Information to family of death, serious illness, etc.

54. 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 Warden 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

Normal minimum provision

55.—(1) Every inmate shall be allowed to write and receive a letter on reception and thereafter once in two weeks and to receive a visit once in four weeks:

Provided that in lieu of a visit the Warden may allow an inmate to write a letter and receive a reply.

(2) The Warden may for special reasons allow an inmate to receive or write additional letters or receive additional visits.

Letters and visits generally

56.—(1) Without prejudice to the provisions of Rule 55 the Secretary of State, notwithstanding any provision of this and the following six Rules, may impose such restrictions upon and supervision over letters, visitors and visits as he considers necessary for securing discipline and good order, for the prevention of crime and criminal associations, and for the welfare of individual inmates.

(2) Except as provided in these Rules, no person shall be allowed to communicate with an inmate without special authority.

(3) Subject to paragraph (4) of Rule 35 and paragraph (3) of Rule 86 every letter to or from an inmate shall be read by the Warden or by a responsible officer deputed by him for the purpose, and it shall be within the discretion of the Warden to stop any letter on the ground that its contents are objectionable or that it is of inordinate length.

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

Deferment

57. When an inmate who is entitled to a letter or visit under any provision of these Rules is at the time in a detention or special room under Rule 30, Rule 31 or Rule 34, the letter or visit may in the Warden's discretion be deferred until the period in the detention or special room has expired.

Information as to transfer

58. An inmate who is to be transferred to another centre, to a hospital or other establishment shall be allowed to inform his family.

(v) Visits and letters for special purposes

Visits by procurator-fiscal or police

59.—(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

60. The legal adviser of an inmate shall be given reasonable facilities to consult him or be consulted by him on any legal business. The interview shall take place in the sight but not in the hearing of an officer of the centre.

Persons detained in default of payment

61. Where a person has been ordered to be detained in a centre in default of the payment of a sum of money, he shall be allowed to have an interview with his friends on a week-day at any reasonable hour, or to communicate by letter with them, for the purpose of providing for a payment which would procure his release from detention, and every such person shall on his reception be informed of this Rule.

Visits and letters additional to normal provision

62. Visits and letters authorised under Rules 35 (4), 59, 60, 61, 85 and 86 (2) shall be additional to the normal allowance under Rule 55 and shall not be subject to deferment under Rule 57.

PHYSICAL WELFARE

(i) Medical Services

General duties

63.—(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.

64. The Medical Officer shall once every day, or oftener, visit every inmate who is undergoing confinement in a detention room or subject to restricted diet in accordance with Rule 30 or Rule 31 or who is under restraint or temporary confinement.

Immediate attendance and consultations

65.—(1) The Medical Officer shall attend as soon as possible on receiving information that an inmate is ill.

(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

66. The Medical Officer shall report to the Secretary of State through the Warden any circumstances connected with the centre 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.

67.—(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 Warden, 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 a centre or his health seriously endangered, or that any sick inmate will not survive his sentence or is totally and permanently unfit for centre discipline, he shall report his opinion and the grounds thereof in writing through the Warden to the Secretary of State.

Recommendations on separation

68. The Medical Officer shall submit to the Warden in writing a recommendation for separating from other inmates any inmate suffering or suspected to be suffering from any infectious or contagious disease or 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 Warden.

Suicidal inmates

69. The Medical Officer shall draw the attention of the Warden 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 Warden shall without delay direct that such inmate be observed at frequent intervals.

Mental illness

70. The Medical Officer shall keep under his special observation any inmates whose mental condition appears to require attention and shall report to the Warden those who appear to be of unsound mind and in need of treatment in a mental hospital under the Acts relating to lunacy or mental deficiency.

Serious illness

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

Inmates requiring specialist treatment

72. The Medical Officer shall report to the Warden 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

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

Examination of candidates for employment

74. When requested to do so by the Secretary of State or by the Warden, 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

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

(ii) Hygiene

Supervision of hygiene

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

Washing, shaving and hair cutting

77. 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

78. 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) Food

Quality of food

79. 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

80. The Medical Officer shall frequently inspect the food, cooked and uncooked, and shall report to the Warden 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

81. 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

82. Except in the case of inmates on restricted diet, or on the written recommendation of the Medical Officer in the case of an inmate who persistently wastes his food, or on medical grounds by direction of the Medical Officer, no inmate shall have less food than is provided in the normal centre diet.

(iv) Clothing

Clothing to be adequate

83. 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.

APPELLANTS

Appellants absent from a centre

84.—(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 centre, be kept in the custody of the officer directed by the Warden to convey him to that place.

(2) An appellant when absent from a centre under this Rule shall wear his own clothing or, if his own clothing cannot be used, clothing different from that worn in the centre.

Private medical adviser and other visitors

85.—(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

86.—(1) Writing materials to such extent as may appear reasonable to the Warden 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 Warden 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 35 (4), shall not be sent out without being previously inspected by the Warden.

STAFF

General obligations

87.—(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 Warden.

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

Absence

88. No officer shall be absent from the centre without leave from the Warden.

Sick inmates

89. Every officer shall direct the attention of the Warden 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 Warden shall without delay bring such cases to the notice of the Medical Officer.

Use of force

90.—(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

91.—(1) No officer shall carry out any pecuniary or business transactions with or on behalf of any inmate except with the authority of the Warden.

(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

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

Ex-inmates, etc.

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

Contracts

94. No officer shall, directly or indirectly, have any interest in any contract in connection with the centre 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.

95. 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

96.—(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.

VISITING COMMITTEE

Constitution and term of office

97.—(1) Of the total membership of the Visiting Committee for each centre appointed by the Secretary of State under subsection (3) of section thirty-one of the Prisons (Scotland) Act, 1952, not less than one-third, with a minimum of two, shall be women.

(2) A member of the Visiting Committee shall hold office for such a period, not exceeding three years, as the Secretary of State may fix, unless he or she earlier resigns.

Chairman

98. 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

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

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

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

100.—(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 the 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

101. 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

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

Inquiries, etc.

103. The Visiting Committee shall co-operate with the Secretary of State and the Warden in promoting the efficiency of the centre 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 the centre

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

Adjudication, report, etc.

105.—(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.

Investigation of inmates' requests or complaints

106.—(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 centre and shall have free access to every part thereof and to all inmates, and may see any such inmates, either in their rooms or elsewhere, 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 centre.

Sick inmates

107. 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

108. 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 Warden shall immediately take steps to remedy the defect.

Books

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

Additional visits or letters

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

Requests for change of religion

111. The Visiting Committee shall investigate and decide on any request to them 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

112. The Visiting Committee shall from time to time inquire into the state of the buildings of the centre, 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

113. 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 centre 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

114. The Visiting Committee shall, before granting any permission under these Rules, satisfy themselves by consultation with the Warden that it can be granted without interfering with the security, good order and government of the centre 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

115. 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

116. A member of the Visiting Committee of a centre shall not have any interest in any contract made in respect of that centre.

Dated this ninth day of May, 1960.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

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EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules regulate the management of detention centres provided under the Prisons (Scotland) Act, 1952 and set out the conditions governing the treatment and control of persons between fourteen and twenty one years sentenced under section 19 of the Criminal Justice (Scotland) Act, 1949 to a term of detention in a centre not exceeding three months.