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The Prison (Scotland) Rules, 1952

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SCHEDULE

CONSTITUTION OF VISITING COMMITTEES.

In exercise of the powers conferred on 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:—

PART I

PRELIMINARY

1.—(1) In these Rules, unless the context otherwise requires, the following 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(b) or the Courts-Martial (Appeals) Act, 1951(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 prisoners.

"Civil prisoner" includes persons imprisoned for non-payment of debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; persons imprisoned under section 5 of the Civil Imprisonment (Scotland) Act, 1882(d), for non-payment of rates and assessments: persons imprisoned on *meditatione fugæ* warrants granted at the instance of creditors for performance of civil obligations; persons imprisoned by virtue of Section 1 of the Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940(e), on account of their failure to comply with a decree *ad factum præstandum*; and persons imprisoned for breach of interdict.

"Governor" means the officer appointed by the Secretary of State to govern a prison subject to the control and direction of the Secretary of State.

"Legal adviser" means an advocate, or a solicitor within the meaning of the Solicitors (Scotland) Act, 1933(f), 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 prison.

(a) 12, 13 & 14 Geo. 6. c. 94.
(b) 16 & 17 Geo. 5. c. 15.
(c) 14 & 15 Geo. 6. c. 46.
(d) 45 & 46 Vict. c. 42.
(e) 3 & 4 Geo. 6. c. 42.
(f) 23 & 24 Geo. 5. c. 21.

"Medical Superintendent" means the officer, being a registered medical practitioner, appointed by the Secretary of State to take charge of the care and treatment of the inmates of the Criminal Lunatic Department of Perth Prison, and of the management of that Department, subject to the control and direction of the Secretary of State.

"Officer" means a person appointed by the Secretary of State to assist in the control of a prison.

"Prisoner" means any person lawfully detained in a prison or in the custody of an officer.

"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.

"Untried prisoner" means a prisoner committed to prison for examination or trial on a criminal charge, or an alien not under sentence who is detained in prison under the Aliens Order, 1920(a), or a person committed to prison to await extradition under the Extradition Acts, or return to one of His Majesty's Dominions under the Fugitive Offenders Acts, or any other person who may from time to time be granted the privileges of an untried prisoner.

"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 prisoners of that denomination.

"Visiting Committee" means the Committee appointed under section 54 of the Criminal Justice (Scotland) Act, 1949, to visit a particular prison.

"Young prisoner" means a prisoner under 21 years of age.

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

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

2. These Rules may be cited as The Prison (Scotland) Rules, 1952, and shall come into operation on the 1st April, 1952.

3. The Prison (Scotland) Rules, 1947, dated 2nd April, 1947(c), are hereby revoked.

PART II

GENERAL RULES FOR THE CUSTODY AND TREATMENT OF PRISONERS

4. The Rules in this Part apply to all classes of prisoners except in so far as they may be inconsistent with the Rules relating to particular classes of prisoners.

CLASSIFICATION AND TRAINING

5. The purposes of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge, and to fit them to do so.

6.—(1) The Secretary of State may set aside particular prisons or parts of prisons for particular classes of prisoners or particular purposes, including—

(i) the special observation of either unconvicted or convicted prisoners for the purpose of classification, making reports to courts, or otherwise;

(ii) the training of such classes of prisoners sentenced to imprisonment, corrective training or preventive detention as the Secretary of State may from time to time determine.

(a) S.R. & O. 1920/448; Rev. II, p. 1; 1920 I, p. 138. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1947/1062; Rev. XVIII, p. 513; 1947 I, p. 1850.

(2) The Secretary of State may establish or set aside prisons for the treatment in open conditions of selected prisoners or classes of prisoners who have been sentenced to imprisonment or corrective training.

7.—(1) Convicted prisoners shall be classified having regard to their age, character, and previous history, in accordance with such instructions as the Secretary of State may give from time to time.

(2) Any instructions under paragraph (1) of this Rule shall provide for the separation from other prisoners, as far as practicable, of young prisoners and other prisoners who have not previously been convicted of serious crimes, or are not habitually criminal or of corrupt habits.

8.—(1) There shall be established at every prison 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 prisoners under these Rules may be spent subject to such conditions as the Secretary of State may determine.

ACCOMMODATION

9. The prisons specified in the first column of the subjoined table shall be legal places of detention for all classes of prisoners, and shall be prisons to which prisoners from the Counties specified opposite each prison in the second column of the table may lawfully be committed.

Name of Prison	Name of Counties
Aberdeen	Aberdeen, Angus, Banff, Kincardine, Moray, Nairn, Orkney, Zetland.
Barlinnie (Glasgow) ... Duke Street (Glasgow)	Argyll, Ayr, Clackmannan, Dunbarton, Inverness, Kinross, Lanark, Perth, Renfrew, Stirling.
Dumfries...	Ayr, Dumfries, Kirkcudbright, Wigtown.
Edinburgh	Berwick, Clackmannan, East Lothian, Fife, Kinross, Midlothian, Peebles, Perth, Roxburgh, Selkirk, Stirling, West Lothian.
Greenock	Argyll, Bute, Renfrew.
Inverness	Argyll, Banff, Caithness, Inverness, Moray, Nairn, Orkney, Ross and Cromarty, Sutherland, Zetland.
Kirkwall	Orkney, Zetland.
Perth	Angus, Clackmannan, Fife, Kinross, Perth, Stirling.

10. A cell, room, or ward shall not be used for the accommodation of prisoners unless it is of adequate size for the number of prisoners 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 cell, room or ward means of communication with an officer shall be provided.

11. Each prisoner shall occupy a cell by himself by night unless for medical or other reasons it is necessary for him to be associated, in which case he shall occupy a cell, room or ward along with not fewer than two other prisoners.

12. Every prisoner shall be supplied 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.

13.—(1) The cells, rooms, wards and yards allocated to female prisoners shall be secured by locks different from those securing the cells, rooms, wards and yards allocated to male prisoners.

(2) Female prisoners shall in all cases be attended by female officers. The keys of the premises allocated to female prisoners shall be under the control of female officers and no male officer shall enter the premises except on duty and in the company of a female officer.

ADMISSION, TRANSFER AND DISCHARGE

(i) *Admission*

14.—(1) Every prisoner shall be searched on admission, and at such times subsequently as may be directed, and all prohibited articles shall be taken from him.

(2) The searching shall be conducted in as seemly a manner as possible and no prisoner shall be stripped in the sight of another prisoner.

(3) A prisoner shall be searched only by officers of his own sex.

15. All money, clothing, or other effects belonging to a prisoner which he is not allowed to retain shall be placed in the custody of the Governor, who shall keep an inventory thereof, which shall be signed by the prisoner.

16. The name, age, height, weight, bodily marks, and such other measurements and particulars as may be required in regard to a prisoner shall, upon his admission, and from time to time, be recorded in such manner as may be directed.

17. Every prisoner shall be given a bath on admission unless it is otherwise directed in any particular case by the Governor or Medical Officer.

18. If any prisoner is found to have any infectious or contagious disease, or to be in a verminous condition, steps shall at once be taken to treat the condition and to prevent it from spreading to other prisoners.

19. Without prejudice to his duties under Rules 31 and 50 the Governor shall interview all prisoners as soon as possible after their admission.

20. Without prejudice to his duties under Rules 26 and 100 the Medical Officer shall separately examine every prisoner as soon as possible and in any case not later than 24 hours after his admission, and shall record the state of health of the prisoner and such other particulars as may be directed.

21. Subject to directions by the Secretary of State, the infant child of a female prisoner may be received into prison with its mother, and may be supplied with clothing and necessaries at the public expense.

(ii) *Information to prisoners*

22. The Governor shall cause to be placed in each cell an extract of rules, made by the Secretary of State, governing the conduct and treatment of the prisoner. The Governor shall, in the case of each prisoner who cannot read, cause the said rules to be read to him within 24 hours after his admission, and shall take steps to ensure that every prisoner is acquainted with the purport and effect of the rules governing his conduct and treatment.

(iii) *Transfer and Discharge*

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

24. When prisoners are being removed to or from prison, they shall be exposed to public view as little as possible.

25. Every prisoner shall before discharge be interviewed by the Governor.

26. Every prisoner shall be examined by the Medical Officer before being discharged or transferred to another prison. No prisoner shall be transferred to any other prison unless the Medical Officer certifies that he is fit for transfer, and no prisoner due for discharge who is suffering from any acute or dangerous illness shall, unless he refuses to stay, be sent out of the prison until in the opinion of the Medical Officer it is safe to send him.

27. On the discharge of a prisoner his own clothes shall be returned to him unless they have been destroyed or otherwise disposed of, because of their filthy, infected or dilapidated condition, in which case suitable clothing shall be provided.

28.—(1) The Secretary of State may authorise the temporary release of prisoners undergoing imprisonment, corrective training or preventive detention for a stated length of time and under conditions and for reasons approved by him.

(2) If a prisoner while temporarily released 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 prison.

(iv) *Deaths of prisoners*

29. The Medical Officer shall record the death of any prisoner, together with particulars of the time at which the prisoner 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 prisoner 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 prisoner on and after his admission to prison.

30.—(1) Upon the death of a prisoner 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 prison 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 by the Medical Officer about the health of the prisoner referred to in Rule 29, together with an account of his conduct and treatment in prison and, if known, the names and addresses of the deceased prisoner's nearest relatives.

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

(3) After any public enquiry into the death of a prisoner 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 enquiry.

Discipline and Control

(i) *General*

31.—(1) The Governor shall exercise close and constant personal supervision of the whole prison, and shall visit and inspect daily all parts of the prison where prisoners are employed or accommodated. He shall see every prisoner daily, and shall give special attention to any who are sick, or under restraint, or confined to their cells.

(2) Subject to the provisions of Rule 34 the Governor shall from time to time visit the prison during the night and satisfy himself as to its state. Such visits shall be made not less often than twice a fortnight at varying intervals and at varying hours.

32.—(1) In the absence of the Governor the charge of the prison shall devolve upon an officer or officers approved by the Secretary of State, and the officer or officers 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 Deputy Governor, Assistant Governor or other officer approved by the Secretary of State such duties as the Secretary of State may from time to time approve.

33. Female prisoners shall be attended only by female officers and, if working under the direction of a male instructor, shall be supervised by a female officer.

34.—(1) Where a prison accommodates both male and female prisoners, that part occupied by females 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 female part of the prison shall be in her custody.

(2) She shall exercise close and constant personal supervision over the whole of the female prison; she shall visit and inspect daily all parts of the prison where the females are employed or accommodated, and she shall give special attention to any female who is sick or under restraint or confined to her cell.

(3) She shall ensure that no male officer or visitor enters any part of the prison allotted to female prisoners unless accompanied by herself or some other female officer.

(4) Not less often than twice a fortnight, at varying intervals and at varying hours, she shall visit the female prison 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.

35. No prisoner shall be employed in any disciplinary capacity.

36.—(1) If at any time it appears to the Visiting Committee or the Secretary of State that it is desirable for the maintenance of good order or discipline, or in the interests of a prisoner, that he should not be employed in association with others, the Visiting Committee or the Secretary of State may authorise the Governor to arrange for him to work in a cell, and not in association, for a period not exceeding one month from the date of each authorisation.

(2) The Governor may arrange for any such prisoner to be employed in association again whenever he considers this desirable, and he shall so arrange if in any case the Medical Officer so advises on medical grounds.

(ii) *Remission*

37. With a view to encouraging special industry and good conduct a convicted prisoner sentenced to imprisonment whether by one sentence or cumulative sentences for a period exceeding thirty days shall, after serving thirty days' imprisonment, and subject to the provisions of Rules 43 and 45, be eligible for discharge when a portion of his sentence not exceeding one-third of the whole sentence has yet to run.

(iii) *Offences against discipline*

38.—(1) Except as provided in paragraph (2) of this Rule all reports against a prisoner shall be dealt with by the Governor, or an officer authorised under the provisions of Rule 32 (1).

(2) The Governor may authorise a Deputy or an Assistant Governor to deal with such classes of report as the Secretary of State may determine.

39. When a prisoner has been reported for an offence the Governor may order him to be kept apart from other prisoners pending adjudication.

40.—(1) Before a report is adjudicated the prisoner concerned shall be informed of the offence for which he has been reported, and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.

(2) A prisoner who has committed an offence against prison discipline immediately before or during his removal to another prison or to a Borstal Institution may be dealt with in the receiving prison or Borstal Institution as if he had committed the offence therein.

41. No prisoner shall have any prohibited article in his possession. Any such article which may be found in the possession of a prisoner may be confiscated by the Governor.

42. A prisoner shall be guilty of an offence against prison 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 prison.

(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) Communicates with another prisoner without authority.

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

(9) Loses by neglect prison property.

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

(11) Commits any nuisance.

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

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

(14) Escapes from prison or from legal custody.

(15) Mutinies or incites other prisoners to mutiny.

(16) Makes repeated and groundless complaints.

(17) In any way offends against good order and discipline.

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

43.—(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 public holiday.

(2) Save as provided in Rule 38 (2), the Governor or officer appointed to act for him in terms of Rule 32 (1) shall adjudicate upon any report of an offence against discipline and if he finds the prisoner guilty, he may award one or more of the following punishments:—

(*a*) forfeiture of remission of sentence for a period not exceeding fourteen days;

(*b*) forfeiture or postponement of the following privileges for a period not exceeding 14 days:—

(i) Smoking;

(ii) Payment in whole or in part for work;

Provided that a prisoner who is found guilty of losing by neglect or wilfully damaging prison 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 55 a sum in accordance with such rates as may from time to time be authorised by the Secretary of State.

(*c*) forfeiture or postponement in whole or in part of privileges, other than payment for work or smoking, for a period not exceeding 28 days;

(*d*) exclusion from associated work for a period not exceeding fourteen days;

(*e*) cellular confinement for a period not exceeding three days;

(*f*) placing for a period not exceeding 15 days on special dietary scales authorised by the Secretary of State for idle or ill-conducted prisoners under the provisions of Rule 101;

(*g*) deprivation of mattress for a period not exceeding 15 days.

44. A Deputy or an Assistant Governor authorised to deal with reports under Rule 38 (2) may award such punishments as the Secretary of State may determine.

45.—(1) Where a prisoner is reported for escaping or attempting to escape from prison or from legal custody or for any serious or repeated offence against prison discipline for which, in the view of the Governor, it may be desirable to award a more severe punishment than is provided in Rule 43 (2), the Governor may, with the approval of the Secretary of State, report the

offence to the Visiting Committee who shall enquire into the report (on oath if they so decide) and may, if they find the prisoner guilty award one or more of the following punishments:

(*a*) forfeiture of remission of sentence;

(*b*) forfeiture or postponement of the following privileges for a period not exceeding 28 days:—

(i) smoking;

(ii) payment in whole or in part for work;

Provided that a prisoner who is found guilty of losing by neglect or wilfully damaging prison 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 55 a sum in accordance with such rates as may from time to time be authorised by the Secretary of State.

(*c*) forfeiture or postponement in whole or in part of privileges other than payment for work or smoking;

(*d*) exclusion from associated work for a period not exceeding twenty-eight days;

(*e*) cellular confinement for a period not exceeding fourteen days or, where the prisoner is found guilty of mutiny or incitement to mutiny not exceeding twenty-eight days;

(*f*) placing for a period not exceeding 15 days on special dietary scales authorised by the Secretary of State for idle or ill-conducted prisoners under the provisions of Rule 101;

(*g*) deprivation of mattress for a period not exceeding 15 days.

(2) Offences may be reported by the Governor to the Secretary of State, who may inquire into the reports and may, if he finds the prisoners guilty, award one or more of the punishments specified in this Rule.

46.—(1) Cellular confinement or special dietary scales or deprival of mattress shall not be awarded unless the Medical Officer has certified that the prisoner is in a fit condition of health to sustain it.

(2) Every prisoner undergoing cellular confinement shall be visited at least once a day by the Governor and by the Medical Officer, and at intervals of not more than three hours during the day by an officer detailed by the Governor.

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

(2) A punishment awarded under Rules 43 (2) (*b*) to (*g*) or 45 (1) (*b*) to (*g*) may be terminated or mitigated at any time during its currency by the Governor or Visiting Committee who made the award.

(iv) *Restraints*

48.—(1) Mechanical restraint shall not be used as a punishment.

(2) When it appears to the Medical Officer that, in order to prevent a prisoner from injuring himself or others, it is necessary that he should be placed under restraint, he may order him to be placed under mechanical restraint and he shall forthwith in writing notify to the Governor the reason for the restraint and the time during which it is to continue and the Medical Officer's 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 a prisoner from injuring himself or others, the Governor may order the prisoner 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) When it appears to the Governor that, in order to prevent a prisoner from damaging prison property or creating a disturbance or from escaping from safe custody during transfer, it is necessary that he should be placed under restraint he may order him to be placed under mechanical restraint and notice thereof shall be given as soon as possible to the Medical Officer.

(6) Immediately on receipt of a notice as aforesaid the Medical Officer shall say whether he concurs in the order and, if on medical grounds he does not concur, the Governor shall act in accordance with any recommendation which he may make.

(7) No prisoner shall be kept under mechanical restraint longer than is necessary nor in any case where restraint is ordered by the Governor under paragraph 5 of this Rule for more than 24 hours except by order of the Secretary of State or the Visiting Committee. Any such order shall be given in writing and shall specify the reason for the continued restraint and shall state the time during which it is to continue.

(8) Every prisoner 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.

(9) 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.

(10) 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.

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

(2) Every prisoner who is temporarily confined in a special cell under the provisions of paragraph (1) of this Rule, shall be visited at least once a day by the Governor and by the Medical Officer, and 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.

(v) *Requests and Complaints by Prisoners*

50.—(1) Any request by a prisoner to see the Governor, or an officer of the Secretary of State visiting the prison, or a member of the Visiting Committee, or a Sheriff or Justice of the Peace visiting the prison under the provisions of section 16 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.

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

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

(3) On the occasion of each visit to the prison by an officer of the Secretary of State, or a member of the Visiting Committee, or a Sheriff or Justice of the Peace visiting under the provisions of section 16 of the Prisons (Scotland) Act, 1877, the Governor shall, as the case may require, inform him of all outstanding requests by prisoners to see such officer or member, or Sheriff or Justice of the Peace.

(4) Every prisoner intimating to an officer his desire to write a letter of request or complaint 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 posted without delay. If the prisoner has elected to close the envelope it shall not be opened by the Governor.

(vi) *Prohibited articles*

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

52.—(1) No convicted prisoner shall be given or allowed to have 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 prisoner for whose use it is intended.

(2) No prisoner 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.

(3) No prisoner shall receive or have in his possession any clothing or bedding other than that supplied in pursuance of these Rules.

(vii) *Control of admission*

53.—(1) Any person suspected of bringing any prohibited article into the prison 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 prisoner or of another visitor.

(2) The Governor may cause to be removed from the prison any visitor to the prison or to a prisoner whose conduct is prejudicial to good order.

54. (1) The Governor shall not, except as provided by statute or by these Rules, or as directed by the Secretary of State, allow any person to view the prison.

(2) The Governor shall ensure that no person viewing the prison makes any sketch, or takes any photograph or holds communication with a prisoner, unless authorized to do so by the Secretary of State.

WORK

55.—(1) Unless excused by the Medical Officer on medical grounds, every prisoner shall be employed on useful work, and he may receive payment in accordance with scales and under conditions laid down by the Secretary of State.

(2) No prisoner 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) No prisoner shall be required to work at prison employments for more than ten hours a day, and, so far as practicable, arrangements shall be made for prisoners to work for at least eight hours outside their cells in association with other prisoners.

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

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

Religion, Education and Welfare

(i) *Religion*

57. The Chaplain and any Visiting Clergyman shall attend the prison on such days and during such hours as may be fixed from time to time by the Secretary of State.

58. Adequate arrangements shall be made for the provision of religious ministration to all prisoners, but no prisoner shall be required to attend any religious service or meeting against his wish.

59. Every prisoner shall be required on admission to state his religious denomination, and shall continue to 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.

60. As far as practicable, arrangements shall be made by the Governor for each prisoner of a denomination other than Church of Scotland for which no Visiting Clergyman has been appointed to be visited, if he so requests, by a minister of his own denomination, and on admission every such prisoner shall be informed by the Governor of this privilege.

61. The Chaplain shall conduct the services prescribed by these Rules for prisoners belonging to the Church of Scotland and such other services as may be arranged, and each Visiting Clergyman shall conduct such services as may be arranged for prisoners of his denomination.

62.—(1) Divine Service for prisoners 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 prisoners of other denominations shall be held at such times as may be arranged by the Governor when the number of prisoners concerned is sufficient to warrant the holding of services.

63. From the beginning of his imprisonment, every prisoner shall be furnished with the Scriptures, prayer book and hymn book authorised for the denomination to which he belongs unless he declines to accept them.

64.—(1) The Chaplain shall interview all prisoners belonging to the Church of Scotland, and all other prisoners who are not visited by a Visiting Clergyman as soon as possible after admission and, if practicable, once in each week thereafter, and also prior to release; and he shall frequently visit any such prisoners who are sick, or under restraint, or confined to their cells. Each Visiting Clergyman shall perform these duties in the case of prisoners of his denomination.

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

65. Arrangements shall be made by the Governor for the avoidance of all unnecessary work by prisoners of the Christian religion on Sunday and Christmas Day, and by prisoners of other religions on their recognised days of religious observance.

On Good Friday Episcopalian and Roman Catholic prisoners shall be treated as on Sundays.

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

(ii) *Education and libraries*

67. The Chaplain shall carry out such duties in relation to the education of prisoners as may be assigned to him by the Secretary of State.

68.—(1) So far as practicable, programmes of educational classes shall be arranged, and reasonable facilities, under such conditions as the Secretary of State may determine, shall be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private study, or to practise handicrafts.

(2) Special attention shall be paid to the education of illiterate prisoners, if necessary within the hours normally allotted to work.

(3) Every prisoner able to profit by the educational facilities provided shall be encouraged to do so.

69. A library shall be provided in every prison and, subject to such conditions as may be laid down by the Secretary of State, every prisoner shall be allowed to have one or more library books in his cell, and to exchange them as often as practicable.

70. Prisoners may receive books or periodicals from outside the prison under such conditions as the Secretary of State may determine.

(iii) *Social Relations and After-Care*

71.—(1) Special attention shall be paid to the maintenance of such relations between a prisoner 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, a prisoner shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the prison as may promote the best interests of his family and himself.

72. Before the release of every prisoner consideration shall be given, in consultation with the welfare officer of the After Care Council or the appropriate Aid Society, to his future and the assistance to be given to him on and after his discharge and for this purpose the Council or the Society or their representatives shall be given all necessary information and assistance.

73. Upon the death or serious illness of a prisoner, or his certification as insane or mentally defective, or his sustaining a serious injury, the Governor shall at once inform the wife or husband as the case may be. If that is not possible he shall at once inform the nearest relative whose address is known, and shall in any event inform any other person whom the prisoner has requested may be so informed.

(iv) *Letter and Visits*

74.—(1) Communications between prisoners 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 a prisoner without the authority of the Secretary of State.

(2) Every prisoner shall be allowed to write and to receive a letter on his admission, and shall thereafter be allowed to write and to receive letters and to receive visits 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 a prisoner from writing and receiving a letter, and receiving a visit, every eight weeks.

(3) When a prisoner who becomes entitled to write a letter or receive a visit, is at the time subject to confinement to cell the writing of the letter or the receipt of the visit may, in the Governor's discretion, be deferred until the period of such confinement has expired but not so as to extend the interval between letters or visits beyond eight weeks.

(4) Subject to the provisions of Rule 50 (4) every letter to or from a prisoner shall be read by the Governor or by an officer deputed by him for that purpose and it shall be within the discretion of the Governor to stop any letter if he considers that the contents are objectionable.

(5) The Governor may allow any prisoner entitled to receive a visit to write a letter and receive a reply in lieu of such visit, and if he considers that the circumstances justify such a concession may allow any prisoner to write a special letter and receive a reply, or to receive a special visit, or may prolong the period of a visit.

(6) The Governor may, if time permits, allow any prisoner to receive a special visit before transfer otherwise than at his own request to a prison more distant from his home than the prison in which he is confined.

(7) When a prisoner is removed from one prison to another he shall be allowed to inform not more than two of his relatives or friends.

(8) The Governor may at any time communicate any matter of importance to a prisoner, or to his relatives or friends.

(9) Not more than three relatives or friends shall be allowed to visit a prisoner at one time.

(10) Male prisoners shall be visited in the sight and hearing of a male officer, and female prisoners in the sight and hearing of a female officer, but the greatest practicable degree of privacy from observation by other prisoners or visitors shall be afforded.

(11) Visits to prisoners should normally be restricted to weekdays but shall be allowed on Sundays in cases of emergency and where, owing to distance from the prison or for other good reasons, visitors are precluded from visiting on any other day.

(12) Except with the consent of the Secretary of State no prisoner shall be allowed to receive a visit from another prisoner.

75. Any person committed to prison in default of the payment of any sum which, in pursuance of any conviction or order, he is required to pay, shall be allowed to communicate or to have an interview with relatives or friends, or with any other person approved by the Secretary of State, for the bona fide purpose of providing for the payment which would procure his release from prison.

76. The legal adviser of a prisoner shall 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.

77. The visits to which the last two foregoing rules shall refer shall be additional to the visits allowed under any other of the foregoing rules and shall not be liable to forfeiture under Rules 43 and 45.

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

(2) An officer of police shall be permitted, on production of written authority from a procurator-fiscal or Chief Constable—

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

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

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

79. The Secretary of State may in his discretion direct that any visit to a prisoner shall take place out of the hearing of an officer.

80. The Secretary of State may allow such additional letters or visits as he may determine as a privilege for any class of prisoners.

Physical Welfare

(i) *Medical Services*

81. At every prison a hospital or other suitable place for sick prisoners shall be provided.

82.—(1) The Medical Officer shall have the general care of the health of the prisoners and shall attend all sick prisoners.

(2) The Medical Officer shall every day see all prisoners who complain of illness and shall report to the Governor in writing their fitness or otherwise for employment. He shall daily visit every prisoner on the Register of sick prisoners at such times as may be necessary. He shall attend at once on receiving information of the illness of a prisoner.

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

83. The Medical Officer shall once every day or oftener visit every prisoner who is under restraint or is confined in his cell and any other prisoner to whom his attention is specially directed.

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

(2) 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.

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

86.—(1) Whenever the Medical Officer has reason to believe that a prisoner's physical or mental condition is likely to be injuriously affected by treatment authorised under these Rules, he shall report the case to the Governor in writing together with his recommendations, and the Governor 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 prisoner will be endangered by further detention in a prison, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, he shall report his opinion and the grounds thereof in writing, through the Governor, to the Secretary of State.

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

88. The Medical Officer shall keep under special observation any prisoners 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**).

89. The Medical Officer shall give notice to the Governor and the Chaplain when a prisoner appears to be seriously ill.

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

91. The Medical Officer shall report to the Governor in writing the case of any prisoner 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.

92. If the Medical Officer reports a prisoner to be of unsound mind and in need of treatment in a mental hospital, and the circumstances do not permit of delay, the Governor shall (with the approval of the procurator-fiscal if the prisoner is untried) take immediate steps to obtain a warrant by the Sheriff under section 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, for the removal of the prisoner to a mental hospital. Any warrant granted shall be executed without delay, and the removal shall be reported to the Secretary of State, the General Board of Control for Scotland, the Visiting Committee and, whenever practicable, the relatives of the prisoner.

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

93. The Medical Officer shall submit to the Governor in writing a recommendation for separating from other prisoners any prisoner 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 prisoners. Any necessary intimation to the Medical Officer of Health for the district shall be made by the Medical Officer through the Governor.

94. 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.

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

(ii) *Hygiene*

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

97. Every prisoner shall keep his cell, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be directed by the Governor.

98. Arrangements shall be made for every prisoner 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 prisoners (unless excused on medical or other grounds) to shave or be shaved and have their hair cut as required. The hair of a male prisoner may be cut as short as is necessary for good appearance, but the hair of a female prisoner 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.

99. Every prisoner 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 these articles when necessary.

(iii) *Exercise*

100.—(1) Every prisoner who is not employed on outdoor work shall take exercise daily for one hour. The exercise shall be taken in the open air except in inclement weather.

(2) Wherever practicable prisoners of suitable age and physical condition shall receive physical training during some part of the daily exercise period.

(3) The Medical Officer shall decide on the fitness of every prisoner for exercise and to undergo physical training and may on medical grounds modify the exercise of a prisoner or excuse a prisoner from exercise.

(iv) *Food*

101. 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.

102. The Governor shall frequently inspect the utensils and ingredients used for the preparation of meals for prisoners and shall take steps to rectify any defect. He shall frequently examine the meals issued to prisoners and satisfy himself that they are in accordance with the dietary scale authorised under Rule 101 and that the food is in good condition and properly cooked.

103. 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.

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

105. Except as provided under Rules 43 and 45, or on the written recommendation of the Medical Officer either on medical grounds or in the case of a prisoner who persistently wastes his food, no prisoner shall have less food than is provided in the normal prison diet.

106. A prisoner who has any complaint to make regarding the food supplied to him must make it to the Governor as soon as possible after he has received the food. Repeated groundless complaints, made with the evident purpose of giving trouble, will be regarded as a breach of prison discipline.

(v) *Clothing*

107. Every prisoner shall be provided with an outfit of 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 and shall wear such clothing and no other. The clothing provided shall, where necessary, include suitable protective clothing for use at work.

PART III

SPECIAL RULES FOR PARTICULAR CLASSES OF PRISONERS OTHER THAN THOSE SENTENCED TO CORRECTIVE TRAINING OR PREVENTIVE DETENTION

UNTRIED PRISONERS

(i) *General*

108. Untried prisoners shall, as far as possible, be kept apart from convicted prisoners.

109. Restrictions on the association of untried prisoners with each other, save as a result of punishment awarded under Rules 43 and 45 shall be limited to what the Governor considers to be necessary in order to prevent contamination or conspiracy to defeat the ends of justice.

110. Every prisoner committed for examination or trial on a criminal charge shall be asked by the Governor whether he desires the services of a legal adviser. If the prisoner desires such services the Governor shall immediately send written intimation to such legal adviser as may be required.

111. The Governor shall report to the Secretary of State the case of any prisoner who has completed three months in custody without being brought to trial.

112. The Governor or the Visiting Committee may, on the application of an untried prisoner, permit him, on payment of a sum fixed by the Secretary of State—

(1) to occupy a room or cell specially fitted for such prisoners, and furnished with suitable bedding and other articles in addition to, or different from, those furnished for ordinary cells, and to have at his own cost the use of private furniture and utensils approved by the Governor;

(2) to be relieved from the duty of cleaning his room or cell, and from the performance of other such tasks or offices.

(ii) *Food and Clothing*

113. An untried prisoner may be supplied at his own expense or at the expense of friends with food and drink subject to such conditions as the Secretary of State may determine; otherwise he shall receive the prison diet authorised under Rule 101.

114.—(1) An untried prisoner may be permitted to wear his own clothing, and have necessary changes of underclothing supplied from time to time, provided that the clothing—

(*a*) is sufficient and suitable;

(*b*) is not required for the purposes of justice;

(*c*) shall be disinfected if the Medical Officer so requires.

(2) An untried prisoner who does not wear his own clothing shall wear prison dress.

(3) The privilege of wearing his own clothing may under Rules 43 and 45 be forfeited by an untried prisoner for the offence under Rule 42 of escaping or attempting to escape.

115. No article, whether of food, clothing or of any other kind shall be received into a prison for an untried prisoner until it has been examined; and any article which appears likely to be used for an improper purpose may be refused by the Governor.

(iii) *Health and Cleanliness*

116. An untried prisoner shall not be compelled to have his hair cut or, if he usually wears a beard, etc., to shave, except when the Medical Officer deems it necessary on the grounds of health or cleanliness, and his hair shall not be cut closer than may be necessary for such purpose.

117. If an untried prisoner desires the attendance of a registered medical practitioner or dentist of his own choosing the Visiting Committee or the Secretary of State may, if satisfied that there is reasonable ground for the application, allow him at his own expense to be visited and treated by that medical practitioner or dentist in consultation with the Medical Officer of the prison.

(iv) *Books, etc.*

118. The Governor may, on application, permit an untried prisoner to have in his cell any books, papers, documents, or other articles in his possession on admission into prison which may not be required for evidence against him, and are not required to be taken from him for the purposes of justice or of prison discipline.

119.—(1) An untried prisoner may have supplied to him at his own expense any books, newspapers, writing materials, or other means of occupation except such as appear objectionable to the Visiting Committee, or pending consideration by them, to the Governor.

(2) An untried prisoner may have tobacco supplied to him at his own expense, and may smoke under such conditions and at such times and places as may be determined by the Secretary of State.

(3) Any privilege allowed under this Rule may at any time be withdrawn by the Governor or the Visiting Committee on proof of an abuse thereof.

(v) *Work*

120. An untried prisoner shall not be required to work in the service or industries of the prison, but may do so with his own consent, and in that event he may receive payment in accordance with scales and conditions laid down by the Secretary of State.

(vi) *Visits and Communications*

121.—(1) An untried prisoner shall be allowed to be visited by his relatives or friends on any weekday or, under the conditions laid down in Rule 74 (11), on a Sunday, during such hours and under such restrictions as may be laid down by the Secretary of State. Not more than three persons shall be allowed to visit at the same time, and the length of each visit shall not exceed a quarter of an hour.

(2) The Governor or the Visiting Committee may, for special reasons, prolong the period of the visit allowed to an untried prisoner, or allow him to be visited by more than three persons at the same time.

122. Special facilities shall be granted for an untried prisoner who is in prison in default of bail to communicate or have an interview with any of his friends, or with any other person approved by the Secretary of State for the *bona fide* purpose of providing bail.

123.—(1) An untried prisoner shall be allowed a visit from his legal adviser on any weekday at any reasonable hour or, under the conditions laid down in Rule 74 (11), on a Sunday, in the sight but not in the hearing of an officer.

(2) An untried prisoner shall, if necessary for the purposes of his defence, be allowed a visit from a registered medical practitioner appointed by himself or by his friends or legal adviser, under the same conditions as apply under paragraph (1) of this Rule.

(3) An untried prisoner shall be allowed a visit from any other person with whom it is necessary for him to have an interview in connection with his defence, under the same conditions as apply under paragraph (1) of this Rule save that the visit shall be in both the sight and hearing of an officer.

124.—(1) An untried prisoner shall be allowed all reasonable facilities, including the provision of writing materials, for communicating by letter with his relatives and friends, or for conducting correspondence or preparing notes in connection with his defence.

(2) An untried prisoner shall be allowed to write to his legal adviser.

(3) Any confidential written communication prepared by an untried prisoner as instructions for his legal adviser may be delivered personally to the latter or his authorised clerk without being examined by any officer of the prison, 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 50 (4) shall not be sent out of the prison without being previously inspected by the Governor.

(vii) *Discipline*

125. Special privileges allowed to untried prisoners under Rules 113, 119, 121 and 124 shall be regarded as privileges which are liable to forfeiture under Rules 43 and 45; provided that such forfeiture shall not affect visits or letters required for the purposes of securing bail or preparing a defence.

126. The sale or transfer or attempted sale or transfer to any person by an untried prisoner of an article allowed to be introduced into the prison for his use shall be an offence under Rule 42, and upon proof of the offence Rule 41 shall apply as it applies to a prohibited article.

(viii) *Miscellaneous*

127. A convicted prisoner who is the subject of a further charge shall be allowed the facilities under Rules 123 and 124 as if he were an untried prisoner, but will be given none of the other privileges of an untried prisoner.

128. Any money in the hands of the Governor belonging to an untried prisoner may, upon application by the prisoner in writing, be applied to defray the cost of any special provision for which the prisoner is by these Rules required to make payment.

APPELLANTS

129. The following three Rules in their application to prisoners who are under sentence of death shall be subject to the Special Rules applying to those prisoners.

130.—(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 the Courts-Martial (Appeals) Act, 1951 or to any place to which the High Court of Justiciary or the Courts-Martial Appeal Court or any Judge of either of those Courts may order him to be taken for the purposes of any proceedings thereof, shall, while absent from the prison, be kept in the custody of the officer directed by the Governor of the prison to convey him to that place.

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

131.—(1) An appellant shall be allowed a visit from his legal adviser regarding the prosecution of his appeal on any week day at any reasonable hour, or under the conditions laid down in Rule 74 (11) on a Sunday. Subject to the provisions of Rule 155 (4) any such visit shall take place in the sight but not in the hearing of an officer.

(2) An appellant shall, if necessary for the purposes of his appeal, be allowed a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply under paragraph (1) of this Rule.

(3) An appellant shall be allowed a visit from any other person with whom it is necessary for him to have an interview in connection with his appeal, under the same conditions as apply under paragraph (1) of this Rule save that any such visit shall be in both the sight and hearing of an officer.

132.—(1) An appellant shall be allowed all reasonable facilities, including the provision of writing materials, for communicating by letter with his relatives and friends or for conducting correspondence or preparing notes in connection with his appeal.

(2) Any confidential written communication prepared as instructions for his legal adviser may be delivered personally to the latter or his authorised clerk without being examined by any officer of the prison 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 50 (4), shall not be sent out of the prison without being previously inspected by the Governor.

CONVICTED PRISONERS AWAITING SENTENCE OR REMANDED FOR INQUIRY

133. A person who is committed to prison after conviction to await disposal by sentence or otherwise shall, if he so desires for the purpose of preparing any representations to the Court before which he is to appear, be granted the facilities which are accorded to appellants under Rules 131 and 132.

CIVIL PRISONERS; PRISONERS COMMITTED UNDER SECTION 4 OR SECTION 6 OF THE CIVIL IMPRISONMENT (SCOTLAND) ACT, 1882; PRISONERS IMPRISONED FOR CONTEMPT OF COURT; AND PRISONERS CONVICTED OF SEDITION OR SEDITIOUS LIBEL

(i) *General*

134. Such prisoners shall as far as practicable be kept apart from other classes of prisoners on reception and during their detention. The Governor may, however, at his discretion permit any such prisoner who so requests to associate with prisoners of another class.

135. Any such prisoner shall not be required to take a bath on reception if, on consideration of an application by the prisoner, the Governor shall decide that it is unnecessary.

136. Every such prisoner shall be placed, as soon as possible after reception, in a room or cell appropriate for prisoners of his class, unless there is reason to believe that he is suffering from some infectious or contagious disease, in which case he shall be detained in a reception cell till he can be seen by the Medical Officer.

137. The Governor or Visiting Committee may, on the application of any such prisoner, permit him, on payment of a sum fixed by the Secretary of State—

(1) to occupy a room or cell specially fitted for such prisoners, and furnished with suitable bedding and other articles in addition to, or different from, those furnished for ordinary cells, and to have at his own cost the use of private furniture and utensils approved by the Governor;

(2) to be relieved from the duty of cleaning his room or cell, and from the performance of other such tasks or offices.

(ii) *Food and Clothing*

138.—(1) Any such prisoner, other than one whose aliment is payable by the incarcerating creditor, may be supplied at his own expense or at the expense of friends with food and drink subject to such conditions as the Secretary of State may determine: otherwise he shall receive the prison diet authorised under Rule 101.

(2) A civil prisoner whose aliment is payable by the incarcerating creditor shall be permitted to expend such aliment in supplying himself with food from outside, under the same conditions as may be determined by the Secretary of State under paragraph (1) of this rule or in paying for the prison allowance of food at rates fixed by the Secretary of State. He shall not receive any prison allowance of food at any meal for which he is supplied with food from outside.

139.—(1) Any such prisoner may be permitted to wear his own clothing, and have necessary changes of underclothing supplied from time to time, provided that the clothing—

(*a*) is sufficient and suitable ;

(*b*) shall be disinfected if the Medical Officer so requires.

(2) Any such prisoner who does not wear his own clothing shall wear prison dress.

(3) The privilege of wearing his own clothing may under Rules 43 and 45, be forfeited by any such prisoner for the offence under Rule 42 of escaping or attempting to escape.

140. No article, whether of food, clothing, or of any other kind shall be received into a prison for any such prisoner until it has been examined ; and any article which appears likely to be used for an improper purpose may be forbidden by order of the Governor.

(iii) *Health and Cleanliness*

141. Any such prisoner shall not be compelled either to have his hair cut or, if he usually wears a beard, etc., to shave, except when the Medical Officer deems it necessary on the ground of health or cleanliness, and his hair shall not be cut closer than may be necessary for such purpose.

142. If any such prisoner desires the attendance of a registered medical practitioner or dentist of his own choosing the Visiting Committee or the Secretary of State may, if satisfied that there is reasonable ground for the application, allow him at his own expense to be visited and treated by that medical practitioner or dentist in consultation with the Medical Officer of the prison.

(iv) *Books, etc.*

143.—(1) Any such prisoner may be permitted to have supplied to him at his own expense books, newspapers, writing materials or other means of occupation, except such as appear objectionable to the Visiting Committee, or pending consideration by them, to the Governor.

(2) Any such prisoner may have tobacco supplied to him at his own expense, and may smoke under such conditions and at such times and places as may be determined by the Secretary of State.

(3) Any privilege allowed under this Rule may at any time be withdrawn by the Governor or the Visiting Committee on proof of an abuse thereof.

(v) *Work, and Remission of Sentence*

144.—(1) Such prisoners shall not be required to be employed in the service or industries of the prison, but may be so employed with their own consent, and in that event they may receive payment in accordance with scales and conditions laid down by the Secretary of State.

(2) Any such prisoner may be permitted to work at his own trade, employment or profession, so far as the conditions of the prison and the requirements of discipline and safe custody permit.

(3) Such prisoners shall not be eligible to earn any remission of the period of imprisonment ordered, except that prisoners serving sentences for sedition or seditious libel who are regularly employed in the service or industries of the prison may earn remission of sentence under the provision of Rule 37. 1966/1552

(4) Any prisoner eligible to earn remission under paragraph (3) of this Rule shall be subject to the general Rules relating to remission, and may forfeit remission for misconduct as provided by those Rules.

(vi) *Visits and Communications*

145.—(1) Any such prisoner may be visited once a week by not more than three relatives or friends at the same time, for a period of half an hour, on weekdays or, under the conditions laid down in Rule 74 (11), on Sunday, during such hours as may be fixed by the Secretary of State. He shall also be allowed to write one letter to a relative or friend in each week and receive letters from relatives and friends.

(2) The Governor or the Visiting Committee may, for special reasons, prolong the period of the visit allowed to any such prisoner, and may allow additional visits or letters to such reasonable extent as they may deem advisable.

(3) The place in which such prisoners receive their visits shall not be the same as that in which other prisoners ordinarily receive their visits, if any other suitable place can conveniently be provided.

(vii) *Discipline*

146. Special privileges allowed to such prisoners under Rules 138, 143 and 145 shall be regarded as privileges which are liable to forfeiture under Rules 43 and 45; provided that no prisoner shall be restricted to write or receive less than one letter or to receive less than one visit in any fortnight.

147. The sale or transfer or attempted sale or transfer to any person by such a prisoner of an article allowed to be introduced into the prison for his use shall be an offence under Rule 42, and upon proof of the offence Rule 41 shall apply as it applies to a prohibited article.

(viii) *Miscellaneous*

148. Any money in the hands of the Governor belonging to any such prisoner may, upon application by the prisoner in writing, be applied to defray the cost of any special provision for which the prisoner is by these Rules required to make payment.

149. The Governor of the prison in which a civil prisoner is detained shall, on the first Saturday of each month, make to the Sheriff of the County from which the prisoner was committed a report setting forth the name and designation of the prisoner, the ground of and warrant for his imprisonment, and the period for which he has been detained.

YOUNG PRISONERS

150. Young prisoners shall as far as possible be kept apart from all other classes of prisoners.

151. Special attention shall be paid to the moral, mental and physical training of young prisoners and to their assistance and care on discharge.

152. The Secretary of State may make such modifications in the application to young prisoners of the Rules relating to visits and communications as may be considered desirable in relation to their welfare.

PRISONERS UNDER SENTENCE OF DEATH

153. A prisoner under sentence of death shall, immediately on his admission into the prison, be specially searched, and every article shall be taken from him which the Governor deems dangerous or inexpedient to leave in his possession.

154.—(1) A prisoner under sentence of death shall be kept apart from other types of prisoner.

(2) He shall be kept by day and by night in the constant charge of two officers.

(3) He shall not be subject to the provisions of Rule 55 as to employment.

(4) He shall be allowed to smoke.

155.—(1) Subject to such conditions as may be laid down by the Secretary of State, a prisoner under sentence of death may be visited by relatives, friends and legal advisers whom he desires to see.

(2) The Chaplain shall have free access to every such prisoner unless the prisoner is of a religious persuasion differing from that of the Church of Scotland and is visited by a clergyman of that persuasion, in which case the clergyman of that persuasion shall have free access to him.

(3) No other person (except a member of the Visiting Committee, or a Sheriff or Justice of the Peace visiting specially under the provisions of section 16 of the Prisons (Scotland) Act, 1877, in connection with the treatment of the prisoner, or an officer of the prison), shall have access to the prisoner except by permission of the Secretary of State.

(4) All visits to prisoners under sentence of death, whether by legal advisers or others, shall take place in the sight and hearing of an officer, notwithstanding that such visit may be in relation to an appeal.

(5) A prisoner under sentence of death shall be allowed special facilities to correspond with his legal advisers and his relatives and friends.

PART IV

SPECIAL RULES FOR PRISONERS SENTENCED TO CORRECTIVE TRAINING

(i) *Treatment*

156. A prisoner sentenced to corrective training shall as soon as practicable after admission be transferred to a prison or part of a prison set aside for the purpose.

157. The training of prisoners so sentenced shall be designed to carry out the purposes specified in Rule 5, and shall include—

(i) the provision of work which will so far as practicable help to fit them to earn their living after release, with technical training in skilled trades for suitable prisoners;

(ii) special attention to education;

(iii) the exercise of personal influence on the character and training of individuals by members of the prison staff;

(iv) the provision of every opportunity for the development of a sense of personal responsibility.

158.—(1) The Secretary of State may at any time, on the recommendation of the Visiting Committee, transfer a prisoner sentenced to corrective training from a prison or part of a prison set aside under Rule 156 either—

(*a*) to a prison with conditions of modified security or open conditions, or

(*b*) to that prison or part of a prison in which he would have been detained under these Rules if he had been sentenced to imprisonment.

(2) The training of a prisoner transferred under the last foregoing paragraph shall be designed to carry out the purpose of Rule 157 with, in the case of a prisoner transferred under head (*b*) of that paragraph, such modifications of method as are necessary for ensuring closer supervision and safe custody. A prisoner transferred under the last foregoing paragraph shall so far as practicable be associated with other prisoners of the same category.

(3) The Secretary of State may at any time, on the recommendation of the Visiting Committee, re-transfer a prisoner transferred under paragraph (1) of this Rule to a prison or part of a prison set aside under Rule 156.

159. The Rules relating to offences against discipline shall apply to such prisoners subject to the following modifications :

(i) For sub-paragraph (*a*) of paragraph (2) of Rule 43, the following shall be substituted—

(*a*) postponement, for a period of not more than fourteen days at any one time, of the date on which the prisoner becomes eligible under Rules 160 and 163 for release on licence ;

(ii) For sub-paragraph (*a*) of paragraph (1) of Rule 45, the following shall be substituted—

(*a*) postponement of the date on which the prisoner becomes eligible under Rules 160 and 163 for release on licence ;

(ii) *Release on Licence*

160. A prisoner sentenced to corrective training shall become eligible for release on licence when he has served two-thirds of his sentence of corrective training.

161. The Visiting Committee shall periodically consider the character, conduct and prospects of every such prisoner and shall report to the Secretary of State at the appropriate time on the advisibility of his release on licence.

162. Before the release on licence of every such prisoner consideration shall be given, in consultation with the After Care Council, to the provision to be made for his welfare and supervision after release.

(iii) *Orders of Recall*

163.—(1) A prisoner sentenced to corrective training who has been recalled after release on licence shall, on his return to prison in consequence of such recall, be detained in that prison or part of a prison in which he would have been detained under these Rules if he had been sentenced to imprisonment, and the provisions of paragraphs (2) and (3) of Rule 158 shall apply in the case of such a prisoner as they apply in the case of a prisoner transferred under head (*b*) of paragraph (1) of that Rule.

(2) A prisoner who has been so recalled shall not be eligible for release on licence until he has served two-thirds of the unexpired portion of his sentence.

PART V

SPECIAL RULES FOR PRISONERS SENTENCED TO PREVENTIVE DETENTION

(i) *Treatment*

164. A sentence of preventive detention shall be served in three stages in accordance with the eleven following Rules.

First Stage

165. A prisoner sentenced to preventive detention shall be in the first stage for a period of not less than one year and of not more than two years and be detained in that prison or part of a prison in which he would have been detained under these Rules if he had been sentenced to imprisonment.

Second Stage

166. At any time during the course of the period mentioned in the last foregoing Rule the Secretary of State may transfer a prisoner in the first stage to the second stage which shall be served in any prison or part of a prison set aside under these Rules for training prisoners serving a sentence of preventive detention.

Third Stage

167.—(1) On the recommendation of the advisory board established under Rule 171, the Secretary of State may transfer a prisoner in the second stage to the third stage which shall be served in a prison with conditions of modified security :

Provided that the date of such transfer shall not normally be earlier than twelve months before the date on which the prisoner will have served two-thirds of his sentence.

(2) The advisory board when considering the transfer of a prisoner to the third stage shall take into account not only his conduct when in custody but also the prospects of a recommendation of his release on licence before serving five-sixths of his sentence.

General

168.—(1) When it appears to the Secretary of State on the recommendation of the advisory board to be in the interests of the prisoner or of other prisoners, he may at any time transfer any prisoner in the second or third stage to a lower stage.

Provided that the Secretary of State may at any time in special circumstances order such a transfer without the recommendation of the advisory board and he shall notify such transfer and the reasons therefor at the next meeting of the board.

(2) After a period of not less than six months following transfer under paragraph (1) of this Rule, the Secretary of State may, on the recommendation of the advisory board, transfer such a prisoner to a higher stage.

169. Such prisoners may, on transfer to the second or third stages, become eligible for such extended or additional privileges, visits and communications as may be determined by the Secretary of State.

170. The Rules relating to offences against discipline shall apply to such prisoners subject to the following modifications:

(i) For sub-paragraph (*a*) of paragraph (2) of Rule 43 the following shall be substituted—

(*a*) postponement for a period of not more than fourteen days at any one time, of the date on which the prisoner becomes eligible under Rules 172 and 175 for release on licence.

(ii) For sub-paragraph (*a*) of paragraph (1) of Rule 45 the following shall be substituted—

(*a*) postponement of the date on which the prisoner becomes eligible under Rules 172 and 175 for release on licence.

(ii) *Release on Licence*

171.—(1) The Visiting Committee shall consider the character, conduct and prospects of every prisoner serving a sentence of preventive detention and shall report to the Secretary of State on the advisability of his release on licence.

(2) For this purpose the Visiting Committee shall be assisted by an advisory board consisting of three members of the Visiting Committee approved by the Secretary of State, and such other persons not exceeding four as the Secretary of State may appoint. The Chairman of the advisory board shall be appointed by the Secretary of State.

172. Every prisoner serving a sentence of preventive detention shall be eligible for release on licence when he has served five-sixths of his sentence.

173. A prisoner who has been transferred to and is serving his sentence in the third stage shall be eligible for release on licence when he has served two-thirds of his sentence or six months in the third stage whichever is the later:

Provided that the advisory board are satisfied, having regard to his conduct when in custody and his prospects on release, that there is a reasonable probability that he will not revert to a criminal life.

174. Before the release on licence of such a prisoner consideration shall be given, in consultation with the After Care Council, to the provision to be made for his welfare and supervision after release.

(iii) *Orders of Recall*

175.—(1) A prisoner who has been recalled after release on licence shall, on his return to prison, be dealt with in accordance with Rules 165, 166 and 168.

(2) A prisoner who has been recalled shall not again be eligible for release on licence before he has served five-sixths of the unexpired portion of his sentence.

PART VI

STAFF

176.—(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.

177. No officer shall be absent from the prison without leave from the Governor.

178. Every officer shall direct the attention of the Governor to any prisoner (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.

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

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

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

180.—(1) No officer shall carry out any pecuniary or business transaction with or on behalf of a prisoner 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 prisoner, or shall deposit in any place with intent that it shall come into possession of a prisoner, any article whatsoever; neither shall he attempt to do any of these things.

181. No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his duties as a prison officer.

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

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

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

185.—(1) An 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.

186. The Code of Discipline for officers in the Scottish Prison Service formulated in pursuance of Rule 122 of the Prison (Scotland) Rules, 1947, shall continue in operation as if the said Rules had not been revoked and the Secretary of State may from time to time vary or revoke the provisions of that Code.

PART VII

VISITING COMMITTEES

187.—(1) Visiting Committees shall be constituted as set forth in the Schedule to these Rules.

(2) The members of a Visiting Committee to be appointed by a Town or County Council shall be appointed annually at a meeting of the Town or County Council held in the month of May.

(3) The minimum number of women to be appointed to the Visiting Committee for each prison shall be as set forth in the Schedule to these Rules. In the event of the requisite number of women not being appointed by the County or Town Councils responsible for the appointment of a Visiting

Committee, the Secretary of State shall appoint additional women members. Such members shall be additional to the members appointed by the County or Town Councils.

(4) The Visiting Committee shall meet in the month of June and thereafter as may be arranged by the Committee. The meetings shall be held at the prison.

(5) The Visiting Committee shall at their first meeting appoint a chairman and, if necessary, a vice-chairman. Thereafter the Committee shall fill any casual vacancy in the office of chairman.

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

(7) If for any reason the requisite number of members of a Visiting Committee is not appointed at the proper time, or if from any cause a vacancy occurs in a Visiting Committee, the appointing authority may at any time appoint a person to fill the vacancy; and any person so appointed shall hold office until the date of the meeting of the Committee following its next annual appointment.

(8) The chairman shall report to the Secretary of State the names and addresses of the members of the Visiting Committee, immediately after the first meeting, and thereafter when a change occurs.

(9) The Visiting Committee shall, at their first meeting, 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 10 of this Rule.

(10) 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: provided that the Visiting Committee of any prison in which prisoners serving sentences of corrective training are detained shall appoint a sub-committee for the purpose of carrying out their duties under Rule 161.

(11) 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.

188. The Visiting Committee shall continue to hold office until their successors have met and taken over their duties.

189. The Visiting Committee may act notwithstanding vacancies in their number so long as the number of members is sufficient to form a quorum.

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

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

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

193.—(1) The Visiting Committee shall hear and adjudicate on such offences against prison discipline as may be referred to them under these Rules: provided that not less than two nor more than five members of the Committee shall be present during such proceedings.

(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.

194.—(1) The Visiting Committee shall hear and investigate any application or complaint which any prisoner may desire to make to them; and, if necessary, report the same, with their opinion, to the Secretary of State. They shall have free access to all parts of the prison and to all prisoners, and may see any such prisoners as they desire, either in their cells or in a room out of sight and hearing of prison officers.

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

195. Whenever the Visiting Committee have reason to believe that a prisoner's physical or mental condition is likely to be adversely affected by the conditions of his imprisonment they shall report to the Secretary of State. In any urgent case they shall give such directions as they may deem expedient, and shall communicate the same to the Secretary of State.

196.—(1) If the Governor represents to the Visiting Committee that he has put a prisoner under mechanical restraint, and that it is necessary that the prisoner be so kept for more than twenty-four hours, the Committee may authorise the detention by order in writing, which shall specify the reason for the continued restraint and shall state the time during which it is to continue.

(2) If the Governor represents to the Visiting Committee that he has arranged for a prisoner to work temporarily in his cell and not in association the Committee may authorise the arrangement by order in writing, and such order may be renewed from month to month by the Visiting Committee.

197. The Visiting Committee shall from time to time inspect the food of the prisoners, 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.

198. The Visiting Committee may inspect any of the books of the prison and a note of any such inspection shall be made in their minutes.

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

200. The Visiting Committee shall investigate and decide on every application from a prisoner to change the record of his religious denomination. Before granting such an application, they shall satisfy themselves that it is made from conscientious motives, and not from caprice or a desire to evade any of these Rules.

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

202. The Visiting Committee shall make an annual report to the Secretary of State with regard to all or any of the matters referred to in these Rules, 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 relating to the prison to which, in their opinion, attention should be drawn.

203. 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 prison and prisoners therein and if after permission has been granted its continuance seems likely to cause any such interference, or the prisoner has abused the permission or has been guilty of any misconduct, they may suspend or withdraw the permission.

204. 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.

205. A member of the Visiting Committee shall not have any interest in any contract made in respect of the prison for which the Committee is appointed.

PART VIII

RULES, REGULATIONS AND ORDERS AS TO THE REGISTERING, MEASURING AND PHOTOGRAPHING OF PRISONERS

206.—(1) The Register of Criminals to be kept by the Secretary of State shall include the following classes of persons:—

(*a*) Any person who is convicted on indictment of a crime, a previous conviction being proved in Court against him, or a previous conviction of a crime being recorded against him.

(*b*) Any person who is convicted summarily of a crime and sentenced to imprisonment for a period exceeding 60 days, a previous conviction of a crime being proved or recorded against him.

(*c*) Any person who is convicted summarily of a crime and sentenced to imprisonment for a period not exceeding 60 days, a previous conviction on indictment of a crime, or a previous summary conviction of a crime with a sentence of imprisonment for a period exceeding 20 days (whether with or without the option of a fine), being proved or recorded against him.

(*d*) Any person who is convicted of a crime and sentenced to imprisonment, corrective training, preventive detention, or Borstal detention and who is recommended by any Chief Constable for registration.

(*e*) Any other person who is convicted of a crime, if there are special circumstances which appear to make registration desirable.

(2) For the purposes of this Rule "crime" shall mean a crime within the meaning of Section 20 of the Prevention of Crimes Act, 1871(**a**).

207. Returns of the classes of persons specified in the preceding Rule shall be made by Governors of Prisons to the Secretary of State from time to time as the Secretary of State may direct and on such forms as may from time to time be issued for the purpose.

208. Subject as hereinafter mentioned any prisoner other than a civil prisoner may be photographed and measured at any time during his imprisonment.

(a) 34 & 35 Vict. c. 112.

209. A prisoner shall be photographed either in the dress of the prison, or in the dress he wore at the time of his arrest or trial, or in any other dress suitable to his ostensible position and occupation in life. The photograph to be taken shall include a photograph of the full face and a photograph of the true profile of the prisoner.

210. The measurements to be taken may include:—

The length and breadth of the head.

The length and breadth of the face.

The length and breadth of the ears.

The length of either foot.

The length of the fingers of either hand.

The length of the cubit and hand, either right or left.

The span of the arms.

The prisoner's height when standing.

The prisoner's height when sitting.

The size and relative position of every scar and distinctive mark upon any part of the body.

The external filament of the fingers and thumbs of both hands to be taken by pressing them first upon an ink plate, and then upon paper or cardboard, so as to leave a clear print of the skin surface.

211. A prisoner committed to prison for examination or trial on a criminal charge shall not be photographed or measured while in prison save upon an application in writing signed by a procurator-fiscal or by an officer of police of not lower rank than Superintendent, and all such applications shall set forth that there are grounds for suspecting that the prisoner has been previously convicted, or has been engaged in crime, or that from any other cause his photograph and measurements are required for the purposes of justice.

212. When a prisoner who has not been previously convicted of crime shall have been photographed and measured under the preceding Rule, if he be discharged before trial or acquitted on trial all photographs (both negatives and copies), finger-print impressions, and records of measurements so taken, shall be forthwith destroyed.

PART IX

INMATES OF CRIMINAL LUNATIC DEPARTMENT OF PERTH PRISON

213. No prisoner (other than a person ordered by a Court to be put at His Majesty's disposal on account of insanity or to be detained under the provisions of Section 23 (2) (*b*) of the Criminal Justice (Scotland) Act, 1949) shall be removed to the Criminal Lunatic Department unless by order of the Secretary of State given in respect that the prisoner is undergoing a sentence of corrective training, preventive detention or imprisonment imposed on conviction of a criminal offence, and that it is certified by two registered medical practitioners that they have personally examined the prisoner and that he is insane, and that it is advisable that he should be detained in the Criminal Lunatic Department rather than in a mental hospital; and no such prisoner shall be removed from that Department to

undergo discipline in a prison unless by order of the Secretary of State following certification by two registered medical practitioners that they have personally examined the prisoner and that he is no longer insane.

214. The inmates of the Criminal Lunatic Department shall not be subjected to penal discipline, but, under the supervision and instructions of the Medical Superintendent, shall be treated as patients under curative and alleviative treatment.

215. The Medical Superintendent shall exercise the same close and constant personal supervision over the inmates of the Criminal Lunatic Department as the Governor of a prison is required by Rule 31 to exercise over the prisoners under his care.

216. Officers shall not allow inmates to be out of their sight when at exercise or work in the grounds of the Criminal Lunatic Department except on the orders of the Medical Superintendent, and no part of the establishment accessible to inmates shall ever be left without adequate supervision.

217. The Medical Superintendent shall prepare lists of all inmates who may be suicidal, or dangerous, or subject to tuberculosis or any particular disease or habit that requires special attention to be given to the inmate, and shall amend the lists immediately amendment is required.

The Medical Superintendent shall bring these lists, with directions as to the attention required, to the notice of all officers concerned.

218. Mechanical restraint shall not be used in the case of any inmate except upon a direction in writing by the Medical Superintendent, and shall not be continued longer than is necessary nor in any case for more than 24 hours. If at the end of 24 hours further restraint is necessary a new direction in writing must be given.

219. Every inmate who is under mechanical restraint, or is confined temporarily in a special room certified for the confinement of refractory or violent inmates under Rule 10, shall be visited at least twice a day by the Medical Superintendent, and shall be observed by officers detailed by the Medical Superintendent for the purpose at least once in every 15 minutes during the night as well as during the day.

220. Particulars of every case of mechanical restraint or confinement in a special room certified for the confinement of refractory or violent inmates shall be recorded forthwith by the Medical Superintendent in an appropriate register which shall be exhibited to officers of the Secretary of State and Commissioners of the General Board of Control for Scotland when they visit the Criminal Lunatic Department.

221.—(1) Any request by an inmate to see the Medical Superintendent shall be communicated without delay to the Medical Superintendent by the officer to whom it is made, and the Medical Superintendent shall, within 24 hours, see every inmate who has requested to see him unless he is satisfied that it is unnecessary to do so.

(2) Any request by an inmate to see an officer of the Secretary of State or a Commissioner of the General Board of Control for Scotland shall be recorded by the Medical Superintendent and intimated by him to the first such officer or Commissioner who visits the Criminal Lunatic Department.

(3) An inmate shall be allowed at any time to address a letter of request or complaint to the Secretary of State or the General Board of Control for

Scotland, and the Medical Superintendent shall see that every such letter is posted without delay. If the inmate has elected to close the envelope it shall not be opened by the Medical Superintendent.

222. The Medical Superintendent shall report immediately to the Secretary of State and the General Board of Control for Scotland the reception, discharge or death of any inmate. He shall report the death of an inmate also to the procurator-fiscal of the district.

223. The Medical Superintendent shall record all escapes, accidents and casualties at the time of their occurrence, and shall report particulars immediately to the Secretary of State. He shall report escapes also to the General Board of Control for Scotland.

224. The Medical Superintendent shall report to the Secretary of State quarterly the state of the physical and mental health of each inmate.

225.—(1) The Medical Superintendent may delegate to a Deputy Medical Superintendent (who shall be a registered medical practitioner) appointed by the Secretary of State such duties as the Secretary of State may from time to time approve.

(2) In the absence of the Medical Superintendent his duties shall be performed by the Deputy Medical Superintendent.

Dated this 12th day of March, 1952.

James Stuart,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

Constitution of Visiting Committees (Rule 187)

The Visiting Committees for the prisons and legalised police cells specified in the first column of the subjoined tables shall be constituted as set forth in the second and third columns of the tables.

I.—Prisons

Name of Prison	Names of Appointing Authorities	Number of Members to be appointed
Aberdeen ...	Aberdeen County Council	2
	Angus County Council	1
	Banff County Council	1
	Kincardine County Council	1
	Aberdeen Town Council	2
	Arbroath Town Council	1
	Banff Town Council	1
	Montrose Town Council	1
	Peterhead Town Council	1
	Stonehaven Town Council	1
	Minimum number of women 4	12

Name of Prison	Names of Appointing Authorities	Number of Members to be appointed
BARLINNIE (Glasgow)	Ayr County Council	1
	Clackmannan County Council	1
	Dunbarton County Council	2
	Lanark County Council	3
	Renfrew County Council	2
	Stirling County Council	1
	Airdrie Town Council	1
	Ayr Town Council	1
	Clydebank Town Council	1
	Coatbridge Town Council	1
	Dumbarton Town Council	1
	Dundee Town Council	1
	Edinburgh Town Council	1
	Falkirk Town Council	1
	Glasgow Town Council	6
	Hamilton Town Council	1
	Kilmarnock Town Council	1
	Lanark Town Council	1
	Motherwell and Wishaw Town Council ...	1
	Rutherglen Town Council	1
	Stirling Town Council	1
	Minimum number of women 5	30
DUKE STREET (Glasgow)	Ayr County Council	1
	Clackmannan County Council	1
	Dunbarton County Council	2
	Lanark County Council	3
	Perth County Council	1
	Renfrew County Council...	2
	Stirling County Council	1
	Airdrie Town Council	1
	Ayr Town Council	1
	Clydebank Town Council	1
	Coatbridge Town Council	1
	Dumbarton Town Council	1
	Dundee Town Council	1
	Falkirk Town Council	1
	Glasgow Town Council	6
	Greenock Town Council	1
	Hamilton Town Council	1
	Kilmarnock Town Council	1
	Lanark Town Council	1
	Motherwell and Wishaw Town Council ...	1
	Paisley Town Council	1
	Perth Town Council	1
	Rutherglen Town Council	1
	Stirling Town Council	1
	Minimum number of women 10	33
DUMFRIES ...	Dumfries County Council	3
	Kirkcudbright County Council	3
	Wigtown County Council	1
	Dumfries Town Council	1
	Kirkcudbright Town Council	1
	Stranraer Town Council	1
	Wigtown Town Council	1
	Minimum number of women 3	11

Name of Prison	Names of Appointing Authorities	Number of Members to be appointed
EDINBURGH ...	Berwick County Council	1
	East Lothian County Council	1
	Fife County Council	1
	Midlothian County Council	2
	Peebles County Council	1
	Roxburgh County Council	1
	Selkirk County Council	1
	West Lothian County Council	1
	Dundee Town Council	1
	Dunfermline Town Council	1
	Edinburgh Town Council	3
	Galashiels Town Council	1
	Glasgow Town Council	1
	Haddington Town Council	1
	Hawick Town Council	1
	Jedburgh Town Council	1
	Kirkcaldy Town Council	1
	Linlithgow Town Council	1
	Musselburgh Town Council	1
	Peebles Town Council	1
	Selkirk Town Council	1
	Minimum number of women 6	24
GREENOCK ...	Argyll County Council	2
	Bute County Council	2
	Renfrew County Council	4
	Campbeltown Town Council	1
	Dunoon Town Council	1
	Greenock Town Council	3
	Paisley Town Council	1
	Port Glasgow Town Council	1
	Rothesay Town Council	1
	Minimum number of women 5	16
INVERNESS ...	Caithness County Council	1
	Inverness County Council	2
	Moray County Council	1
	Nairn County Council	1
	Ross and Cromarty County Council	2
	Sutherland County Council	1
	Elgin Town Council	1
	Inverness Town Council	3
	Nairn Town Council	1
	Wick Town Council	1
	Minimum number of women 4	14
KIRKWALL ...	Orkney County Council	8
	Kirkwall Town Council	2
	Minimum number of women 3	10

Name of Prison	Names of Appointing Authorities	Number of Members to be appointed
PERTH	Angus County Council	2
	Fife County Council	2
	Kinross County Council	1
	Perth County Council	4
	Brechin Town Council	1
	Crieff Town Council	1
	Cupar Town Council	1
	Dundee Town Council	2
	Edinburgh Town Council	1
	Forfar Town Council	1
	Glasgow Town Council	1
	Perth Town Council	2
	St. Andrew's Town Council	1
	Minimum number of women 6	20
PETERHEAD ...	Aberdeen County Council	6
	Aberdeen Town Council	2
	Dundee Town Council	1
	Edinburgh Town Council	1
	Glasgow Town Council	1
	Peterhead Town Council	2
	Minimum number of women 2	13

II.—LEGALISED POLICE CELLS

(Appointed to be legal prisons by Rules made from time to time by the Secretary of State under the Prisons (Scotland) Acts, 1860 to 1926)

Cells at	Names of Appointing Authorities	Number of Members to be appointed
AYR	Ayr County Council	4
	Ayr Town Council	2
		6
BANFF	Banff County Council	5
	Banff Town Council	1
		6
CAMPBELTOWN...	Argyll County Council	5
	Campbeltown Town Council	1
		6

Cells at	Names of Appointing Authorities	Number of Members to be appointed
DUNDEE ...	Angus County Council	2
	Dundee Town Council	4
		6
DUNOON ...	Argyll County Council	5
	Dunoon Town Council	1
		6
ELGIN	Moray County Council	5
	Elgin Town Council	1
		6
FALKIRK ...	Stirling County Council	5
	Falkirk Town Council	1
		6
FORFAR ...	Angus County Council	4
	Forfar Town Council	2
		6
FORT WILLIAM...	Inverness County Council	5
	Fort William Town Council	1
		6
HAWICK ...	Roxburgh County Council	4
	Hawick Town Council	2
		6
INVERARAY ...	Argyll County Council	6
KIRKCALDY ...	Fife County Council	4
	Kirkcaldy Town Council	2
		6
LERWICK ...	Zetland County Council	4
	Lerwick Town Council	2
		6
LOCHGILPHEAD...	Argyll County Council	6
LOCHMADDY ...	Inverness County Council	6
OBAN	Argyll County Council	5
	Oban Town Council	1
		6

Cells at	Names of Appointing Authorities	Number of Members to be appointed
PORT ELLEN ...	Argyll County Council	6
PORTREE ...	Inverness County Council	6
STORNOWAY ...	Ross and Cromarty County Council	4
	Stornoway Town Council	2
		6
THURSO ...	Caithness County Council	5

For each Legalised Police Cell the minimum number of women members is 1.

PROBATION OF OFFENDERS

1952 No. 389 (L. 2)

The Probation Rules, 1952

Made - - - - 28*th February*, 1952
Coming into Operation 1*st March*, 1952

In pursuance of the power conferred on me by the Fifth Schedule to the Criminal Justice Act, 1948(**a**), I hereby make the following Rules amending the Probation Rules, 1949(**b**), to which references to Rules by number in the following Rules relate:—

Citation and commencement

1.—(1) These Rules may be cited as the Probation Rules, 1952, and shall come into operation on the first day of March, 1952.

(2) These Rules, the Probation Rules, 1949, the Probation Rules, 1950(**c**), and the Probation Rules, 1951(**d**), may be cited together as the Probation Rules, 1949 to 1952.

Investigation of complaints

2. In Rule 27 the following paragraphs shall be substituted for paragraph (3):—

"(3) Whenever the probation committee investigates a complaint in accordance with this Rule, the committee shall—

(*a*) inform the probation officer in writing of the matter under complaint;

(*b*) give him an opportunity of replying to the complaint orally or in writing or both orally and in writing as he prefers; and

(*c*) give him reasonable notice of the meeting at which the complaint and his reply will be examined by the committee.

(4) At such last mentioned meeting the probation officer shall be entitled to attend and, in addition to any written reply to the complaint which he

(**a**) 11 & 12 Geo. 6. c. 58.
(**b**) S.I. 1949/1328; 1949 I, p. 3508.
(**c**) S.I. 1950/2136; 1950 II, p. 435.
(**d**) S.I. 1951/536; 1951 II, p. 290.