SCOTTISH STATUTORY INSTRUMENTS

2025 No. 277

PRISONS

The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2025

Made - - - - at 10:45 a.m. on 2nd October 2025

Laid before the Scottish Parliament at 2:30 p.m. on 2nd October 2025

Coming into force - - 10th November 2025

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 39 of the Prisons (Scotland) Act 1989(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2025 and come into force on 10 November 2025.

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

2.—(1) The Prisons and Young Offenders Institutions (Scotland) Rules 2011(**b**) are amended in accordance with paragraphs (2) and (3).

(2) In rule 2(1) (interpretation), in paragraph (a) of the definition of "Governor", after "rules" insert "5A,".

(**a**) 1989 c. 45 ("1989 Act"). Section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), sections 24 and 25, schedule 5, paragraph 6(6)(b) and schedule 7, Part 1, paragraph 1; the Criminal Justice and Public Order Act 1994 (c. 33) ("1994 Act"), section 116(4); the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), schedule 4, paragraph 75(4)(a); the Crime and Disorder Act 1998 (c. 37), schedule 8, paragraph 71 and schedule 10; the Management of Offenders (Scotland) Act 2019 (asp 14), section 55(2), the Counter-Terrorism and Sentencing Act 2021 (c. 11), schedule 13(7), paragraph 51(2) and the Children (Care and Justice) (Scotland) Act 2024 (asp 5), schedule, paragraph 14(5). The 1989 Act was also relevantly amended by the 1994 Act, section 116(3). The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c. 46), section 53.

(**b**) S.S.I. 2011/331, as relevantly amended by S.S.I. 2016/131 and S.S.I. 2020/175.

(3) After rule 5 (suspension of certificate of a prisoner custody officer) insert—

"Delegation of Governor functions

5A. The Governor may authorise the Deputy Governor to exercise, on their behalf, the Governor's function in section 3C(5)(b) of the 1993 Act(**a**).".

ANGELA CONSTANCE
A member of the Scottish Government

St. Andrews House,
Edinburgh
At 10.45 a.m. on 2nd October 2025

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Prisons and Young Offenders Institutions (Scotland) Rules 2011 ("the principal Rules").

Rule 2(3) inserts new rule 5A into the principal Rules to permit the Governor to authorise the Deputy Governor to exercise, on the Governor's behalf, their function in section 3C(5)(b) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act"). Under that section, the Governor appointed for a prison under section 3(1A) of the Prisons (Scotland) Act 1989, may prevent a prisoner who is eligible for release under regulations made by the Scottish Ministers under section 3C(1) of the 1993 Act from being released in accordance with those Regulations. This is known as the "Governor veto". The 1993 Act currently limits the performance of the function only to the Governor.

Rule 2(2) amends rule 2(1) of the principal Rules to ensure that that Governor, for the purposes of new rule 5A, means the Governor in Charge. This means that it is only the Governor in Charge who can delegate the exercise of their function under section 3C(5)(b) of the 1993 Act to the Deputy Governor.

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(**a**) Section 3C(5)(b) of the 1993 Act was inserted by section 11(2) of the Bail and Release from Custody (Scotland) Act 2023 (asp 4).

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