
 S T A T U T O R Y I N S T R U M E N T S

1984 No. 2058 (S. 162)

PRISONS

The Prison (Scotland) Amendment Rules 1984

Laid before Parliament in draft

<i>Made - - - -</i>	<i>31st December 1984</i>
<i>Coming into Operation</i>	
<i> Except for Rule 4</i>	<i>1st January 1985</i>
<i>Rule 4</i>	<i>1st June 1985</i>

In exercise of the powers conferred on me by section 35 as read with section 7 of the Prisons (Scotland) Act 1952(a), and of all other powers enabling me in that behalf, considering that a draft of the following Rules has been laid before Parliament, that the period of 40 days has expired and that neither House has resolved that the Rules be not made, I hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Prison (Scotland) Amendment Rules 1984 and shall come into operation on 1st January 1985 except for rule 4 which shall come into operation on 1st June 1985.

Interpretation

2. In these Rules the expression “the principal Rules” means the Prison (Scotland) Rules 1952(b).

Amendment of the principal Rules

3. For paragraph (3) of Rule 187 of the principal Rules there shall be substituted the following paragraphs:—

“(3) The member or members of a Visiting Committee to be appointed by a regional or district council shall be so appointed at a meeting of the council held in the month of May 1985 and thereafter shall be so appointed at a meeting of that council held—

(a) in the case of a regional council, in the month of May after the ordinary election of councillors to that council in 1986 and every four years thereafter; and

(b) in the case of a district council, in the month of May after the ordinary election of councillors to that council in 1988 and every four years thereafter.

(a) 1952 c. 61.

(b) S.I. 1952/565; the relevant amending instrument is S.I. 1979/1630.

- (3A) The members of a Visiting Committee in office at 1st May 1985 shall remain in office until 31st May 1985.
- (3B) Subject to paragraph (3A) above, any member of a Visiting Committee appointed by a regional or district council in accordance with paragraph (3) above shall take office on 1st June following his appointment and shall hold office, unless he earlier resigns, until the 31st day of the month in May in which the next appointment of a member or members by that council is required to be made under that paragraph.”.
4. For paragraphs (4) to (9) of Rule 187 of the principal Rules there shall be substituted the following paragraphs:—
- “(4) The Visiting Committee constituted for each prison shall meet at the prison at such times as may be determined by the Committee.
- (5) A Visiting Committee shall appoint a chairman for such a period as the Committee may determine.
- (6) Members of a Visiting Committee shall frequently visit and inspect the prison and for this purpose shall 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 in terms of paragraph (3) above, or if for 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 same day as if he had been appointed at the proper time.
- (8) A Visiting Committee shall fix a quorum of not less than three for the purpose of carrying out their duties, and this shall also be the quorum for any sub-committee appointed under paragraph (10) below.”.
5. Rule 188 of the principal Rules shall be deleted.

6. In the Schedule to the principal Rules, after the entry relating to Inverness Prison, there shall be inserted the following entry:—

“

Name of Prison	Names of Appointing Authorities	Numbers of members to be appointed
Low Moss	Strathclyde Regional Council	3
	Fife Regional Council	1
	Lothian Regional Council	1
	City of Glasgow District Council	3
	Strathkelvin District Council	<u>3</u>
	Minimum number of women 3	<u>11</u>

”

New St Andrew's House,
Edinburgh.
31st December 1984.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the provisions of the Prison (Scotland) Rules 1952 regarding the times when members of Visiting Committees for prisons are appointed by regional and district councils and the period for which they serve. Previously all such members were appointed annually during the month of May in each year. These Rules provide for all members to be appointed in May 1985. Thereafter members appointed by regional councils will be appointed in May after the regional council elections in 1986 and every four years thereafter. Members appointed by district councils will be appointed in May after the district council elections in 1988 and every four years thereafter. Thus members of visiting committees will normally serve for a four years term (Rule 3).

In consequence on this change, the requirement for a Visiting Committee to hold a “first meeting” in June each year is abolished and provisions relating to such meeting consequentially amended (Rules 4 and 5).

The Rules also provide for the constitution of a Visiting Committee for Low Moss Prison (Rule 6).

SI 1984/2058
ISBN 0-11-048058-9



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