



HEADQUARTERS
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The Presiding Officer
c/o The Chamber Desk
Room G10
Scottish Parliament
Edinburgh
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7 April 2020

Presiding Officer,

THE PRISONS AND YOUNG OFFENDERS INSTITUTIONS (SCOTLAND) AMENDMENT RULES 2020

The above instrument was made by the Scottish Ministers under sections 39 of the Prisons (Scotland) Act 1989 on 7 April 2020. It is being laid before the Scottish Parliament today and is to come into force on 7 April 2020, immediately after it is made.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with section 31(3) of that Act, this letter explains why.

COVID-19 is rapidly impacting across all public services, including the prison system, these changes to the Prison Rules are being taken forward to support SPS' response to the exceptional pressures facing prisons during this outbreak. These changes are designed to help SPS: (1) reduce the risks of the virus spreading within prisons; (2) to support operational stability; and finally (3) to protect the health of those living and working in our prisons.

It has not been possible to comply with the 28 day rule in these circumstances. This is due to the need to implement a change to the Prison Rules quickly in order to properly equip prison Governors and the prison service generally with the flexibility it needs in order to manage a rapidly evolving position. In particular, the SPS staff absence rate is increasing as a result of COVID-19 and there is concern that if this absence rate continues to grow over the next period of the outbreak, that, if these changes to the Prisons Rules are not in force quickly then it could place the safe and humane operation of prisons at significant risk. SPS requires these changes to the Prison Rules, which support SPS' response to the exceptional pressures facing prisons during the current COVID-19 outbreak, to be in force as soon as possible.

A handwritten signature in black ink, appearing to read 'Teresa Medhurst', with a horizontal line above it.

TERESA MEDHURST
Chief Executive (Interim), SPS