



# Prisons (Scotland) Act 1989

## 1989 CHAPTER 45

### *Miscellaneous*

#### [<sup>F1</sup> 41A Powers of search by authorised employees. **S**

- (1) An authorised employee at a prison shall have the power to search any prisoner for the purpose of ascertaining whether he has any unauthorised property on his person.
- (2) An authorised employee searching a prisoner by virtue of this section—
  - (a) shall not be entitled to require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;
  - (b) may use reasonable force where necessary; and
  - (c) may seize and detain any unauthorised property found on the prisoner in the course of the search.
- (3) In this section “ authorised employee ” means an employee of a description for the time being authorised by the governor to exercise the powers conferred by this section.
- (4) The governor of a prison shall take such steps as he considers appropriate to notify to prisoners the descriptions of employees who are for the time being authorised employees.
- (5) In this section—

“ employee ” means an employee (not being an officer of a prison) appointed under section 2(1) of this Act; and

“ unauthorised property ”, in relation to a prisoner, means property which the prisoner is not authorised by rules under section 39 of this Act or by the governor to have in his possession or, as the case may be, in his possession in a particular part of the prison. ]

#### **Textual Amendments**

**F1** S. 41A inserted (3.2.1995) by 1994 c. 33, s. 152(2); S.I. 1995/127, art. 2(1), Sch. 1

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**Changes to legislation:** There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 41A . (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** S. 41A modified (3.2.1995) by 1994 c. 33, s. 110(6); S.I. 1995/127, art. 2(1), **Sch. 1**  
S. 41A excluded (18.9.1998) by S.I. 1998/2251, **art. 16(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 41A .