

SCHEDULE

Article 6

PART 1 – PRIMARY LEGISLATION

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

1. In Group B of Part 1 of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980(1) (ineligibility for and disqualification and excusal from jury service)—

- (a) in sub-paragraph (o), repeal “, and members of visiting committees for;” and
- (b) after that sub-paragraph insert—

“(oa) prison monitoring co-ordinators appointed under section 7A(2) of the Prisons (Scotland) Act 1989 and independent prison monitors appointed under section 7B(2)(a) of that Act;”.

The Prisoners and Criminal Proceedings (Scotland) Act 1993

2. Paragraph 6(4) of Schedule 5 to the Prisoners and Criminal Proceedings (Scotland) Act 1993(2) (minor and consequential amendments) is repealed.

The Criminal Justice and Public Order Act 1994

3.—(1) The Criminal Justice and Public Order Act 1994(3) is amended as follows.

(2) Section 103(2) (monitoring of prisoner escort arrangements) is repealed.

(3) In section 110 (consequential modifications of the Prisons (Scotland) Act 1989)—

- (a) in subsection (3)(4), after “services;” insert “7B (functions of prison monitoring co-ordinators), 7D (functions of independent prison monitors), 7E (duty of the governor to assist with inspection and monitoring), 7G (SPT visits);” and
- (b) in subsection (4)(5), after “services;” insert “7 (Her Majesty’s Chief Inspector of Prisons), 7B (functions of prison monitoring co-ordinators), 7D (functions of independent prison monitors), 7G (SPT visits);”.

(4) Section 116(1) (minor and consequential amendments) is repealed.

(5) Paragraph 64 of Schedule 10 (consequential amendments) is repealed.

The Local Government etc. (Scotland) Act 1994

4. Paragraph 162(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994(6) (minor and consequential amendments) is repealed.

The Employment Rights Act 1996

5. In section 50 of the Employment Rights Act 1996(7) (right to time off for public duties)—

(1) 1980 c.55.

(2) 1993 c.9.

(3) 1994 c.33.

(4) Section 110(3) was amended by the Crime and Punishment (Scotland) Act 1997 (c.48) (“the 1997 Act”), section 43(5)(a) and Schedule 1, paragraph 15(a) and the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (“the 2010 Act”), section 110(4)(a).

(5) Section 110(4) was amended by the 1997 Act, section 43(5)(b) and Schedule 1, paragraph 15(b) and by the 2010 Act, section 110(4)(a).

(6) 1994 c.39.

(7) 1996 c.18.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2014 ISBN 978-0-11-102520-8

- (a) in subsection (2)(d), the words “or a prison visiting committee” are repealed; and
- (b) subsection (7)(b) is repealed.

The Crime and Punishment (Scotland) Act 1997

- 6. In the Crime and Punishment (Scotland) Act 1997(8)—
 - (a) section 43(3) (medical services in prisons) is repealed; and
 - (b) paragraph 13(2) of Schedule 1 (minor and consequential amendments) is repealed.

The Management of Offenders etc. (Scotland) Act 2005

- 7. Section 21(6) of the Management of Offenders etc. (Scotland) Act 2005(9) (further amendments and repeal) is repealed.

The Public Records (Scotland) Act 2011

- 8. In paragraph 1 of the schedule to the Public Records (Scotland) Act 2011(10) (authorities to which Part 1 applies)—
 - (a) after “Highlands and Islands Enterprise” insert—

“Independent prison monitors appointed under section 7B(2)(a) of the Prisons (Scotland) Act 1989”;
 - (b) after “Principal Reporter” insert—

“Prison monitoring co-ordinators appointed under section 7A(2) of the Prisons (Scotland) Act 1989”; and
 - (c) the entry for “Visiting committees” is repealed.

PART 2 - SECONDARY LEGISLATION

The Local Government (Allowances to Members) (Prescribed Bodies) (Scotland) Regulations 1981

- 9. The Local Government (Allowances to Members) (Prescribed Bodies) (Scotland) Regulations 1981(11) are revoked.

The Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999

- 10. Paragraph 98(2) of Part 1 of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999(12) (modifications of Acts of Parliament) is revoked.

The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010

- 11. For regulation 9(3)(c) of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(13) (enhanced criminal record certificates: prescribed purpose) substitute—

(8) 1997 c.48.
(9) 2005 asp 14.
(10) 2011 asp 12.
(11) S.I. 1981/1388.
(12) S.I. 1999/1820.
(13) S.S.I. 2010/168.

- “(c) an individual appointed or seeking appointment—
- (i) to any office, employment or work which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of, a prison, remand centre, young offenders institution, detention centre or removal centre;
 - (ii) as a prison monitoring co-ordinator under section 7A(2) of the Prisons (Scotland) Act 1989; or
 - (iii) as an independent prison monitor under section 7B(2)(a) of the Prisons (Scotland) Act 1989.”

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

12. For paragraph 7 of Part 2 of Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(**14**) (excepted professions, offices, employments and occupations) substitute—

“7. Any office, employment or work which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of, a prison, remand centre, young offenders institution, detention centre or removal centre, prison monitoring co-ordinators appointed under section 7A(2) of the Prisons (Scotland) Act 1989 and independent prison monitors appointed under section 7B(2)(a) of that Act.”

(14) S.S.I. 2013/50.