



# Prisons (Scotland) Act 1989

## CHAPTER 45

### PRISONS (SCOTLAND) ACT 1989

#### *Central administration*

- 1 General control over prisons in Scotland.
- 2 Appointment of officers and servants for the purposes of this Act.
- 3 General superintendence of prisons.
- 3A Medical services in prisons.
- 4 General duties in relation to prisons.
- 5 Report to Parliament.
- 6 Annual return of punishments.
- 7 Appointment and functions of Her Majesty's Chief Inspector of Prisons for Scotland.
- 8 Visiting committees.
- 9 Appointment of prison ministers.

#### *Confinement and treatment of prisoners*

- 10 Place of confinement of prisoners.
- 11 Removal of prisoners for judicial and other purposes.
- 12 Photographing and measuring of prisoners.
- 13 Legal custody of prisoner.
- 14 Legalised police cells.
- 15 Right of sheriff or justice to visit prison.

#### *Discharge of prisoners*

- 16 Discharge of prisoners.
- 17 Allowances to prisoner on discharge.
- 18 Constitution and functions of Parole Board and local review committees.

*Status: Point in time view as at 01/01/1998.*

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### *Detention and transfer of young offenders*

- 19 Remand centres and young offenders institutions.
- 20 Temporary detention of persons liable to detention in young offenders institution or remand centre.
- 20A Transfer of young offenders to prison or remand centre.
- 21 Transfer to prison of persons over 21, and maximum age for detention in young offenders institution.

### *Release on licence, etc.*

- 22 Release on licence of persons serving determinate sentences.
- 23 Release on licence without recommendation of Parole Board.
- 24 Remission for good conduct.
- 25 Release on licence of children convicted on indictment.
- 26 Release on licence of persons sentenced to imprisonment for life, etc.
- 27 Power of Secretary of State to discharge prisoners temporarily on account of their health.
- 28 Revocation of licences and conviction of prisoners on licence.
- 29 Determination of age.

### *Supervision after release*

- 30 Supervision of certain prisoners after release.
- 31 Supervision of children after release.
- 32 Supervision of persons released from young offenders institution.

### *Miscellaneous*

- 33 Duties of governor of prison.
- 33A Power of governor to delegate functions.
- 34 Notification of and inquiry into death of prisoner.
- 35 Return of warrants for or sentences of imprisonment.
- 36 Legal estate in prison.
- 37 Discontinuance of prison.
- 38 Acquisition of land for prisons.
- 39 Rules for the management of prisons and other institutions.
- 40 Persons unlawfully at large.
- 40A Warrants for arrest of escaped prisoners.
- 41 Unlawful introduction of tobacco, etc., into prison.
- 41A Powers of search by authorised employees.
- 41B Testing prisoners for drugs.
- 41C Testing of prisoners for alcohol.
- 41D Unlawful disclosure of information by medical officer.
- 42 Exercise of power to make rules, etc.
- 43 Interpretation.
- 44 Expenses.
- 45 Amendments and repeals.
- 46 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 —

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*The Parole Board*

- 1 The Parole Board shall include among its members—
- 2 A person appointed to be a member of the Parole...
- 3 There shall be paid to the members of the Board...
- 4 The expenses of the Board under the last foregoing paragraph...
- 5 The Board shall as soon as practicable after the end...

*Local review committees*

- 6 The Secretary of State may out of moneys provided by...

SCHEDULE 2 — Amendment of enactments

*Children and Young Persons (Scotland) Act 1937*

- 1 .....
- 2 In section 87(1) and (3) of that Act, after the...

*Army Act 1955*

- 3 .....

*Air Force Act 1955*

- 4 .....

*Naval Discipline Act 1957*

- 5 .....
- 6 In section 88 of that Act, in subsection (3)(c), for...

*Criminal Justice Act 1961*

- 7 In section 30(1)(b) of the Criminal Justice Act 1961, for...

*Criminal Justice (Scotland) Act 1963*

- 8 .....

*Criminal Justice Act 1967*

- 9 In section 69(2) of the Criminal Justice Act 1967, for...

*Courts-Martial (Appeals) Act 1968*

- 10 In section 52 of the Courts-Martial (Appeals) Act 1968, for...

*Criminal Procedure (Scotland) Act 1975*

- 11 In section 205A(1) of the Criminal Procedure (Scotland) Act 1975,...
- 12 For section 206(1) of that Act, there shall be substituted...
- 13 .....
- 14 .....
- 15 .....
- 16 In section 462(1) of that Act, for the words “Prisons...

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

17 .....

*Contempt of Court Act 1981*

18 .....

*Mental Health (Scotland) Act 1984*

19 In section 74(8) of the Mental Health (Scotland) Act 1984,...

SCHEDULE 3 — Repeals

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