



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Confinement and treatment of prisoners

14 Legalised police cells.

- (1) The Secretary of State, on the application of [^{F1}the Scottish Police Authority], may from time to time by rules under [^{F2}section 39 of] this Act declare that any police cells or other premises in the possession of the [^{F3}Scottish Police Authority] shall be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 30 days. Any such police cells or other premises are hereinafter referred to as legalised police cells.
- (2) Any person charged with or convicted of any crime or offence committed within [^{F4}the area of a council] who might have been lawfully confined in a prison situated therein may be lawfully confined in any legalised police cells situated in that [^{F5} . . . area for such period as aforesaid.
- (3) The maintenance of prisoners confined in any legalised police cells shall be deemed to be the maintenance of prisoners under this Act:
Provided that the [^{F6}Scottish Police Authority] shall not be entitled to any payment for the use of the legalised police cells or for services rendered by any of their officers in connection with the detention or removal of the prisoners so confined.
- (4) The [^{F7}Scottish Police Authority], notwithstanding anything in this section, shall at all times have a prior claim to the uninterrupted use of any legalised police cells [^{F8}....
- (5) For the purposes of this section the [^{F9}Scottish Police Authority] and all persons in their employment shall be subject to the provisions of this Act and any rules made thereunder.
- (6) It shall be the duty of the Secretary of State to make any arrangements required for the removal of any prisoners confined in legalised police cells in the [^{F10}areas of the councils for Orkney Islands and Shetland Islands].

^{F11}(7)

Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 14. (See end of Document for details)

(8) For the purposes of [^{F12}section] 39 of this Act, legalised police cells shall be deemed to be prisons.

[^{F13}(9) In this section, “ council ” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]

Textual Amendments

- F1** Words in s. 14(1) substituted (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 7 para. 8(a)(i)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 14(1) inserted (18.8.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 6(3)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, art. 3(2), **Sch. 1**.
- F3** Words in s. 14(1) substituted (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 7 para. 8(a)(ii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Words in s. 14(2)(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 162(1)(3)(a)(i)(b)**; S.I. 1995/3326, **art. 3(a)(b)**
- F5** Words in s. 14(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 162(1)(3)(a)(ii), **Sch. 14**; S.I. 1995/3326, **art. 3(a)(b)**
- F6** Words in s. 14(3) substituted (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 7 para. 8(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F7** Words in s. 14(4) substituted (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 7 para. 8(c)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F8** Words in s. 14(4) repealed (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F9** Words in s. 14(5) substituted (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 7 para. 8(d)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F10** Words in s. 14(6) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 162(1)(3)(c)**; S.I. 1995/3326, **art. 3(a)(b)**
- F11** S. 14(7) repealed (1.4.2013) by **Police and Fire Reform (Scotland) Act 2012** (asp 8), s. 129(2), **Sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F12** Word in s. 14(8) substituted (31.8.2015) by **The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015** (S.S.I. 2015/39), arts. 1, **2(6)** (with art. 5)
- F13** S. 14(9) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 162(1)(3)(e)**; S.I. 1995/3326, **art. 3(a)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 14.