

*Status: Point in time view as at 31/08/2015.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prisoners and Criminal Proceedings (Scotland) Act 1993. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5 **E+W+S**

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Prisons (Scotland) Act 1989 (c. 45)*

- 6 (1) The Prisons (Scotland) Act 1989 shall be amended as follows.
- (2) In section 12 (photographing and measuring of prisoners)—
- (a) for the words “The Secretary of State may make regulations as to” there shall be substituted the words “ Rules under section 39 of this Act may provide for ”; and
  - (b) the words “such regulations” shall cease to have effect.
- (3) In section 14(1) (legalised police cells), after the word “under” there shall be inserted the words “ section 39 of ”.
- <sup>F1</sup>(4) .....
- (5) In section 21 (transfer to prison of persons over 21 etc.)—
- (a) in subsection (1), after the word “section” there shall be inserted the words “ but without prejudice to section 20A(2) of this Act ”; and
  - (b) in subsection (3), after the words “1975 Act” there shall be inserted the words “ the Prisoners and Criminal Proceedings (Scotland) Act 1993 ”.
- (6) In section 39(1) (rules for the management of prisons and other institutions)—
- (a) the word “and”, where it occurs for the third time, shall cease to have effect; and
  - (b) at the end there shall be added the words “ and for any other matter as respects which it is provided in this Act that rules may be made under this section ”.
- (7) In section 40(2) (no account to be taken, in calculating period of liability to detention, of period when unlawfully at large)—
- (a) after the word “institution”, where it first occurs, there shall be inserted the words “ or committed to a prison or remand centre ”;
  - (b) after the word “sentence” there shall be inserted the words “ or committal ”;
  - (c) for the words “or young offenders institution” there shall be substituted the words “ , young offenders institution or remand centre ”; and
  - (d) after the words “so detained,” there shall be inserted the words “ or the date on or by which a term or period of imprisonment or detention elapses or has been served, ”.
- (8) In section 42(2) (procedure in relation to statutory instruments containing regulations or rules), for the words from “regulations” to the end there shall be substituted the words “ an order made under section 37(1) or rules made under section 39 of this

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Act shall be subject to annulment in pursuance of a resolution of either House of Parliament ”.

(9) In section 43 (interpretation)—

- (a) in subsection (1), the definition of “sentence of imprisonment” shall cease to have effect; and
- (b) in subsection (2), the words “(other than in section 25)” shall cease to have effect.

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#### **Textual Amendments**

- F1** [Sch. 5 para. 6\(4\)](#) repealed (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), art. 1, [sch. para. 2](#)
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#### **Commencement Information**

- II** [Sch. 5 para. 6](#) not in force at Royal Assent see. s. 48(2). [Sch. 5 para. 6\(1\)-\(4\), \(6\),\(8\)](#) in force at 18.8.1993, [para. 6](#) wholly in force at 1.10.1993 by [S.I. 1993/2050](#), art. 3(2)(4), [Sch. 1](#)

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